

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.033                      RULE TITLE:  
Standards for Nonpartisan Voter Education

**PURPOSE AND EFFECT:** The purpose of the rule is to satisfy the requirement to provide minimum standards for county supervisors of elections to implement regarding nonpartisan voter education. The proposed revisions reflect the Department of State's review of best trends and practices associated with voter education programs and activities reported by county Supervisors of Election in the last couple of general election years. The revisions emphasize expanding use and reliance on the Internet as a primary medium for public access and dissemination of election information.

**SUMMARY:** The proposed revisions provide updated minimum standards for nonpartisan voter education.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No Statement of Estimated Regulatory Cost was prepared.

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

**RULEMAKING AUTHORITY:** 20.10(3), 97.012(1), 98.255 FS.

**LAW IMPLEMENTED:** 98.255 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):**

**DATE AND TIME:** August 3, 2009, 1:00 p.m.

**PLACE:** Florida Department of State, R. A. Gray Building, Room 307, 500 S. Bronough Street, Tallahassee, Florida 32399 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Assistant, Office of the General Counsel, Florida Department of State at [nshotwell@dos.state.fl.us](mailto:nshotwell@dos.state.fl.us) or (850)245-6536. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Maria Matthews, Assistant General Counsel, Florida Department of State, (850)245-6536, [mimatthews@dos.state.fl.us](mailto:mimatthews@dos.state.fl.us)

**THE FULL TEXT OF THE PROPOSED RULE IS:**

1S-2.033 Standards for Nonpartisan Voter Education.

(1) Voter Guide. The cCounty supervisors of elections shall create a vVoter gGuide as part of their nonpartisan voter and voting education efforts.

(a) A The vVoter gGuide must shall include the following information:

1. How to register to vote including how to register by mail.
  2. Where to obtain voter registration applications ~~are available.~~
  3. ~~How to register by mail;~~
  - 3.4. Dates for upcoming elections and early voting periods.
  - 4.5. Registration deadlines for the next primary and general election.
  - 5.6. How voters can should update their voter registration information such as changes in name, address or party affiliation.
  6. How voters can update their signatures and why is it important to keep the signature current.
  7. Information on how to obtain, vote and return an absentee ballot.
  8. The Voter's Bill of Voters' Rrights and Rresponsibilities pursuant to Section 101.031, F.S.
  9. Polling information including what times the polls are open, what to bring to the polls, the list of acceptable IDs, and what to expect at the polls including when the voter may vote a provisional ballot.
  10. What it means for Florida to be a closed Primary Election state.
  11. Information on how voter information cards are issued when there is a change in polling place or precinct.
  - 12.40. Instructions on the county's particular voting system.
  - 13.41. Supervisor's contact information. ~~and~~
  14. Supervisor's website address.
  - 15.42. Any other information the supervisor deems important.
- (b) Alternatively, the supervisor of elections can use and supplement the Department of State's Voter Guide to satisfy the requirements of paragraph (a).

~~(2)(b) Distribution of Voter Guide.~~ The supervisor of elections shall make provide the vVoter gGuide available on his or her website and upon request, at the following locations: at as many places as possible within the county including:

~~(a)1- Any voter registration agency~~ Agencies designated under as voter registration sites pursuant to the National Voter Registration Act of 1993. A voter registration agency is any public library, any office that provides services for persons with disabilities including any center for independent living, any office for public assistance, and any military recruitment office.;

~~(b)2- The supervisor's office.;~~

~~3- Public libraries;~~

~~(c)4- A cCommunity centers.;~~

~~(d)5- A pPost offices.;~~

~~6- Centers for Independent Living.;~~

~~(e)7- A cCounty governmental offices.;~~ and

~~(f)8- At any all registration drives conducted by the supervisor of elections.~~

(3) Website. Each supervisor of elections shall maintain a website that includes voter and voting information. This requirement may be satisfied by providing a link to a webpage containing such information via the county's website. The website or link shall include, at a minimum:

~~(a)(2) If a supervisor has a website, it must take into account all of the information that is required to be included in Tthe county's vVoter gGuide.~~

~~(b) Information on how to obtain a copy of the voter's sample ballot for an upcoming election In addition, when a sample ballot is available, the website must provide either information on how to obtain a sample ballot or a direct hyperlink to a sample ballot for the upcoming election.~~

~~(c) Notice of change of polling place and precinct to all registered voters.~~

~~(d) Only if feasible, a polling place or precinct finder that allows a voter to determine his or her precinct or polling place.~~

(4) Voter Registration Education and Training Programs. A county supervisors of elections shall:

~~(a)(3) At least once a year in each public high school in the county, the supervisor shall Ceonduct at least once a year a high school voter registration/education program in each public high school in the county. The program must be developed in cooperation with the local school board and be designed for maximum effectiveness in reaching and educating high school students who are eligible to pre-register or register.~~

~~(b)(4) Conduct at least once a year At least once a year on each college campus in the county, the supervisor shall provide a college voter registration/education program on each college campus in the county. This program must be designed for maximum effectiveness in reaching and educating college students.~~

~~(5) County supervisors of elections shall post the listing of the voters' rights and responsibilities pursuant to Section 101.031, F.S., at the supervisor's office.~~

~~(c)(6) County supervisors of elections shall Pprovide, upon reasonable request and notice, voter registration workshops for individuals and organizations sponsoring voter registration drives.~~

(d) Assist, upon reasonable request, voter registration agencies designated under the National Voter Registration Act of 1993, including to help distribution and collect voter registration applications submitted through these agencies.

~~(e)(7) County supervisors of elections shall Ceonduct demonstrations of the county's voting equipment in community centers and; senior citizen residences, and for to various community groups, including minority and disability groups.~~

(5) Notices and public announcements. A county supervisor of elections shall:

(a) Post at the supervisor's office, the Voter's Bill of Rights and Responsibilities as set forth in Section 101.031, F.S., and at each polling place during the early voting period and on Election Day.

~~(b)(8) County supervisors of elections shall Pparticipate in available radio, television and print programs and interviews, in both general and minority media outlets, to provide voting information.~~

(c) Publish in the newspaper sample ballots or alternatively, may mail sample ballots to registered voters in accordance with Section 101.20(2), F.S.

~~(d)(9) Supervisors of elections shall Pprovide notice of changes of polling places and precincts to all affected registered voters as required by Section 101.71, F.S. This notice shall include publication in a newspaper of general eirculation as well as posting the changes in at least ten eonspicious places in the county. If the supervisor has a website, the supervisor shall post the changes on the website. The supervisors shall also widely distribute a notice that if a voter does not receive a revised voter identification card within 20 days of the election the voter should contact a specific number at the supervisor's office to obtain polling place information.~~

Rulemaking Specific Authority 20.10, 97.012(1), 98.255, 97.012(1) FS. Law Implemented 98.255 FS. History-New 5-30-02, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Donald Palmer, Director, Division of Elections

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Kurt S. Browning

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2009

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
IT-1.001	Division of Cultural Affairs
IT-1.031	Historical Museum Grants Application Requirements
IT-1.032	History Museums Application Review and Grant Administration
IT-1.033	Art in State Buildings Program
IT-1.034	Florida Artists Hall of Fame and Florida Arts Recognition Awards
IT-1.035	Artwork Collection Care and Maintenance
IT-1.036	Arts and Cultural Grants
IT-1.037	State Touring Program
IT-1.038	Individual Artist Fellowship Program

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to:

1. Amend subsection IT-1.001(1), F.A.C., by changing the name of the Florida Arts Council to the Florida Council on Arts and Culture in accordance with Section 265.285, F.S.
2. Create a new rule, Arts and Cultural Grants, Rule IT-1.036, F.A.C., that establishes eligibility criteria, application procedures, matching funds, panel review criteria, scoring criteria, Legislative review and funding method, reporting requirements, grant administration forms, and program guidelines for the Cultural and Museum Grants Program and the Specific Cultural Projects Program.
3. Repeal subsection IT-1.001(19), F.A.C., Regional Cultural Facilities Program as a result of Legislative repeal of the governing Statute (Section 265.702, F.S.).
4. Repeal Rule IT-1.031, History Museum Grants Application Requirements; and Rule IT-1.032, F.A.C., History Museum Application Review and Grant Administration as a result of repeal of the governing Statute (Section 265.708, F.S.). The History Museum Program has been incorporated into Section 265.286, F.S. Guidelines and application procedures are incorporated into Rule IT-1.036, F.A.C.
5. Repeal the Quarterly Assistance Program (subsection IT-1.001(9), F.A.C.), and the Challenge Grant Program (subsection IT-1.001(14), F.A.C.). Previous grantees will have access to funding through Arts and Cultural Grants, Rule IT-1.036, F.A.C.
6. Repeal the following subparagraphs and incorporate the program information into Arts and Cultural Grants, Rule IT-1.036, F.A.C.: subsections IT-1.001(3), (4), (5), (6), (7), (8), (10), (12), (13), and (18), F.A.C.
7. Establish new rule numbers for the following programs: Art in State Buildings (paragraph IT-1.001(2)(a), F.A.C.), Florida Artists Hall of Fame and Arts Recognition Program (paragraph IT-1.001(2)(b), F.A.C.), the State Touring Program (subsection IT-1.001(11), F.A.C.), the Individual Artist Fellowship Program (subsection IT-1.001(17), F.A.C.), and

the Artwork and Collection Care and Maintenance Program (subsection IT-1.001(20), F.A.C.). There are no new eligibility criteria, program review criteria, or additional reporting requirements for these programs.

8. Re-number the Cultural Endowment Program rule from subsection IT-1.001(15) to subsection IT-1.001(2), F.A.C., and the Cultural Facilities Program rule from subsection IT-1.001(16) to subsection IT-1.001(3), F.A.C. No changes are being made to these programs in this amendment.

**SUMMARY:** The proposed rule amends, repeals, and re-numbers old subsections of Chapter IT-1, F.A.C.; and creates a new Arts and Cultural grants rule. The new rule establishes eligibility criteria, application procedures, matching funds, panel review and evaluation criteria, Legislative review and funding method, reporting requirements, and grant administration for general program support and specific cultural program grants.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No Statement of Estimated Regulatory Cost was prepared.

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

**RULEMAKING AUTHORITY:** 255.043(4), 265.284(3)(j), 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6), (11), 265.286(2)(b), 265.286(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(4), 265.702(8) FS.

**LAW IMPLEMENTED:** 265.284, 265.286, 286.011, 286.012 FS.

**A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Wednesday, August 5, 2009, 9:30 a.m.

**PLACE:** Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 14 days before the workshop/meeting by contacting: Donald R. Blancett. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

**THE FULL TEXT OF THE PROPOSED RULES IS:**

IT-1.001 Division of Cultural Affairs.

The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.

(1) Florida Council on Arts and Culture Florida Arts Council. This section provides guidelines for the organization, duties, and meetings of the Florida Arts Council (Council).

(a) Membership and duties of the Florida Council on Arts and Culture (Council) shall be in accordance with Section 265.285, F.S.

(b)(a) Officers. The Chairperson, Vice Chairperson, and Secretary of the Council shall be elected annually by the Council membership and may be re-elected for subsequent terms. In the event of the resignation or term-expiration of an officer, interim elections may be held.

(c)(b) The Chairperson has the authority to appoint standing and ad hoc committees of the Council, as well as appoint task forces made up of members of the Council and the general public. Standing and ad hoc committees, or task forces may report any recommendations to the Council at the next scheduled Council meeting. Recommendations shall be final upon approval by the Council, unless rejected by the Secretary of State.

(d)(e) The Council shall meet in accordance with Section 265.285(1)(b), F.S. Notice shall be provided and meetings shall be conducted in accordance with Section 120.525, F.S.

(2) State Cultural Programs. This section provides procedures for state cultural programs administered by the Division.

(a) Art in State Buildings Program. This program acquires artwork for public display in the interior or exterior of state buildings, in accordance with Section 255.043, F.S. State agencies that receive funding from the legislature for construction of new "public access" facilities shall set aside up to one-half of one percent (.5%) of their appropriation or \$100,000, whichever is less, to purchase or commission artwork. Each agency shall follow the art selection process and forms contained in the Department of State's Art in State Buildings Handbook (CA2E120, eff. 9/08), and in doing so, shall report funding appropriations and submit documentation supporting its art selection process to the Department of State. The following Art in State Buildings Forms are incorporated by reference and are available as part of the Art in State Buildings Handbook from the Department of State Division of Cultural Affairs, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, and on the Division's web site at [www.FloridaArts.org](http://www.FloridaArts.org): ASB Administrator Designation Form (CA2E121, eff. 9/08), Construction Appropriation Notification Form (CA2E122, eff. 9/08), User Agency Representative Designation Form (CA2E124, eff. 9/08), Committee Meetings Report (CA2E125, eff. 9/08),

Artist's Declaration Form (CA2E128, eff. 9/08), Selection Detail Form (CA2E132, eff. 9/08), and Project Completion Form (CA2E135, eff. 9/08).

(b) Florida Artists Hall of Fame and Florida Arts Recognition Awards. This section provides nomination or application and selection procedures for the Florida Artists Hall of Fame and the Florida Arts Recognition Awards. Nominations or applications to these awards programs shall meet the eligibility and application requirements as set forth in the Florida Artists Hall of Fame Nomination Form CA1E021, eff. 8/02, and the Florida Arts Recognition Awards Nomination Form CA1E015, eff. 8/02, both incorporated by reference and available from the Division.

(3) Grant Application Procedures. The Division shall be responsible for the administration of all grant applications, procedures, and awards, as recommended by the Council. Applicants shall meet all program deadlines as published on the Division's website and through the Division's online system; the posted deadlines will appear at least 90 days in advance of the deadline. Deadline dates are also available by calling the Division. Review panel and committee meetings shall be noticed in the Florida Administrative Weekly, on the Division's website, and through the Division's online system. Review panel meetings shall be conducted in accordance with procedures outlined in this rule and in Sections 112.313, 112.3143, 120.525, 286.012, and 265.285, F.S. During the scheduled panel meetings, applications from state-supported institutions will be considered separately from those of private institutions or individuals. All grant awards shall be subject to final approval by the Secretary of State.

(4) Program guidelines shall be posted on the Division's website and shall contain information on eligibility requirements, application review procedures, evaluation criteria, funding methods, and grant administration procedures. Application forms shall be accessible on the Division's website through the online application system. Applicants for grants shall meet the eligibility and application requirements as set forth in the grant program descriptions in this rule.

(5) Basic Eligibility. This section applies to all grant programs that reference subsection (5) in their eligibility section. Some Division programs require additional eligibility criteria that are detailed in this rule under the program description. To be eligible to apply to the Division for grant funding, an applicant organization must:

(a) Be a public entity governed by a county, municipality, school district, community college, college, university, or an agency of state government; or

(b) Be a not-for-profit, tax-exempt Florida corporation as a result of being incorporated or authorized as a not-for-profit corporation, in good standing, pursuant to Chapter 617, F.S., and designated as a tax-exempt organization as defined in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954, as amended;

(e) Submit a completed and signed application. The application form (CA2E009, eff. 2/09) is incorporated by reference and is available through the Division's online application system (unless specifically directed to do otherwise for the grant deadlines for the State Touring Program) for each program to which application is made on or before the announced deadline for that program. A completed application shall include the following information submitted through the Division's online system: general identification and contact information, operating budget(s), proposal budget, proposal budget detail, proposal description including goals, objectives, activities and evaluation outline, and program narrative responses. Instructions for submitting support documents will also be available through the online system.

(d) Have satisfied the administrative requirements of previous grants received from the Department of State;

(e) Agree and be able to match, at least dollar for dollar, the grant amount requested from the Division.

1. The documented fair market value of donated goods and services may contribute up to 50% of the required local match share, not to exceed 25% of the total project costs.

2. State-supported institutions may not include overhead or indirect costs in the Grant Proposal Budget.

3. State-supported institutions may not use state funds as match in the Grant Proposal Budget.

4. State grant funds cannot be used for operating costs, including utilities, phone, fixtures, maintenance, general supplies, rent, mortgage payments and property taxes. These costs are only allowed as match or in kind.

5. REDI Waiver. Cash matching requirements will be waived for applicants that are REDI qualified in accordance with Sections 288.0656 and 288.06561, F.S. Such waivers are only available for Cultural Support Specific Project, Quarterly Assistance, Arts in Education, Culture Builds Florida, Historical Museums Grants In Aid Educational Exhibits, and Challenge Programs. To obtain a cash match waiver, the applicant must submit, with its application, a letter from the local county government that acknowledges the grant application and requests the waiver. REDI qualified counties with approved waivers may use up to 100% in kind match, which must be shown in the proposal budget. A list of REDI counties and communities is reviewed and updated annually, and is available on the Division's website.

6. Grants awarded in the Challenge Grant Program, the Underserved Arts Communities Assistance Program, and the State Touring Program have match requirements specific to those programs.

(f) Agree to comply with all legal and financial requirements as set forth in the grant program guidelines; and

(g) Have been incorporated or operational for at least one year at the time of application, with the exception of applicants to the Quarterly Assistance or Underserved Arts Communities Assistance Programs.

(h) A person or entity funded by the Legislature outside the review of the Council or Secretary of State shall not be eligible to receive grant support for its activities from the Division within the same fiscal year in which legislative funding is made available.

(6) Grant Review Panels. The Secretary shall appoint panels to review and recommend grant applications for funding to the Council whenever it is determined that grant review panels are necessary to the process.

(a) Panelists will be appointed for 1-year terms, but may be reappointed for up to three successive years, including the original 1-year term.

(b) The Division shall seek nominations for panelists on an ongoing basis. Panelists shall be practicing artists, arts-related professionals, and educators, or other persons with current or prior active involvement in specific artistic disciplines that include, but are not limited to, dance, theatre, visual arts, music, folk arts, literature, media arts, and sponsor/presenter. In appointing panel members, the Secretary shall give due consideration to professional acumen, geographical representation, minority representation, and diverse aesthetic, institutional, and cultural viewpoints.

(c) Panelists shall not receive compensation, but shall be reimbursed for travel and per diem expenses when attending panel meetings pursuant to the provisions of Section 112.061(2)(e), F.S.

(d) Panels shall meet at the call of the Division.

(e) Panels shall be chaired by a Council member who shall be appointed by the Council Chair, but shall not vote on applications being reviewed by the panels. In the absence of a panel chair, a Division staff member will serve as the non-voting chair of the panel.

(f) Scoring of applications by panelists in any program area is subject to the following limits: Individual panelist ratings will be declared in whole integers and not include partial points, and panel averages will be rounded to one decimal place, rounding up in favor of the applicant when the second decimal is a 5, such as 93.35, would be rounded up to 93.4. Scores of "0" on any individual criterion are not acceptable.

(g) Each panel's chairperson shall report the panel's application rating recommendations to the Florida Arts Council. The Council will then review the recommendations and is authorized to amend such recommendations based on new information not made available to panels. Examples of new information are: a panelist's conflict of interest not disclosed at the meeting; misinformation presented at the panel meeting by someone other than a designated applicant representative; Division staff error discovered after the panel meeting; concerns raised as a result of a compliance review; bankruptcy or other fiscal concerns; or changes in the applicant's staff that would impair implementation of the proposed grant activity. After all panel reports have been made

and amended, if applicable, the Council shall vote on each panel recommendation. The recommendations of the Council will then be submitted to the Secretary of State for approval.

(h) All members of panels shall comply with the Standards of Conduct for Public Officers and Employees of Agencies as set forth in Section 112.313, F.S., and voting conflict of interest laws as set forth in Sections 112.3143 and 286.012, F.S.

(7) Cultural Support Grants. The Cultural Support Grants program provides state recognition through competitive grants for significant public programs that preserve, strengthen, and foster excellence and diversity in art or culture for Florida's residents and visitors. This program area includes the programs formerly known as Discipline-Based Arts Grants, Science/Youth and Children's Museums Grants, and Cultural Institutions Program. Two types of funding are offered: General Program Support and Specific Project. General Program Support applications are grouped in two funding categories: Cultural Organizations and Cultural Institutions. There will be an annual application cycle for submission of Specific Projects, a 2-year application cycle for Cultural Organization, and a four-year application cycle for Cultural Institutions.

(a) Specific funding eligibility and maximum requests.

1. General Program Support Funding. In addition to the basic eligibility requirements detailed in subsection (5), applicants for General Program Support must have received at least one non capital program grant from the Division of Cultural Affairs, and must be a cultural organization or a recurring cultural program conducting programs on a regular basis that meet the intent of one of the disciplinary review categories as detailed in the guidelines. For the purpose of this program area, a recurring cultural program is one that is part of a multipurpose or state supported institution. It must function as a discrete unit within its parent institution and present or produce a full season of programming on a yearly basis. The cultural program must have at least one paid full time staff member, whose responsibilities are solely for the organization's services and operations; have an advisory board which governs the activities of the program, and be able to separately and distinctly fulfill all eligibility and application requirements. Entire departments or schools within a university, college, or other multipurpose institution do not qualify as recurring cultural programs.

a. Cultural Organizations. Revenues from the organization's last completed fiscal year must be greater than or equal to \$25,000. Organizations may request up to 10% of their last completed fiscal year revenue, not to exceed \$100,000. Youth and Children's Museums as defined in Section 265.609, F.S., may request up to 20% of their last completed fiscal year revenue, not to exceed \$50,000. Youth and Children's Museums requesting more than \$50,000 may request up to 10% of their last completed fiscal year's revenue.

Organizations requesting more than \$50,000 must have no less than three years of continuous programming history and at least one paid full-time employee.

b. Cultural Institutions. The average Total Fund Revenue from the organization's last four completed and audited fiscal years must be at least \$1,000,000. Disciplines requiring higher minimum budgets are: \$1,250,000 for museums; at least \$1,250,000 dedicated to producing/presenting within overall minimum budgets of \$3,500,000 for sponsor/presenters; \$2,500,000 for symphonies, operas, and pop orchestras; and \$1,500,000 for other music institutions. Organizations must also have no less than five years of continuous programming history and established endowments with minimum required values of at least \$75,000 at the time of application. Disciplines requiring higher minimum endowments are: \$100,000 for ballet companies and theatres; \$600,000 for museums and sponsor/presenters; and \$1,000,000 for music institutions. For the purposes of this program, an endowment is a permanently restricted fund that is an asset of the corporation with a minimum market value as established for the discipline. Eligible applicants may request up to 10% of their eligible four year average total fund revenue, not to exceed \$350,000, but must have sufficient non state revenues to request at least \$100,000. Eligible fund revenue is defined as all revenue received and recognized in the applicant's audits, excluding all state funds. All applicants to a Museum discipline must document that they have received accreditation by the American Association of Museums or the American Zoological Association by the application deadline.

e. Deadlines will be announced not less than three months in advance and may be staggered by discipline or category over the fiscal year.

2. Specific Project applications may be submitted annually by any organization meeting the requirements of subsection (5). The proposal activity must meet the intent of the discipline category to which the application is submitted.

a. Organizations may request up to \$25,000 for each Specific Project application submitted. No more than two Specific Project applications may be submitted. No more than \$25,000 will be awarded in a single year. Organizations may submit only one application to each discipline category.

b. Organizations may not receive General Program Support from the Division of Cultural Affairs or the Division of Historical Resources and a Specific Project through this program in the same fiscal year.

e. Organizations can only receive one General Program Support grant from the Department of State in the same fiscal year. This policy is effective as of July 1, 2008 for Cultural Organizations and July 1, 2010 for Cultural Institutions. The only exception to this limitation is for a multidisciplinary museum, which is defined as a museum that addresses two or more disciplines to a significant extent: for example, a museum that interprets both art and history or both history and science.

Multidisciplinary museums will be permitted to receive a total of two General Program Support museum category grants from any division within the Department of State. A discipline-specific operating budget must be used for each application; multidisciplinary museums cannot use the same operating budget for both applications. Multidisciplinary museums that submit two General Program Support applications to the Cultural Support Grants Program may request a maximum of \$100,000 in the Cultural Organizations category and a maximum of \$350,000 in the Cultural Institutions category.

3. Museums applying to any discipline must have been open to the public on a regular schedule and must have been open for at least 180 days each year.

(b) Review criteria, scoring, and funding. Complete grant applications shall be evaluated by discipline-based review panels according to the following criteria: Program Excellence, up to 50 points; Public Impact, up to 30 points; and Program Management, up to 20 points.

1. An average panel score of at least 75 points out of a maximum possible 100 points must be earned to be considered for funding for Specific Project applications. The panel is not required to fund all Specific Project applications that receive a minimum average score of 75 points. An average panel score of 80 points out of a maximum possible 100 points must be earned to receive funding for Cultural Organizations applications; and 85 points out of a maximum possible 100 points must be earned to receive funding for Cultural Institutions applications. General Program Support award amounts recommended to the Council will be determined through the use of a funding method for all applications achieving the minimum eligible category-specific score. Based on their review, the panel makes funding recommendations for Specific Project grant awards to the Council. In determining which applications to fund, the panel will consider only applications that have achieved the required minimum average score of 75.

2. In addition to the basic eligibility requirements detailed in subsection (5), support documentation in the form of financial statements or audits, investment account statements, and program materials as appropriate to substantiate specific program eligibility; and a response to at least one of the application narrative questions, is required. Cultural Institutions applicants are also required to provide: a complete funding worksheet; applicants must submit financial statements or audits for all 4 fiscal years provided on the funding worksheet; and documentation that the applicant organization has received accreditation by the American Association of Museums or the American Zoological Association. The application will be declared ineligible if required information is not submitted by the application deadline.

(8) Programs for Local and Statewide Service Organizations. The purpose of this program is to foster the development of local and statewide arts service organizations. There are two funding categories as outlined below:

(a) Local Arts Agency Program. The purpose of this program is to assist in the development of local arts agencies and to strengthen and stabilize their statewide network to further local and statewide cultural goals and objectives. A local arts agency is defined as an umbrella agency that serves its county or counties' arts and cultural constituencies. This includes county arts councils established pursuant to Section 265.32, F.S. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must be officially recognized by one or more county commissions as the local arts agency, commission alliance, or division of a county or city government.

1. New applications will be reviewed for all eligible agencies on a three-year application cycle. Off-year out-of-cycle applications will be accepted annually from any agency not funded in this program in the current cycle, or an agency that qualifies mid-cycle to move up a higher funding category.

2. Funding categories. The following four categories will be used to determine funding eligibility:

a. Pre Level I has no minimum budget requirement. Organizations may only receive funding in this category once. Funding for Pre Level is \$5,000 and will be awarded on a non-matching basis.

b. Level I has no minimum budget requirement, but there must be at least one full-time or part-time paid staff member in the organization. The applicant may request up to 25% of their last completed fiscal year operating revenue, or \$25,000, whichever is less.

c. Level II is open to organizations whose last completed fiscal year operating revenue is at least \$100,000, has been in operation for at least three years at the time of application, and has at least one full-time paid staff member. The applicant may request up to 15% of their last completed fiscal year operating revenue, or \$40,000, whichever is less.

d. Level III is open to organizations whose last completed fiscal year operating revenue is at least \$1,000,000, has been in operation for at least five years at the time of application, and has more than one full-time paid staff member. The applicant may request up to 10% of their last completed fiscal year operating revenue, or \$60,000, whichever is less.

3. Review Criteria and Scoring. New applications will be evaluated by a review panel consisting of community cultural leaders, arts administrators, and other professionals knowledgeable about community and cultural development. The panel will evaluate each new proposal according to how well the local arts agency demonstrates that its activities are community-based and mission-driven through the following criteria:

a. The agency's method for determining the needs of its community (Up to 20 points).

b. The agency's goals and objectives and the general methods for meeting community needs as referred to in sub-subparagraph 3.a. (Up to 20 points).

c. Activities such as services, programs, projects, or initiatives planned for the application cycle achieve the agency's goals and objectives (Up to 40 points).

d. Agency's method for managing and evaluating specific activities described in criteria sub-subparagraphs 3.a. and b. Management areas addressed may include the roles of staff and board members; professional development opportunities; and areas of evaluation such as "customer surveys" and quantitative or qualitative performance measurements (Up to 20 points).

4. Funding Recommendations. All applications that receive an average score of at least 75 out of 100 possible points will be recommended for funding. Applications that score less than 75 will not be recommended for funding by the panel. Award levels will be determined by the amount of the applicants' grant requests and prorated according to funding allocated to the Local Arts Agency Program. Second and third year recommended funding amounts will be determined on a prorata basis according to the availability of funding for the program and the number of eligible local arts agencies.

(b) State Service Organization Program. The purpose of this program is to support the efforts of state service organizations through stabilized funding and to work collaboratively with state service organizations to achieve statewide goals and objectives. A state service organization is defined as a not-for-profit organization that implements programs which have substantial cultural significance, giving emphasis to American creativity and the maintenance and encouragement of professional excellence. Statewide is defined as at least 50% of the state's population, or 34 or more Florida counties. The goal of the program is to foster quality and professionalism in support of cultural excellence, access, and inclusion to the benefit of the public. In order to be eligible for funding, an organization must be designated as a State Service Organization by the Department, if recommended by the Florida Arts Council to the Secretary of State pursuant to the procedures contained in Section 265.285, F.S. Upon designation, an organization retains this status for a three-year cycle at which time designation will again be reviewed by the Florida Arts Council and recommended by the Secretary of State. Organizations in all clusters listed below are eligible to request up to 15% of their last completed fiscal year revenue. Organizations are arranged in three clusters:

1. Cluster 1 organizations are those with a last completed fiscal year's operating budget of \$50,000 or less. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and

assessment, promotion of the constituency including state service organization's membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, networking opportunities, and initiatives in support of the Division's mission; a board-approved mission statement; a long range strategic or visioning plan; and documentation of the organization's services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

2. Cluster 2 organizations are those with a last completed fiscal year's operating budget of between \$50,001 and \$150,000. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and assessment, promotion of the constituency including state service organization's membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, and networking opportunities, and initiatives in support of the Division's mission; a board-approved mission statement; a long range strategic plan; and documentation of the organization's services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Cluster 2 applicants will be expected to demonstrate more extensive services than Cluster 1; this is accomplished through the narrative portion of the application. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

3. Cluster 3 organizations are those with a last completed fiscal year's operating budget of \$150,001 or more. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and assessment, promotion of the constituency including state service organization's membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, networking opportunities, and initiatives in support of the Division's mission; a board-approved mission statement; a long range strategic plan; and documentation of the organization's services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Cluster 3 applicants will be expected to demonstrate more extensive services than Cluster 2; this is done through the narrative portion of the application. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.



4. Designation Review Process: With the submission of required materials, the applicant will be assigned an application number. The Division will review each application and determine whether the information is complete and in compliance with eligibility requirements. Staff will then make designation and funding recommendations to the Florida Arts Council based on the eligibility requirements listed for each cluster. All applicants will be notified in writing of their eligibility status. The list of eligible applications and recommended funding will be presented to the Florida Arts Council for their approval and recommendation to the Secretary of State.

5. Funding: Designated state service organizations will receive annual funding, subject to appropriation, for a three year review cycle. Organizations are clustered by size of budget and scope of programming into the three cluster levels described above. Upon designation, Cluster 1 organizations will receive a \$5,000 award minimum; organizations in Clusters 2 and 3 will each receive an equal amount of funding within the total available budget with Cluster 3 receiving a higher amount than Cluster 2.

(9) Quarterly Assistance Program. The purpose of this program is to provide funding to promote professional development for arts organizations. There are five funding categories in this program. In addition to the basic eligibility requirements detailed in subsection (5), the applicant must meet the category-specific eligibility criteria as stated below. For the purpose of this program, an arts organization is defined as a non-profit organization whose primary mission, or more than 50% of its operating budget, is dedicated to activity in the arts.

(a) Funding Categories:

1. Mini Grant. This category is open only to arts organizations whose last completed fiscal year's total cash operating budget is \$150,000 or less. Applicants may request up to \$1,500. Evaluation is based on three criteria: Artistic Excellence, Public Impact, and Program Management.

2. Staff Exchange. This category is open only to arts organizations. Applicants may request up to \$1,000. Evaluation is based on how well the organization demonstrates the need for the exchange and how the organization will benefit.

3. Consultant Grant. This category is open only to arts organizations. Applicants may request up to \$1,000. Evaluation is based on the organization's demonstrated need for the consultant and how the organization proposes to utilize the knowledge gained from the consultant.

4. In Service Training Grant. This category is open only to arts organizations. Applicants may request up to \$1,000. Evaluation is based on the organization's demonstrated need for the training and how the training will benefit the organization and its professional development.

5. Special Project. This category is open to both arts and non-arts organizations with requests greater than \$1,500. Applications to this category must have prior approval from the Division. Evaluation is based on three criteria: Cultural Excellence, Public Impact, and Program Management.

(b) Review panel, scoring, and funding recommendations. A committee appointed by the Secretary of State will serve as the review panel for this program. The total maximum points that can be earned for any of the application categories is 100. Applicants must achieve a minimum of 75 to be considered for funding. Funding recommendations will be made by the panel in consideration of the funds available and the relative merits of each proposal. The panel is not required to fund all proposals that achieve the minimum score.

(10) Underserved Arts Communities Assistance Program. The purpose of this program is to foster the development of underserved arts organizations. In addition to the basic eligibility requirements detailed in subsection (5), the applicant must also meet the following program-specific conditions. Funding is open only to arts organizations which are located within counties whose population is 100,000 or less or whose population density is less than 250 people per square mile, or are REDI-qualified, or are a minority organization, or are otherwise able to demonstrate a lack of resources. REDI qualified means counties or communities designated pursuant to Sections 288.0656 and 288.06561, F.S.

(a) There are four funding categories as outlined below:

1. Salary Assistance/Basic Level. This is a three year program open to organizations with a last completed fiscal year cash operating budget of between \$10,000 and \$150,000. The first year award is \$10,000 with no match required; the second year is \$7,500 with \$2,500 match required; the third year is \$5,000 with \$5,000 required. The first year award may be less than \$10,000, depending on availability of funding, with the second and third years reduced accordingly.

a. Evaluation criteria for first year applications are: Artistic promise of the Organization (up to 30 points); Administrative Promise of the Organization (up to 30 points); Plan for Sustaining the Salaried Position (up to 20 points); and Organization's Potential for Sustainability (up to 20 points).

b. Evaluation criteria for second and third year applications are: First (or First and Second) Year Accomplishment due to the Salary Assistance Grant (up to 40 points), Job Description and Key Goals (up to 30 points), and Organization's Sustainability Plan for Position (up to 30 points).

2. Salary Assistance/Advanced Level. This \$7,500 one year grant with \$1:\$1 match is designed for Local Arts Agencies, State Service Organizations, educational institutions, and other not for profit 501(c)(3) organizations to provide staff and services to underserved arts organizations.

Evaluation criteria are: Consulting Plan (up to 50 points), Strength and Ability of the Organization (up to 30 points), and Impact of the Consulting Plan (up to 20 points).

3. Organizational Development. Grants of up to \$2,000 will be available to organizations with a last completed fiscal year cash operating budget of between \$10,000 and \$150,000 on a \$1:\$1 matching basis. Evaluation criteria are: How the Proposal will Directly Affect and Benefit the Organization, Artistic Excellence (up to 40 points), Program Management (up to 30 points), and Public Impact (up to 30 points).

4. Consultancy. Grants of up to \$1,500 are available to emerging organizations with no match required for the first time the grant is awarded; thereafter, the match required is \$1:\$1. Emerging organizations are those that have at least one year's programming at the time of application and whose last completed fiscal year's cash operating budget was not over \$10,000. These grants are also available to organizations with a last completed fiscal year cash operating budget of between \$10,000 and \$150,000, and applicants can apply for up to \$2,500 on a \$1:\$1 matching basis. Evaluation criteria are: Demonstrated Need for the Consultancy, Strength of the Consultancy, and the Ability of the Organization to Implement the Information Provided by the Consultancy.

(b) Review panel, scoring, and funding recommendations. A committee appointed by the Secretary of State will serve as the review panel for this program. The total maximum points that can be earned for any of the funding categories is 100 points. Applications must achieve a minimum average score of 75 to be considered for funding. Funding recommendations will be made by the panel in consideration of the anticipated funds available and the relative merits of each proposal. The panel is not required to fund all proposals that achieve the minimum average score.

(11) State Touring Program. This program is designed to provide performances, activities, and exhibitions, all by Florida artists, to as many communities as possible. This program has two components, the artist roster and the presenter application.

(a) Eligibility of appointment to the roster. Companies and individual artists, who are not established as for-profit, are eligible to apply for inclusion on the State Touring Program roster. The applicant must satisfy the following eligibility requirements to be considered for inclusion on the roster: be a public entity governed by a county, municipality, school district, community college, college, university, or an agency of state government; or be a not-for-profit, tax-exempt Florida corporation as a result of being incorporated or authorized as a not-for-profit corporation, in good standing, pursuant to Chapter 617, F.S., and designated as a tax-exempt organization as defined in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954, as amended; or, if an individual artist or group of artists, the applicant must certify that they have not formed a for-profit corporation and that the property offered

for touring is not associated with a for-profit corporation; if a company, the applicant must be a professional company operating with full-time paid artistic/program staff and compensate all artistic, program, curatorial, technical, and managerial staff; the applicant must be a single disciplinary entity responsible for its own programming, administration, production, or exhibition; and the applicant must be able to substantiate past touring experience.

1. Applicants must submit a completed State Touring Program application available on the Division's website with all required attachments and samples of work as described in the program description, on or before the announced deadline for the roster appointment program component;

2. Review criteria and scoring. Applications will be reviewed by a review panel according to the following criteria: Cultural or Curatorial Excellence (up to 50 points), Public Impact (up to 30 points), and Program Management (up to 20 points) for a maximum of 100 points possible. To be eligible for appointment to the roster an applicant must achieve an average panel score of at least 75.

3. Recommendations for appointment to the roster. The panel will make specific recommendations of companies and individual artists to the Florida Arts Council for appointment to the roster based on the review criteria and with consideration of the variety of programming available within the roster recommendations and the geographic orientation of the recommended appointees.

(b) Eligibility for presenter fee support applications. Organizations who wish to apply to present one of the companies or individual artists featured in the State Touring Program roster must meet the basic eligibility criteria described in subsection (5), and must submit a completed State Touring Program presenter application available on the Division's website, and documentation of roster company or artist intent to contract, on or before the announced deadline for the presenter fee support program component. Private schools may qualify under Chapter 623, F.S.

1. Applicants are eligible to request up to one-third of the company or artist fee as stated on the company or artist contract. For performances that occur in underpopulated counties, presenters are eligible to apply for up to two-thirds of the fee. Underpopulated counties are those that have populations of 75,000 or less, or those counties that are REDI qualified. REDI qualified means counties or communities designated pursuant to Sections 288.0656 and 288.0651, F.S. In consideration of available funds, funding priority will be given to underpopulated county applications.

2. No presenting organization can receive more than five support grants or support fees totaling more than \$20,000, whichever is less, during a single grant year.

(12) Arts in Education Program. The purpose of the Arts in Education Program is to cultivate the learning and artistic development of students and teachers in preK-12 and to support activities that promote the arts as an integral part of education and life-long learning to Florida's citizens and visitors. In addition, the program supports initiatives and proposals that help artists, educators, schools, colleges/universities, and community, social, and cultural organizations carry out individual or cooperative programs.

(a) Eligibility and funding requests. All applicants must meet the basic eligibility requirements detailed in subsection (5). Eligible organizations may submit no more than one application to each funding category. Organizations receiving more than \$100,000 in General Program Support (Cultural Support Program) may submit only one application to the Arts in Education Program. There are three funding categories in this program: Artist Residency, Arts Education Partnerships, and Rural Development Grant for REDI and Underserved Communities.

1. Artist Residency proposals may request up to \$10,000. Minimum request for funding will not be less than \$5,000.

2. Arts Education Partnerships has two levels. Level I is a mini-grant for planning and design funding requests from \$3,000 to \$5,000. Level II is an in-depth development and project implementation grant of up to \$15,000.

3. Rural Development Grant for REDI and Underserved Communities is a 3 year development program. Only designated REDI or Rural and Underserved counties are eligible to apply. Planning Year (first year) will award grants of \$3,000. Pilot Year (second year) will award grants of \$5,000. Implementation Year (third year) will award grants of \$7,500. Cash match of 25% of the grant amount is required for the Implementation Year (third year). This category provides funding for three years only and will not be sustained by Division funding beyond year three.

(b) Review criteria, scoring, and funding recommendations. Complete applications will be evaluated by a multidisciplinary review panel according to the following program criteria: Goals and Outcomes (up to 30 points), Quality of Project Activities and Excellence in the Arts (up to 30 points), Public Participation (up to 10 points), Access (ADA compliance, up to 10 points), and Ability to Achieve Goals and Evaluate Success (up to 20 points).

An average panel score of at least 80 points out of a maximum possible 100 points must be earned to be considered for funding in this program. Award amounts recommended to the Council will be determined by the review panel. Funding recommendations will be made in consideration of the overall group of applications, the relative merits of each proposal, and the anticipated funds available for the program. The panel is not required to fund all proposals that achieve the minimum average score of 80. For those applications recommended for

funding, no award shall be less than \$3,000, except Level I Arts Education Partnerships mini-grants which shall not be recommended for less than \$2,500.

(13) Culture Builds Florida Grant Program. This program supports projects, with grants up to \$25,000, that make connections between the arts and the key areas of learning and wellness, strengthening the economy, leadership, and design and development.

(a) In addition to the basic eligibility requirements in subsection (5), the following are required: (i) the grant must either fund a new project or initiative in at least one of the four key areas above, or fund a new facet of an existing program in at least one key area; (ii) only one organization may apply for those organizations working in partnership on one project; and (iii) the cash match requirement is \$1 to \$1, with no more than 25% of the match from in-kind revenues. Cash match waivers will allow in-kind substitutions of up to 100% of the cash match requirement for REDI designated counties. See subparagraph (5)(c)4. of this rule for further information on cash match waivers.

(b) Application review, scoring, and funding recommendations. Applications will be evaluated by a multidisciplinary review panel based on (i) Artistic Excellence of the Project; (ii) Sustainability of the Project; and (iii) Program Management for the Project, including planning and evaluation procedures. The maximum total average score is 100 and a minimum average score of 85 is required to be considered for funding. Funding recommendations will be made by the panel based on evaluation of all proposals and anticipated funding for the program. A minimum average score of 85 will not guarantee funding, if available funding will not allow.

(14) Challenge Grant Program. This program provides funding support to arts and cultural organizations for projects that are designed as new initiatives or unique in nature to the organization's regular programming. The category does not support general program operations or other ongoing programming. In addition to the basic eligibility requirements detailed in subsection (5), the applicant organization must also demonstrate in the application the impact of its general programs on at least a local basis, defined herein to encompass at least the county of the residence. There are four funding categories for the program: a community capital challenge and three levels of cultural project support with each level requiring greater scope, impact, and local match. Cultural projects must be of an artistic nature or be consistent with the general mission of a museum. For the purposes of this program, regional is defined as at least the county of residence and all counties within a 100-mile radius of the applicant's primary venue; and statewide is defined as at least 50% of the state's population, or 34 or more Florida counties.

(a) Specific eligibility and funding requests:

1. Level 1, the Local Challenge is for projects that carry significant and demonstrated local impact implemented by organizations that lack the financial resources to commit more than \$1:\$1 match. For this level only, up to 50% of the local match share may be in-kind contributions in the form of donated goods and services. Applicants to this category may request from \$10,000 up to \$50,000.

2. Level 2, the Regional Challenge is for projects of regional impact and require local cash match of \$2 for every \$1 of grant funding. Applicants may request from \$10,000 up to \$100,000.

3. Level 3, the Statewide Challenge is for projects of statewide impact and require cash match of \$3 for every \$1 of grant funding. Applicants may request from \$10,000 up to \$250,000.

4. Community Capital Challenge Projects also require \$3 of local cash match for every \$1 of grant funding. These projects are intended to support local endowment campaigns or other fiscal stabilization based capital fundraising projects significant to the applicant cultural organization or local cultural community. Such projects may involve partnerships with local community foundations. Applicants may request from \$10,000 up to \$100,000. This state award or any local funds raised as match for this award are not eligible to be included in match required to receive a State Matching Share through the Cultural Endowment Program, nor shall those funds be eligible as match for this award.

(b) Review criteria, scoring, and funding recommendations.

1. Applications will be evaluated by a multidisciplinary review panel according to the following criteria: Organizational Impact (up to 20 points); Proposed Challenge Grant Project (up to 50 points); and Impact of Challenge Grant Funds (up to 30 points). Applications must earn a minimum average panel score of 75 out of the 100 maximum points possible to be considered for funding.

2. Funding recommendations will be made by the panel in consideration of the overall group of applications, the relative merits of each proposal, and the anticipated funds available for the program. The panel is not required to fund all proposals that achieve the minimum average score of 75. In addition to providing specific funding recommendations, the panel will establish a priority ranking of all applications recommended for funding and forward such priority list to the Florida Arts Council for review and approval. Upon approval by the Secretary of State, the ranked list will be submitted to the next session of the Legislature for funding consideration. Should additional funds become available through partial or complete return of grants, the Secretary may increase current awards not funded to the full request, or award new grants to projects on the approved list but not able to be funded as a result of limited appropriation.

(2)(15) Cultural Endowment Program – No change.

(3)(16) Cultural Facilities Program – No change.

(17) Programs for Individual Artists. The purpose of this program area is to foster the development of individual artists. There are two funding categories as outlined below:

(a) Individual Artist Fellowship Program. This program is designed to recognize the creation of new artworks by individuals of exceptional talent and demonstrated ability. Fellowship awards support the general artistic and career advancement of the individual artist.

1. To be eligible for a fellowship, an applicant must: be a legal resident of Florida, as defined by Section 196.015 or Section 222.17, F.S., and agree to maintain Florida residency for the duration of the fellowship period; be at least 18 years of age; not be enrolled in any undergraduate or graduate degree-seeking program during the fellowship period; have not received a fellowship award during the five-year period preceding the new award period; and not serve as a grant review panelist if he/she has an application before the same discipline panel.

2. Eligible applicants must submit a completed Fellowship application available on the Division's website with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced deadline. Samples of work must be original and authentic representations of the applicant's work. Applications will be accepted in each discipline on a rotating cycle. The disciplines of visual arts and media arts will apply together in odd years while the disciplines of literature, folk arts, music, interdisciplinary, dance and theatre will apply in even years. In the event that additional funding becomes available and all disciplines can be accommodated in one application cycle, the two discipline groups will be combined.

3. The panel reviews for the disciplines of dance, interdisciplinary, media arts, and folk arts are based on a combined rating of the following criteria: the quality and consistency in the body of work, as evidenced by each applicant's submission samples, professional achievements, reputation, and peer support and respect as evidenced through the application form and support materials. Folk art applicants are also evaluated on the "traditionality" of the art form.

4. Samples of work submitted by applicants in the visual arts and crafts, music, literature, and theatre categories are initially evaluated through a blind review process, which means that examples of the applicant's work are presented to the panelists without revealing the applicant's identity.

5. During the first phase of all panel reviews the applications are rated on a scale of one (1) to ten (10). Only applications ranked eight (8) or higher are eligible for fellowship awards during the second phase of review.

6. Fellowship awards are made based on the panel's recommendations. Funds are available through a grant agreement on a non-matching basis. The grant recipient is also

required to complete a grant report available from the Division's website, detailing expenditures and activities during the grant period and associated with the grant award.

(b) Artist Enhancement Grants. This program is designed to assist practicing, profession and emerging artists residing in Florida. This program provides support for artists to take advantage of specific, professional development, skill building opportunities, or equipment purchases of significance to advance their work and careers.

1. To be eligible for an Artist Enhancement Grant, an applicant must: be a legal resident of Florida as defined by Section 196.015 or Section 222.17, F.S., and agree to maintain Florida residency for the duration of the grant period; be at least 18 years of age; not be a non-professional student enrolled in any undergraduate or graduate degree-seeking program during the grant period; and not serve as a grant review panelist if he/she has an application before the same panel.

2. Eligible applicants must submit a completed Artist Enhancement Application available on the Division's website with all required support material as described in the program guidelines, on or before the announced deadline.

3. The panel review is based on a combined rating of the following criteria: professional growth/career advancement, as evidenced by experience that made a significant contribution to the applicant's professional growth and/or career advancement; professional commitment to the art form, as evidenced through documentation, including but not limited to the applicant's resume, newspaper articles and exhibition catalogs; and planning/confirmation as evidenced by advanced planning for the proposed activity, and invitation or registration for the activity, and/or appropriate budget and timeline for the activity.

4. During the first phase of the panel review the applications are rated on a scale of one (1) to ten (10). Only applications ranked eight (8) or higher are eligible for artist enhancement grants during the second phase of review.

5. Artist enhancement grants are awarded based on the panel's recommendations. Each application recommended will be funded at full request. Funds are available through a grant agreement on a non-matching basis. The grant recipient is also required to complete an activity report available from the Division's website, detailing expenditures and activities during the grant period and associated with the grant award.

(18) Grant Awards to Organizations. The Division shall be responsible for the administration of all grant awards as recommended by the Council with the approval of the Secretary, pursuant to Section 265.286, F.S. The annual grant period shall be July 1 through June 30, or any grant activity start and end date within that time frame as stated in the award documents, or an approved amendment.

(a) All grant awards, except Cultural Facilities Program Grants, which have been approved in accordance with Chapter IT 1, F.A.C., shall be made through a grant award agreement, as described in paragraph (b).

(b) The grant award agreement shall consist of a grant award letter, an Addendum describing grant requirements as set forth in this rule, the summary of matching and reporting requirements, and an Assurance of Compliance and Signature Authorization Form CA2E059, eff. 6/00. The agreement shall contain all requirements and other conditions governing the grant award. Any amendment to the agreement shall be governed by the provisions of paragraph (e).

(c) No payment will be released unless all financial and program reports are filed in accordance with paragraph (m). The payment request will not be processed by the Division until the organization is in compliance with Department rules.

(d) Accounting Requirements. The Grantee shall maintain an accounting system which provides for a complete record of the use of all grant and match funds connected with the grant.

(e) Revisions to grant. The Division shall consider Grant Amendment Requests on the basis of adherence to the goals of the funded application. The Grantee shall be required to request prior written approval from the Division by submitting such request on the grant amendment form available on the Division's website for the following changes to the grant:

1. Any substantial deviation from the proposal as outlined in the grant. Examples of substantial deviations are: major reductions in the program activities, or number of proposed events; revision in scope, goals, or objectives; reduction in key personnel; changes in specific artists or proposed exhibitions and productions that are not artistically equivalent to the original proposal; the inability to complete the project; or budget changes resulting from such deviations.

2. Introduction of an expense line item where none existed in the approved budget.

3. Travel or equipment costs exceed the figure in the approved budget by more than 25 percent.

4. Introduction of a subcontractor or subgrantee relationship where none existed in the grant.

5. Charging admission or fees when the proposed activity was "free to the public."

6. Project start and end dates outside the established grant period. Project date change requests are to be signed by the organization's authorizing official and submitted to the Division through email.

(f) Administrative Changes. The Division must be notified of any changes in the organization's name, address, phone number, authorizing officials, or contact person by submitting such changes through the Division's website. The Division will not change the organization's name without documentation from both the Division of Corporations and the IRS that reflects the organization name change.

(g) ~~The grantee shall return all grant funds expended on disallowed activity or grant funds not matched as a result of disallowed expenditures for failure to comply with the provisions of paragraph (e). However, the Department shall allow an exception in the event the grantee can clearly demonstrate extenuating circumstances. Extenuating circumstances encompass situations beyond the control of the grantee which prevent the timely notification of the request. These instances include but are not limited to natural disaster, death or serious illness of the individual responsible for the request, or mail service failure. Extenuating circumstances do not include failure to read or understand grant administrative requirements, the absence of a required form or inability to obtain an authorized signature, or other similar circumstances.~~

(h) Allowable costs. All necessary and routine costs shall be allowed for the purposes of a grant provided that:

1. ~~They occur or are obligated within the grant period, provided, however, that no cost incurred prior to the execution of the grant by both parties shall be reimbursed.~~

2. ~~They are solely for the purposes of the grant and can be easily identified as such.~~

3. ~~For the Challenge Grant Program only, otherwise eligible matching funds may have been obligated or expended prior to the beginning of the grant year. The period may not exceed two years before the start of the grant year for the Challenge Grant Program.~~

(i) Non-allowable costs. Project costs shall not include the following:

1. ~~Expenses incurred or obligated prior to or after the grant period.~~

2. ~~Lobbying or attempting to influence federal, state or local legislation, the judicial branch or any state agency.~~

3. ~~Building, renovation, or remodeling of facilities.~~

4. ~~Bad debts, contingencies, fines and penalties, interest and other financial costs.~~

5. ~~Private entertainment, food, beverages, plaques, awards, or scholarships.~~

6. ~~Capital expenditures, including acquisitions.~~

7. ~~Projects which are restricted to private or exclusive participation, which shall include restricting access to programs on the basis of sex, race, creed, national origin, disability, age, or marital status.~~

8. ~~Regranting.~~

9. ~~Contributions and donations.~~

(j) ~~School systems may use paid in-classroom teacher time and release time, including substitute salaries, as a part of the cash match for Arts in Education grant projects.~~

(k) ~~Grant and matching funds may be used for the following with prior approval by the Director or when specifically contained and approved in the grant application.~~

1. ~~Travel outside the continental United States.~~

2. ~~Equipment purchases that cost in excess of \$5,000 and have a life of more than one year.~~

3. ~~Approval for inclusion of the above cost items will be based on the proposed costs being reasonable and the applicant's ability to demonstrate that travel or equipment is essential to achieving the goals of the proposal. Prior approval by the Director for inclusion of these cost items in a funded grant shall also require the grantee to demonstrate why these cost items could not have been included in the original proposal.~~

(l) ~~It shall be understood that all funds, regardless of source, connected with the grant shall be required to comply with this section.~~

(m) Reporting. ~~For all programs, unless otherwise specified, the grantee shall file a final report no more than 30 days following the project ending date. Interim reports will be required for grants with ending dates after June 30. These interim reports shall contain program financial and statistical results as of June and must be submitted no later than July 30. A final report and a state expenditure log (CA2E119, eff. 2/09) incorporated by reference and available on the Division's website, that includes check number, amount of check, date of check, name of payee, and a description of the expenditure will also be required 30 days after the project ending date. Requests for report due date extensions must be submitted in writing prior to the original due date. Unless otherwise specified, interim and final reports shall be completed and submitted using the grant report form (CA2E004, eff. 10/98) incorporated by reference and available on the Division's website.~~

(n) Sponsorship statement. ~~All publications, media productions, and exhibit graphics associated with activity described in the grant award agreement shall include the following statement: "Sponsored in part by the State of Florida, Department of State, Division of Cultural Affairs and the Florida Arts Council" according to Section 286.25, F.S.~~

(o) ~~Expenditures from grant funds shall in no circumstances exceed 50% of the project costs unless otherwise provided in this rule or as part of the stipulations in the grant award agreement.~~

(p) ~~The Division shall notify grantees, in writing, specifying administrative deficiencies with each type of grant award document, request, or report.~~

1. ~~Grantee has 30 days in which to respond to the Division concerning the written notice of deficiencies.~~

2. ~~If there is no response from the grantee, within 30 days from the date of the letter, the document, request, or report will be rejected.~~

(q) ~~The Grant Award is subject to rescission if the Award Letter and the Assurance of Compliance and Signature Authorization Form are not properly signed and, therefore, not accepted by the grantee.~~

(f) Failure to obtain prior approval on a Grant Amendment Request may result in full or partial refund to the state if expenditures of state or matching funds do not meet program requirements. See paragraph (c).

(s) Failure to respond to report deficiencies will place the grantee in a non-compliance status, payment on current grants shall be withheld, and a refund of grant funds will be requested.

(t) Any new applications will be declared ineligible if an organization is in non-compliance for failure to submit a required report on any Division application deadline.

(19) Regional Cultural Facilities Program. The purpose of this program is to accept and administer funds to provide grants for the renovation, construction, or acquisition of regional cultural facilities. It is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.

(a) Administrative and Legal Eligibility. The applicant for a regional cultural facilities grant must:

1. Be a municipality, county, or qualified corporation as defined in Section 265.702(2), F.S.

2. Own an interest in the land upon which the regional cultural facility is to be built. Any entity that owns an interest in the land upon which the regional cultural facility is to be built must also meet the requirements in subparagraph 1.

3. Retain ownership of all improvements made under the grant.

4. Have satisfied the administrative requirements of previous grants received from the Division.

(b) Program Eligibility. All eligible applications shall consist of the following documents and information:

1. Until directed to submit electronically on the Division's website, applicants must submit in hard copy, a completed and signed Regional Cultural Facilities Program Application Form (CA2E101, eff. 5/06), available from the Division and incorporated by reference, including the number of required application copies, submitted to the Division on or before the announced postmark deadline.

2. A description of the Project Scope of Work which shall include a project narrative.

3. Project Budgets including a summary and detail, a matching funds statement, and match summary chart.

4. A description of educational and cultural programs as required by Sections 265.702(5)(a) and (b), F.S.

5. Documentation of a 150-mile service area as described in Section 265.702(5)(e), F.S.

6. Documentation of a proposed acquisition, renovation, or construction cost of at least \$50 million.

7. Documentation that the applicant owns an interest in the land upon which the regional cultural facility is to be built.

8. An independent certified audit of the applicant's financial records. The publication date of the audit shall not be later than the date of the application for which the audit is submitted.

9. Cost Benefit Analysis/Feasibility Study.

10. An 8 1/2" x 11" reduction of current architectural plans.

11. Letters of Support: Submit letters or list of local officials lending support to this project.

(c) Funding.

1. The annual amount of the grant shall not exceed the amount permitted in Section 265.702(7), F.S. There is no minimum amount.

2. An applicant from the same organization shall not submit 2 or more applications under a single application deadline for the same facility, project, site, or phase.

3. An organization shall not submit a funding request to both the Cultural Facilities Program and the Regional Cultural Facilities Program for the same project, facility, site, or phase in the same fiscal year.

(d) Time Limits and Funding Cap. The total amount of grants awarded shall not exceed the amount permitted in Section 265.702(7), F.S. "Awarded" means July 1 of the fiscal year in which grant funds were appropriated by the Florida Legislature.

(e) Matching Funds.

1. Eligible matching funds provided by the grantee or third parties shall be on at least a two to one match of the amount requested, except for eligible Rural Economic Development Initiative (REDI) applicants.

2. Eligible matching funds provided by eligible REDI applicants shall be at least a one to one match of the amount requested.

3. At least 50% of the required match must be in cash. For the purposes of this program, cash shall include cash on hand, and cash expenditures made on the project during the three years immediately preceding the award of the grant.

4. At least 50% of the cash match must be cash on hand and dedicated to the project.

5. In-kind contributions of goods and services shall be subject to the restrictions of Section 265.702(6), F.S.

6. Municipalities and counties must submit a copy of the approved resolution or minutes from the commission meeting, with the original application, which includes the dollar amount dedicated and available to the project if the grant is awarded and the date the funds will be available. Resolutions that have not been approved by the application deadline cannot be used as match documentation. Local funding, as indicated by the resolution, must be made available within 90 days of state award notification.

(f) Application Review Committee.

1. The application review committee shall review each eligible application based on the following criteria: Scope of Work, up to 20 points; Project Budget and Matching Funds, up to 25 points; Educational and Cultural Programs, up to 30 points; and Service Area, up to 25 points.

2. All applications that receive an average score of at least 75 out of 100 possible points will be recommended for funding.

3. The committee shall develop a priority list based on the average score for each application.

4. The committee shall submit the priority list to the Florida Arts Council for review and recommendation.

5. The Florida Arts Council shall review the recommendations and submit a priority list of all projects that are recommended for funding to the Secretary of State.

(g) The Secretary of State shall review the recommendations of the Council and provide the Legislature with an approved priority list with funding recommendations.

(h) Retaining Projects on the next grant cycle priority list.

1. Projects that are approved and recommended by the Secretary but are not funded by the Legislature shall be retained on the priority list for the next grant cycle only.

2. All projects that are retained shall be required by the Division to submit the information in subparagraphs (b)1.-3. above in order to reflect the most current status of the project.

3. The deadline for the receipt of updated information shall be the rollover deadline as published in the Florida Administrative Weekly.

4. Rollover updates will not be re scored, but rather merged with the new applications using the original scores and recommended funding.

5. Rollover updates that are determined by the Division to be incomplete or ineligible, changed in scope or venue, or increased the funding request shall be removed from the priority list.

(i) No changes in project scope or venue will be permitted.

(j) Grant Award Agreement. The Grant Award Agreement (CA2E102, eff. 5/06) incorporated by reference and available from the Division is the document by which the organization enters into a contract with the State of Florida for the management of grant funds which shall include:

1. An update of the application project narrative and budget.

2. A completed Assurance of Compliance and Signature Authorization Form (Form CA2E059, eff. 6/00) incorporated by reference in subparagraph IT 1.001(16)(l)2., F.A.C., and available from the Division.

3. Other provisions that shall be agreed to by both the grantee and the state.

(k) The Division will further extend the provisions in Section (10) of the Agreement in the event the grantee can clearly demonstrate extenuating circumstances. Extenuating

circumstances encompass situations beyond the control of the grantee that prevent the timely completion of the project. Such circumstances include natural disaster, death or serious illness of the individual responsible for the completion of the project, litigation, failure of the contractor or architect to provide the services for which they were hired. Extenuating circumstances do not include failure to read or understand grant administrative requirements or failure to raise sufficient matching funds.

(l) Reporting Requirements.

1. Interim Reports shall be submitted at six-month intervals until the project is complete. For the purpose of this program, a project is considered complete when all grant and match funds have been expended. The first Interim Report is due on January 31 of the fiscal year in which the grant was awarded.

2. Final Report. A Final Report shall be submitted 45 days after the completion of the project.

3. All reports shall include the following information:

a. A description of the work completed.

b. A financial statement showing the expenditure of grant and match.

c. A state grant expenditure log that includes check number, amount of check, date of check, name of payee, and a description of the expenditure.

(m) Definitions. For the purposes of paragraphs (n), (o) and (p) of subsection (19) of this rule, a "grantee" is an applicant that has received a Regional Cultural Facilities Program Grant Award. "Property owner" refers to the owner of land, building(s), or both situated upon the property. Section 265.702(8), F.S., requires that the grantee and the property owner either record a restrictive covenant or purchase a bond to ensure that the facility is used as a regional cultural facility for ten (10) years following the execution date of the grant award agreement. A "regional cultural facility" means an existing or proposed fixed facility that is primarily engaged in the disciplines of dance, music, theater, visual arts, literature, media arts, interdisciplinary and multidisciplinary, programs of museums, and able to satisfy the requirements of Section 265.702(5), F.S.

(n)1. If the recordation of a restrictive covenant is chosen by the grantee and the property owner(s), a completed and executed Restrictive Covenant Form must be filed with the Clerk of the Circuit Court in the county where the property is located, prior to release of the grant funds.

2. The grantee's legal interest in the land and/or building(s) determines which of the four restrictive covenant forms described below must be used.

a. A grantee that owns the land and the building(s) upon the property where the regional cultural facility is or will be located must complete Form CA2E113, eff. 5/06, incorporated by reference and available from the Division.



b. A grantee that owns the building(s) upon the property where the regional cultural facility is or will be located, but leases the underlying land, must complete Form CA2E114, eff. 5/06, incorporated by reference and available from the Division.

c. A grantee that leases the land and the building(s) upon the property where the regional cultural facility is or will be located must complete Form CA2E115, eff. 5/06, incorporated by reference and available from the Division.

d. A grantee that owns the land where the regional cultural facility is or will be located, but leases the building(s) upon the property where the regional cultural facility is or will be located must complete Form CA2E0116, eff 5/06, incorporated by reference and available from the Division.

(c)1. If a bond is chosen in lieu of recording a restrictive covenant, the grantee must:

a. Purchase a bond prior to the release of grant funds from an insurer authorized to do business in Florida as a surety;

b. Include Form CA2E117, eff. 5/06, incorporated by reference and available from the Division, as an addendum to the grant award agreement;

c. Include in the bond that the facility described in the grant award agreement be used as a regional cultural facility for (10) ten years following the execution date of the grant award agreement, and that failure to do so shall constitute a violation of the bond;

d. Include in the bond that in the event of violation, the surety shall reimburse the Division pursuant to the amortization schedule set forth below.

2. A certified copy of the bond must be provided to the Division prior to the release of grant award funds.

3. If the bond is violated, the surety shall reimburse the Division pursuant to the following amortization schedule:

a. If a violation occurs within three (3) years following the execution of the grant award agreement, 100% of the grant amount;

b. If a violation occurs more than three (3) but less than four (4) years following the execution of the grant award agreement, 80% of the grant amount;

c. If a violation occurs more than four (4) but less than five (5) years following the execution of the grant award agreement, 70% of the grant amount;

d. If a violation occurs more than five (5) but less than six (6) years following the execution of the grant award agreement, 60% of the grant amount;

e. If a violation occurs more than six (6) but less than seven (7) years following the execution of the grant award agreement, 50% of the grant amount;

f. If a violation occurs more than seven (7) but less than eight (8) years following the execution of the grant award agreement, 40% of the grant amount.

g. If a violation occurs more than eight (8) but less than nine (9) years following the execution of the grant award agreement, 30% of the grant amount; and

h. If a violation occurs more than nine (9) but less than ten (10) years following the execution of the grant award agreement, 20% of the grant amount.

(20) ~~Artwork Collection Care and Maintenance.~~ The Division has statutory duty or authority under the Florida Fine Arts Act in Section 265.284, F.S. to administer and be responsible for all of the enumerated arts programs such as the Department of State Art Collection and the Capitol Complex Exhibition Program; to sponsor performances and exhibits; and to accept on behalf of the state donations of money, property, art objects, and antiquities. Under Section 265.284(3)(d), F.S., the Division has authority to consult with and advise other individuals, groups, organizations, or state agencies and officials, particularly the Governor and Cabinet, concerning the acquisition by gift or purchase of fine art works, the appropriate use and display of state-owned art treasures for maximum public benefit, and the suitability of any structures or fixtures, including framing, primarily intended for ornamental or decorative purposes in public buildings.

~~Rulemaking Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(e), 265.286(1), (4), (6), 265.2861(2)(b), (f), 265.2865(6), 265.51, 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5); 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.606, 265.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05, 5-16-05, 6-21-05, 12-20-05, 5-22-06, 6-5-06, 6-27-06, 8-20-07, 9-16-07, 1-8-08, 7-8-08, 9-8-08, 3-5-09, \_\_\_\_\_.~~

IT-1.031 Historical Museum Grants Application Requirements.

(1) ~~Historical Museum Grants.~~ The Historical Museum Grants program provides grants that relate to the historical resources of Florida. There are two categories: General Program Support and Public Educational Exhibits. General Program Support is on a two year cycle and Public Educational Exhibits are on an annual cycle. Organizations may only apply to one of the two categories and may not seek funding for a Public Educational Exhibit if receiving funding from General Program Support.

(2) ~~Administrative and Legal Eligibility.~~ An eligible applicant for either category must:

(a) Be a unit of county, municipal, or other local government; or

(b) Be a department or an agency of the state (exception: history museums that are state operated are not eligible to receive funding for General Program Support); or

(c) Be a public or private nonprofit corporation, a partnership, or other organization. For the purposes of this rule, a nonprofit corporation is one that is tax exempt as defined in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954, as amended; and in good standing pursuant to Chapter 617, F.S., known as the Florida Not for Profit Corporations Act.

(d) Have satisfied the administrative requirements of previous grants received from the Department of State.

(e) Not be a for-profit museum.

**(3) General Program Support.**

(a) In addition to the requirements in subsection (2), General Program Support applicants must satisfy the criteria in Section 265.708(2), F.S.

(b) Organizations may only submit one General Program Support application to the History Museum Program per grant cycle. Multidisciplinary museum applicants must address Florida history in at least one of their disciplines. Only that portion of the applicant's operating budget that addresses Florida history may be used in the grant budget.

(4) Application Requirements. Applications for either category shall consist of the following:

(a) A complete and signed application (CA2E138, eff. 2/09), incorporated by reference and available from the Division and submitted on or before the deadline, which will be posted on the Division's website.

(b) A complete application for all applicants shall include the following:

General identification and contact information, operating budget(s), proposal budget, and program narrative responses.

**(c) Application Support Material.**

1. For nonprofit organizations, a copy of the organization's Letter of Determination documenting nonprofit status as defined by section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954.

2. Rural Economic Development Initiative (REDI) Waiver. Public Educational Exhibit applicants that request a waiver of the cash matching funds in accordance with Sections 288.0656 and 288.0651, F.S., should include a copy of the letter from county government acknowledging the grant and requesting the waiver on behalf of the organization. REDI-qualified counties with approved waivers may use up to 100% in-kind match, which must be shown in the proposal budget. A list of REDI counties and communities is reviewed and updated annually, and is available on the Division's website.

**(d) Funding Request.**

1. Public Education Exhibit applicants may request up to \$35,000.

2. General Program Support applicants may request up to 20% of the museum's operating expenses for the last completed fiscal year, not to exceed \$75,000. State grant funds cannot be used for operating costs, including utilities, phone,

fixtures, maintenance, general supplies, rent, mortgage payments and property taxes. These costs are only allowed as match or in-kind.

**(e) Matching Funds.**

1. Grants must be matched at a minimum of \$1 local for every \$1 state.

2. The documented fair market value of donated goods and services may contribute up to 50% of the required match, not to exceed 25% of the total project or general program costs.

3. State supported institutions shall not use state funds from any source as match.

Rulemaking Specific Authority 267.031 FS. Law Implemented 267.072 FS. History-New 3-28-90, Amended 5-11-92, 4-3-97, 11-23-00, Formerly 1A-43.007, Amended 3-5-09, Repealed\_\_\_\_\_.

IT-1.032 History Museums Application Review and Grant Administration.

(1) Application review panels shall be conducted according to the criteria in subsection IT 1.001(6), F.A.C.

(2) Criteria for panel review and evaluation of all applications:

(a) Program Excellence—up to 50 points;

(b) Public Impact—up to 30 points;

(c) Program Management—up to 20 points; and

(3) All grant awards approved in accordance with this rule shall be formalized through a grant award agreement available from the Division of Cultural Affairs. The grant award agreement shall include all documents referenced in paragraph IT 1.001(18)(b), F.A.C.

(4) Non-allowable expenses. Grant funds may not be used to pay the cost of:

(a) Locating, identifying, evaluating, acquiring, preserving, protecting, restoring, rehabilitating, stabilizing, or excavating an archeological or historic site or a historic building or planning any of those activities; or,

(b) Overhead or indirect costs.

(c) Other non-allowable expenses as detailed in paragraph IT 1.001(18)(i), F.A.C.

**(5) Reporting.**

(a) The grant reporting period begins on July 1 and ends on June 30.

(b) If the grant reporting period is extended beyond June 30, an Interim Report is required. Interim Reports are due not later than July 31.

(c) A Final Report is due not later than 30 days following the end date.

(d) Interim and Final Reports shall be completed and submitted using the grant report form (CA2E004, eff. 10/98) incorporated by reference and available on the Division's website.

(e) A State Grant Expenditure Log (CA2E119, eff. 2/09), incorporated by reference and available on the Division of Cultural Affairs website, that includes check number, amount of check, date of check, name of payee, and a description of the expenditure shall be submitted with all reports.

(6) Revisions to the Grant. Revisions to the grant will be administered according to paragraph IT-1.001(18)(e), F.A.C.

Rulemaking Specific Authority 267.031 FS. Law Implemented 267.071, 267.072, 286.031 FS. History—New 3-28-90, Amended 5-11-92, 4-3-97, 11-23-00, Formerly 1A-43.009, Amended 3-5-09, Repealed \_\_\_\_\_.

#### IT-1.033 Art in State Buildings Program.

(1) The Art in State Buildings Program acquires artwork for public display in the interior or exterior of state buildings, in accordance with Section 255.043, F.S. Each agency shall follow the art selection process and forms contained in the *Art in State Buildings Handbook* (CA2E120, effective 9-1-09), and in doing so, shall report funding appropriations and submit documentation supporting its art selection process to the Florida Council on Arts and Culture.

(2) Forms. The following Forms are incorporated by reference and are a part of the *Art in State Buildings Handbook* and available at [www.Florida-Arts.org](http://www.Florida-Arts.org): ASB Administrator Designation Form (CA2E121, effective 9-1-09), Construction Appropriation Notification Form (CA2E122, effective 9-1-09), User Agency Representative Designation Form (CA2E124, effective 9-1-09), Committee Meetings Report Form (CA2E125, effective 9-1-09), Artist's Declaration Form (CA2E128, effective 9-1-09), Selection Detail Form (CA2E132, effective 9-1-09), and Project Completion Form (CA2E135, effective 9-1-09).

Rulemaking Authority 265.2865(4) FS. Law Implemented 255.043 FS. History—New \_\_\_\_\_.

Editorial Note: Formerly IT-1.001(2)(a), F.A.C.

#### IT-1.034 Florida Artists Hall of Fame and Florida Arts Recognition Awards.

(1) This section provides nomination or application and selection procedures for the Florida Artists Hall of Fame and the Florida Arts Recognition Awards.

(2) Nominations or applications to these awards programs must meet the eligibility and application requirements set forth in the Florida Artists Hall of Fame Nomination Form (CA1E021, effective 9/1/09), and the Florida Arts Recognition Awards Nomination Form (CA1E015, effective 9-1-09), both incorporated by reference and available at [www.Florida-Arts.org](http://www.Florida-Arts.org).

Rulemaking Authority 265.2865(6) FS. Law Implemented 265.2865 FS. History—New \_\_\_\_\_.

Editorial Note: Formerly IT-1.001(2)(b), F.A.C.

#### IT-1.035 Artwork Collection Care and Maintenance.

The Division has the statutory duty in Section 265.284(3)(d)(e), F.S., to administer and be responsible for the Department of State Art Collection and the Capitol Complex Exhibition Program, and to accept on behalf of the state donations of money, property, art objects, and antiquities. Under Section 265.284(3)(d), F.S., the Division has authority to consult with and advise other individuals, groups, organizations, or state agencies and officials, particularly the Governor and Cabinet, concerning the acquisition by gift or purchase of fine art works, the appropriate use and display of state-owned art treasures for maximum public benefit, and the suitability of any structures or fixtures, including framing, primarily intended for ornamental or decorative purposes in the interior of public buildings.

Rulemaking Authority 265.284(3)(j) FS. Law Implemented 265.284 FS. History—New \_\_\_\_\_.

Editorial Note: Formerly IT-1.001(20), F.A.C.

#### IT-1.036 Arts and Cultural Grants.

(1) This rule provides the requirements for grant programs administered by the Division of Cultural Affairs (Division). Each program is governed by guidelines which contain eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, and application forms. All grant awards are subject to the approval of the Secretary of State.

(2) All grant applicants must meet the requirements set forth in the guidelines for the following programs, which are available from the Division at [www.Florida-arts.org](http://www.Florida-arts.org) and are hereby incorporated by reference:

(a) Cultural and Museum Grants Program. Provides general program support for local arts agencies, state service organizations, and organizations that have general program activity in any of the art and cultural disciplines in Section 265.283(7), F.S.

(b) Specific Cultural Projects Program. Provides funding for arts in education, underserved cultural community development, culture builds Florida, and other nonprofit public or private organizations having specific cultural project activity in any of the art and cultural disciplines in Section 265.283(7), F.S.

(3) The following application forms are available from the Division at [www.Florida-arts.org](http://www.Florida-arts.org) and are hereby incorporated by reference:

(a) Cultural and Museums Grants Program Application (Form CA2E145), effective 9-1-09;

(b) Specific Cultural Projects Program Application (Form CA2E146), effective 9-1-09;

(4) The following forms are used in the administration of all grant programs in this rule and are hereby incorporated by reference and available at [www.Florida-arts.org](http://www.Florida-arts.org):

(a) Grant Report Form (Form CA2E004), effective 9-1-09;

(b) State Funds Expenditure Log (Form CA2E136), effective 9-1-09;

(c) Grant Amendment Request (Form CA2E002), effective 9-1-09;

(d) Grant Award Agreement (Form CA2E142), effective 9-1-09;

Rulemaking Authority 265.286(11) FS. Law Implemented 265.286 FS. History—New \_\_\_\_\_.

#### IT-1.037 State Touring Program.

(1) The State Touring Program provides performances, activities, and exhibitions by Florida artists to as many Florida communities as possible. This program has two application categories: (1) the Artist Roster; and (2) the Presenter Fee Support applications.

(2) Appointment to the Artistic Roster. Companies and individuals that wish to be included on the State Touring Roster must meet the requirements in the State Touring Roster Guidelines, and submit a State Touring Program Roster Application (Form CA2E143), effective 9-1-09. The Guidelines and the Application are hereby incorporated by reference and available from the Division at [www.florida-arts.org](http://www.florida-arts.org);

(3) Eligibility for Presenter Fee Support. Organizations that wish to present one of the companies or individual artists on the State Touring Roster must meet the requirements in the State Touring Presenter Guidelines, and submit a State Touring Presenter Application (Form CA2E144), effective 9-1-09. The Guidelines and the Application are hereby incorporated by reference and available from the Division at [www.florida-arts.org](http://www.florida-arts.org).

Rulemaking Authority 265.286(5)(c) FS. Law Implemented 265.286 FS. History—New \_\_\_\_\_.

Editorial Note: Formerly IT-1.001(11), F.A.C.

#### IT-1.038 Individual Artist Fellowship Program.

(1) The Individual Artist Fellowship Program fosters the development of individual artists through a selection procedure that identifies individual artists of exceptional talent and demonstrated ability.

(2) To be eligible for a fellowship an applicant must: (1) be a legal resident of Florida as defined by Section 196.015 or Section 222.17, F.S., and agree to maintain Florida residency for the duration of the fellowship period; (2) be at least 18 years of age; (3) not be enrolled in any undergraduate or graduate degree-seeking program during the fellowship period; (4) not have received a fellowship award during the five-year period preceding the new award period; and (5) not have served as a grant review panelist if he/she has an application before the same discipline panel.

(3) Eligible applicants must submit a completed Fellowship Application (Form CA2E012), effective 9-1-09, incorporated by reference, and available at [www.florida-arts.org](http://www.florida-arts.org) with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced deadline. Samples of work must be original and authentic representations of the applicant's work. Applications are accepted in each discipline on a rotating cycle. The disciplines of visual arts and media arts will apply together in odd years while the disciplines of literature, folk arts, music, interdisciplinary, dance, and theatre apply in even years. If additional funding becomes available and all disciplines can be accommodated in one application cycle, the two discipline groups will be combined.

(4) Review panel scoring for the disciplines of dance, interdisciplinary, media arts, and folk arts must range from one (1) to ten (10) and be based on the following criteria: the quality and consistency in the body of work, professional achievements, reputation, peer support and respect. Folk art applicants are also evaluated on the "traditionality" of the art form. These applications are evaluated in two (2) phases. During the first phase, applications are rated from 1-10 by each panel member and averaged. Only applications ranked eight (8) or higher are eligible for the second phase of review. For the second phase, panelists determine which applications will be funded based on available funding, professional judgement, and previously described evaluation criteria.

(5) Work submitted by applicants in the visual arts, music, literature, and theatre categories are initially evaluated through a blind review process, or without revealing the applicant's identity. These applications are also evaluated in two (2) phases. During the first phase, applications are rated from one (1) to ten (10), based on the quality and consistency in the body of work, and the panel's score for each application is averaged. Only applications ranked eight (8) or higher are eligible for the second phase of review. For the second phase, panelists evaluate eligible applicants and award funds based on professional achievements, reputation, peer support and respect, and available funding, and award funds accordingly.

(6) Funds are administered through a Grant Agreement (Form CA2E076, effective 9-1-09, incorporated by reference, and available at [www.florida-arts.org](http://www.florida-arts.org)); and are awarded on a non-matching basis.

(7) Grant Report. Grant recipients are required to complete a Grant Report (Form CA2E003, effective 9-1-09, incorporated by reference, and available at [www.florida-arts.org](http://www.florida-arts.org)); which details expenditures and activities during the grant period. The grant period is January 1 through December 31. The grant report is due 30 days after the end of the grant period.

Rulemaking Authority 265.286(2), (6) FS. Law Implemented 265.286 FS. History—New \_\_\_\_\_.

Editorial Note: Formerly IT-1.001(17), F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Donald R. Blancett  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: JuDee Pettijohn  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 29, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 29, 2009, Vol. 35, No. 21

### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### **WATER MANAGEMENT DISTRICTS**

#### **South Florida Water Management District**

RULE NO.: 40E-1.607  
RULE TITLE: Permit Application Processing Fees  
PURPOSE AND EFFECT: To adjust the District's permit application processing fees for environmental resource and surface water management permits, dredge and fill permits and formal determination of wetlands and other surface waters in accordance with Rule 62-113, F.A.C. In addition, the District is proposing additional adjustments to certain fees in order to recover a larger portion of the cost to the District to process, monitor and inspect for compliance.

SUMMARY: Pursuant to Rule 62-113, F.A.C. the Florida Department of Environmental Protection (FDEP) delegated its authority to the water management districts to adjust all of the permit application processing fees to reflect at a minimum, any upward adjustment in the Consumer Price Index by the United States Department of Labor since the original fee was established or most recently revised and to identify the inflation index used for making the fee adjustments. The proposed actual upward adjustments appear on Tables 40E-1.607(3)(a), (3)(b), and (5), F.A.C. The inflation index used for making all fee adjustments is the price paid by all urban consumers for a market basket of consumer goods and services; specifically, the CPI figures for the "CPI-U, U.S. City Average, All Items" established for the previous five years by the Bureau of Labor Statistics (BLS) ([www.bls.gov/cpi/](http://www.bls.gov/cpi/)), computed as provided in the BLS publication "Handbook of Methods", Chapter 17 ([www.bls.gov/opub/hom/pdf/homch17.pdf](http://www.bls.gov/opub/hom/pdf/homch17.pdf)).

Pursuant to Section 373.109, Fla. Stat., and the delegation in FDEP Rule 62-113, F.A.C., the District is also required to charge new fees under the Environmental Resource Permit program of Part IV, Chapter 373, F.S., as follows: (a) a new minimum fee of \$250 for environmental resource permit (ERP) noticed general permits and individual permits; (b) a new minimum fee of \$100 to verify qualification for an exemption

from regulation under Part IV, Chapter 373, Fla. Stat.; and (c) a new minimum fee of \$500 fee to conduct an informal wetland boundary determination.

In order to recover a larger portion of the cost to the District to process, monitor and inspect for compliance, the District is also proposing additional adjustments to fees for new individual permits for agricultural and non-agricultural projects (including mitigation banks), individual permit modifications for agricultural and non-agricultural projects (including mitigation banks), standard general permits and general permits for agricultural and non-agricultural projects both new and modified, early work, permit transfers, variances associated with environmental resource permit applications, new individual operation permits, environmental resource and surface water management letter modifications, new or modified individual or standard general permits solely for environmental restoration or enhancement activities provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S., dredge and fill Permits both short form and standard, variances associated with a wetland resource permit application, dredge and fill general permits and modifications, dredge and fill transfer of permits or time extensions, formal wetland determinations with modified categories. The District is also proposing a new \$100 fee to process no notice general permits pursuant to Rules 40E-400.315 and 40E-400.316, F.A.C., and a new \$500 fee to process permit extensions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Pursuant to Section 373.109, F.S., and Rule 62-113, F.A.C., minimum fees are proposed and fee adjustments are proposed based on upward adjustments to the Consumer Price Index (CPI), to reflect the increase in the cost of living since those fees were last adjusted. For certain fee categories, fee increases are proposed to recover a higher percentage of the costs of processing, monitoring, and inspecting for compliance. The increased fees are generally scaled in consideration of project size and complexity with higher fees charged for larger and more complex projects.

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

RULEMAKING AUTHORITY: 373.044, 373.109, 373.113, 373.421(2), 373.421(6)(b), 403.201 FS.

LAW IMPLEMENTED: 218.075, 373.016(5), 373.103, 373.109, 373.4135, 373.421(2), 373.421(6)(b), 403.201 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 13, 2009, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Clemente, P.E., Division Director, Regulatory Program Support, Environmental Resource Regulation, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 2308 or (561)682-2308, email: mclement@sfwmd.gov. For procedural issues contact Jan Sluth, Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.607 Permit Application Processing Fees.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure of any person to pay the applicable fees established herein will result in denial of an application. Activities that do not require a permit and are exempt pursuant to Rule 40E-2.051 or 40E-3.051, F.A.C., are not subject to the following permit application fees. The District's permit application processing fees are as follows:

(1) through (2) No change.

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

TABLE 40E-1.607(3)(a)

PERMIT APPLICATION PROCESSING FEES FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS

REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40, AND 40E-400, F.A.C.

Fee amounts shall apply to applications for conceptual and construction, or conceptual, or construction, except as noted.

Category	Amount
<del>New Individual Permit, except Mitigation Bank</del>	
Project area less than 100 acres	
Agriculture	\$ <u>4,029</u> <del>3050</del>
All others, <u>including Mitigation Banks</u>	\$ <u>7,500</u> <del>5000</del>
Project area 100 acres to less than 640 acres	
Agriculture	\$ <u>5,284</u> <del>4000</del>
All others, <u>including Mitigation Banks</u>	
Project area 640 acres or more	\$ <u>13,125</u> <del>7500</del>
Agriculture	\$ <u>6,605</u> <del>5000</del>
All others, <u>including Mitigation Banks</u>	\$ <u>25,000</u> <del>10,000</del>
<del>New Individual Permit, Mitigation Bank</del>	
Project area less than 100 acres	\$ <u>5000</u>
<del>Project area 100 acres to less than 640 acres</del>	\$ <u>7500</u>
<del>Project area 640 acres or more</del>	\$ <u>10,000</u>
<del>Individual Permit Modification, except Mitigation Bank</del>	
Project area less than 100 acres	
Agriculture	\$ <u>2,708</u> <del>2050</del>
All others, <u>including Mitigation Banks</u>	\$ <u>5,000</u> <del>3500</del>
Project area 100 acres to less than 640 acres	
Agriculture	\$ <u>3,303</u> <del>2500</del>
All others, <u>including Mitigation Banks</u>	\$ <u>10,000</u> <del>5000</del>
Project area 640 acres or more	
Agriculture	\$ <u>4,624</u> <del>3500</del>
All others, <u>including Mitigation Bank</u>	\$ <u>15,000</u> <del>7500</del>
<del>Individual Permit Modification, Mitigation Bank</del>	
Project area less than 100 acres	\$ <u>3500</u>
<del>Project area 100 acres to less than 640 acres</del>	\$ <u>5000</u>
<del>Project area 640 acres or more</del>	\$ <u>7500</u>
New Standard General Permit (excluding incidental site activities pursuant to Rule 40E-40.042, F.A.C.)	
Agriculture	\$ <u>859</u> <del>650</del>
All others	\$ <u>3,500</u> <del>2000</del>

Standard General Permit Modification including Application for phase construction under a Conceptual Approval Application for Individual Permit Modification for a system which does not exceed the criteria in Rule 40E-40.041, F.A.C., and which is not required to obtain an individual environmental resource permit for the reasons in subsection 40E-40.011(2), F.A.C.	\$ <del>661</del> 500
Agriculture	\$ <del>1,500</del> 4000
All others	
Noticed General Permit pursuant to Chapter 40E-400, F.A.C., including aquaculture	\$ <del>250</del> 400
Single family residential homesite consisting of 10 acres or less in total land area	\$ 100
Standard General Permit for incidental site activities pursuant to Rule 40E-40.042, F.A.C. (Early Work)	\$ <del>1,000</del> 500
Transfer of permit (including Mitigation Bank) to another entity pursuant to Rules 40E-1.6107 and 40E-4.351, F.A.C.	\$ <del>675</del> 450
Variance associated with an environmental resource permit application From paragraph 40E-4.301(1)(e), F.A.C	\$ <del>750</del> 400
From other permitting standards, permit conditions, or water quality standards	\$ <del>1,500</del> 500
New Individual Operation Permit	\$ <del>5,250</del> 3500
Letter Modification	\$ <del>250</del> 400
New Individual or Standard General Permits, or Individual or Standard General Permit Modifications, solely for environmental restoration or enhancement activities provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. Such activities may include incidental passive recreation and facilities to provide public access to the environmental restoration or enhancement site	\$ <del>250</del> 400
<u>No Notice General Permits pursuant to Rules 40E-400.315 and 40E-400.316, F.A.C.</u>	\$ <del>100</del>

<u>Verification that an activity is exempt from regulation under Part IV, Chapter 373 or 403.813, F.S.</u>	\$ <del>100</del>
<u>Informal wetland boundary determinations under Part IV of Chapter 373, F.S. for property less than or equal to 1 acre</u>	\$ <del>500</del>
<u>Permit Extensions</u>	\$ <del>500</del>

1. through 4. No change.

5. The District shall use the Consumer Price Index (CPI) adopted by the United States Department of Labor since the most recently revised fee increase for revising fees under Part IV of Chapter 373, F.S., pursuant to Section 373.109, F.S. The inflation index used is the price paid by all urban consumers for a market basket of consumer goods and services; specifically, the CPI figures for the "CPI-U, U.S. City Average, All Items" established for the previous five years by the Bureau of Labor Statistics (BLS) ([www.bls.gov/cpi/](http://www.bls.gov/cpi/)), computed as provided in the BLS publication "Handbook of Methods", Chapter 17 ([www.bls.gov/opub/hom/pdf/homch17.pdf](http://www.bls.gov/opub/hom/pdf/homch17.pdf)).

(b) Permit application processing fees for projects grandfathered pursuant to Section 373.414, F.S., wetland resource (dredge and fill) are in the following table:

TABLE 40E-1.607(3)(b)

PERMIT APPLICATION PROCESSING FEES FOR  
PROJECTS GRANDFATHERED PURSUANT TO  
SECTION 373.414, F.S.  
WETLAND RESOURCE (DREDGE AND FILL) PERMIT  
APPLICATIONS  
REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40,  
AND 40E-400, F.A.C.

Category	Amount
Construction projects up to and including 5 years	
Standard form projects including dredge and fill activities that affect 10 or more acres of jurisdictional area, pursuant to subsection 62-312.070(2), F.A.C. (1993).	\$ <del>7,500</del> 4000
Short form construction projects including dredging and filling activities that affect less than 10 acres of jurisdictional area, pursuant to subsection 62-312.070(2), F.A.C. (1993).	\$ <del>750</del> 500

~~Short form construction projects involving the construction of new docking or boardwalk facilities, pursuant to subsection 62-312.070(2), F.A.C. (1993), that provide:~~

~~0-2 new boat slips \$ 300~~

~~3-9 new boat slips \$ 500~~

~~Dredge and fill construction permits in excess of 5 years~~

~~Short form permits from 6 years up to and including 10 years \$3000~~

~~Standard form permit application processing fee for a construction period of 6 years shall be \$6000 and shall increase by \$1000 for each year beyond 6 years, up through and including 25 years and a corresponding fee of \$25,000.~~

~~Variance associated with a wetland resource permit application~~

~~From the prohibition of subsection 62-312.080(7), F.A.C. \$ 132 400~~

~~From other permitting standards, permit conditions, or water quality standards \$ 661 500~~

~~General Permits \$ 132 400~~

~~Minor modifications of permits that do not require substantial technical evaluation by the District, in conformance with subsections 62-4.050(6) and (7), F.A.C. (1993), do not require a new site inspection by the District, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit: \$ 66 50~~

~~Transfer of permits or time extensions~~

~~Minor technical changes~~

~~Existing permit fee is less than \$300, except for modification to permits issued pursuant to Section 403.816, F.S. \$ 66 50~~

~~Existing permit fee is equal to or more than \$300 \$ 330 250~~

1. through 3. No change.

(4) No change.

(5) Petition for Formal Determination of Wetlands and Other Surface Waters processing fees are in the following table:

TABLE 40E-1.607(5)  
 DETERMINATION PETITION PROCESSING FEES FOR FORMAL DETERMINATION OF WETLANDS AND OTHER SURFACE WATERS

For the validation of informal, non-binding wetland determinations pursuant to Section 373.421(6), F.S., the fees shall be the same as formal determinations listed in Table subsection 40E-1.607(5), F.A.C.

Category	Amount
Property less than or equal to 10 acres	\$500
Property greater than 10 acres but less than or equal to 100 acres	\$1,500
Property greater than 100 acres but less than or equal to 320 acres	\$3,500
Property greater than 320 acres	\$5,000
Property less than or equal to 1 acre	\$250
Property greater than 1 acre but less than or equal to 10 acres	\$550
Property greater than 10 acres but less than or equal to 40 acres	\$750
Property greater than 40 acres but less than or equal to 120 acres	\$1500
Property greater than 120 acres	\$1500
Each additional 100 acres or portion thereof	\$200
Renewal	\$350 250

(6) through (7) No change.

THE DISTRICT PROPOSES NOVEMBER 1, 2009 FOR THE EFFECTIVE DATE OF THIS RULE.

Rulemaking Specific Authority 373.044, 373.109, 373.113, 373.421(2), 373.421(6)(b) FS. Law Implemented 218.075, 373.109, 373.421(2), 373.421(6)(b), 403.201 FS. History—New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria Clemente, Division Director, Regulatory Program Support

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2009



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-4.100  
 RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

PURPOSE AND EFFECT: The proposed rule is necessary to incorporate the application form for residency or internship by reference.

SUMMARY: The proposed rule incorporates the application form for residency or internship by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) through (7) No change.

(8) To register for an orthotic or prosthetic internship or residency program, the applicant must submit a completed Registration in an Orthotic or Prosthetic Internship/Residency Program form, number DH-MQA 1133, Revised 11/08, which is hereby incorporated by reference and can be obtained from the board office or from the Board of Orthotist and Prostheti's website at <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.

Rulemaking Specific Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History—New 11-1-99, Amended 7-2-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

**Section III**  
**Notices of Changes, Corrections and Withdrawals**

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: 12B-5.401  
 RULE TITLE: Temporary Pollutant Importer License Issued Under a Declared Emergency

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 5, February 6, 2009 issue of the Florida Administrative Weekly. Rule 12B-5.401, F.A.C., was previously assigned. In compliance with Rule 1B-30.001, F.A.C., new rule number 12B-5.375, F.A.C., has been assigned to Rule 12B-5.401, F.A.C. This change does not affect the substance of the rule.

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: 12B-8.001  
 RULE TITLE: Premium Tax; Rate and Computation

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 20, May 22, 2009 issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated June 18, 2009, the provisions of sub-subparagraph a. of subparagraph 2. of paragraph (c) of subsection (3) of Rule 12B-8.001, F.A.C., have been clarified to provide that insurers who have paid an assessment to the Florida Life and Health Insurance Guaranty Association can claim a credit as provided in Section 631.72, F.S. When adopted, that sub-subparagraph will read:

2.a. Effective with the tax return filed for the 1997 taxable year, insurers who have paid an assessment to the Florida Life and Health Insurance Guaranty Association (Association FLHGA) may claim a credit for part of such assessment as provided for in Section 631.72, F.S. the Florida Statutes. Any credits not taken or utilized when available cannot be carried forward.