

# Florida Department of Environmental Protection Application Instructions Guide for Stan Mayfield Working Waterfronts Grant

## **WHAT IS STAN MAYFIELD WORKING WATERFRONTS (SMWW)?**

The Stan Mayfield Working Waterfronts (SMWW) Florida Forever program was created by the 2008 Florida Legislature and is administered by the Florida Communities Trust (FCT) pursuant to Sections 380.5105 and 259.105, Florida Statutes (F.S.).

The SMWW program provides grant funds for the acquisition of interests in land for the restoration and preservation of working waterfronts directly used for the purposes of the commercial harvest of marine organisms or saltwater products by state-licensed commercial fishermen, aquaculturists, or business entities, including piers, wharves, docks, or other facilities operated to provide waterfront access to licensed commercial fishermen, aquaculturists, or business entities.

SMWW grant funds may also be used for the acquisition of interests in land for exhibitions, demonstrations, educational venues, civic events, and other purposes that promote and educate the public about the economic, cultural, and historic heritage of Florida's traditional working waterfronts, including the marketing of the seafood and aquaculture industries.

The acquisition of land used for recreational waterfront activities is not considered within the SMWW program.

The SMWW Application, Resources, Rules and Statutes can be downloaded at <https://floridadep.gov/ooo/land-and-recreation-grants/content/florida-communities-trust-fct-home>.

## **FISCAL YEAR 2018-19 FUNDING**

The Florida Legislature appropriated \$2,000,000 for Fiscal Year 2018-19. In addition, a balance of \$2,268,238.57 remains from prior year funding. Therefore, a combined total of \$4,268,238.57 is available in funding for this application cycle. Under the provisions of subsection 62-820.003(6), F.A.C., the total amount of any Award or combination of Awards applied for by any Applicant(s) under any application(s) for any project(s) shall not exceed \$4,268,238.57.

## **WHO MAY APPLY FOR SMWW FUNDS?**

Stan Mayfield Working Waterfronts (SMWW) Florida Forever program is a state land acquisition grant program that provides funding to:

- Local Governments
- Eligible Nonprofit Working Waterfronts Organizations, or
- A partnership between a Local Government and Nonprofit Working Waterfronts Organization.

## **BUSINESS SUMMARY ELIGIBILITY REQUIREMENT**

A Business Summary that provides information on the applicable criteria outlined in the Business Summary section of Form SMWW-2 must be provided by the Applicant. **Applications submitted without the required Business Summary will not be considered by FCT for recommendation to the Board of Trustees.** Applications containing a Business Summary that is deemed insufficient by FCT will not be considered by the Board of Trustees. The Business Summary and other relevant information shall be the basis for the Management Plan that will guide the management and operation of funded projects.

## **HOW DO I APPLY?**

Applications for funding must be made on Application Form SMWW-2 (Form SMWW-2) following procedures outlined in Rule 62-820.003(1), F.A.C. This Guide contains instructions for completing Application Form SMWW-2. Please review all instructions before preparing the application. Do not alter the application's original language or format. Do not separate pages. Type responses directly on the form using "insert" mode to prevent lines from shifting.

Applicants must submit four (4) complete sets of Application materials. One set shall contain original text and non-text items. The remaining three sets shall contain legible copies of text and non-text items, unless otherwise specified in the Application form.

Applicants must submit the completed application and all supporting documents during the announced submission period of **June 1-June 29, 2018**. To facilitate review and scoring, FCT asks that applications be submitted in soft covered binders with all exhibits clearly tabbed. Applications must be received on or before the published application deadline, **BUT NO LATER THAN June 29, 2018 at 5:00 PM**. Please submit applications to:

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
LAND AND RECREATION GRANTS SECTION  
3900 COMMONWEALTH BOULEVARD, MAIL STATION 115  
TALLAHASSEE, FLORIDA 32399-3000

**Applications received after the published Application deadline shall be deemed late and will not be considered by the Trust.**

If you plan to prepare this document by retyping or downloading it to your computer, the language and format used must exactly match this application. You may request an electronic application by e-mailing: [FloridaCommunitiesTrust@FloridaDEP.gov](mailto:FloridaCommunitiesTrust@FloridaDEP.gov) or visit the FCT website at: <https://floridadep.gov/ooo/land-and-recreation-grants/content/florida-communities-trust-fct-home>.

We understand that some recipients depend on consultants to assist with their projects. However, please understand that the Grantee/Recipient is responsible for the grant and all that it encompasses. The grant agreements are between the Grantee and the State of Florida - Department of Environmental Protection, so the Grantee is ultimately responsible for knowing what's directly going on with the project(s) and will be held accountable.

## **WORKING WATERFRONT DEFINITION**

A Working Waterfront is defined in Section 380.503(18), F.S. as:

- a) A parcel or parcels of land directly used for the purposes of the commercial harvest of marine organisms or saltwater products by state-licensed commercial fishers, aquaculturists, or business entities, including piers, wharves, docks, or other facilities operated to provide waterfront access to licensed commercial fishers, aquaculturists, or business entities; or
- (b) A parcel or parcels of land used for exhibitions, demonstrations, educational venues, civic events, and other purposes that promote and educate the public about economic, cultural, and historic heritage of Florida's traditional working waterfronts, including the marketing of the seafood and aquaculture industries.

## **PROJECT REQUIREMENT**

The project proposed for funding in the grant application must clearly further the purposes of a Working Waterfront as defined above.

A Project Site is defined as specific area(s), defined by a boundary map or legal description and Certified Survey, where Florida Forever Funds are proposed in an Application to be used for all or a portion of the Acquisition. The Project Site may include up to three (3) ownerships. The Project Site may include non-contiguous parcels, so long as the non-contiguous areas are part of a unified scheme of development and management within the same Working Waterfronts and within 300 feet of each other. Applicants are encouraged to inventory available properties and determine which sites are most competitive (score the highest) by self-scoring the potential sites.

To minimize the possibility of encountering a prolonged or complicated site acquisition, it is strongly recommended that Applicants also take into consideration any serious impediments to a successful real estate closing such as known environmental hazards, an unreasonable number of parcels to be acquired, or an unwilling seller.

### **ACQUISITION TYPES**

- **Fee Simple** – The Project Site will be a joint acquisition with both FCT and the Applicant participating in the Acquisition process. FCT shall be responsible for all acquisition activities.
- **Less than Fee- Working Waterfront Covenants** – FCT and the Applicant will acquire a less than fee interest in the site – acquiring the development rights off the property while still allowing the owner to continue operation of the site as a Working Waterfront.

The use of condemnation or the threat of condemnation is not considered a Voluntarily-Negotiated Transaction. Parcels proposed to be acquired under these conditions do not qualify for Acquisition under the FCT program.

### **REQUIRED DUE DILIGENCE PRODUCTS:**

The following documents must be submitted and approved by DEP in order for grant funds to be dispersed:

- Copies of all title insurance commitments, including supporting documents; and title insurance policies, including any endorsements.
- A copy of a Certified Survey of the parcel, dated within ninety (90) days of the date of acquisition of the parcel.
- A copy of an appraisal (or two appraisals if the value is over \$1 million). Appraisals must be completed by a DEP Division of State Lands' approved appraiser.
- A copy of an environmental site assessment of the parcel certified to the Recipient, dated within ninety (90) days of the date of acquisition of the parcel.

### **WHAT IS THE MAXIMUM GRANT AMOUNT?**

Maximum grant funds an Applicant may apply for is \$4,268,238.57.

### **Grant Match Ratios:**

Match is not required but points are awarded for match provided. Refer to Chapter 62-820.006(4), F.A.C. for complete information on match requirements and Small Local Governments as defined in subsection 62-820.002(22), F.A.C.

The Applicant's eligible sources of Match may include, but are not limited to, the following sources:

- Existing or future cash from the Applicant.
- Cash or grant from federal, state, regional, county, municipal, or other agency.
- Cash from a private donation.
- Value of real property donated by the landowner in a documented bargain sale or donation agreement.

## **HOW ARE SMWW GRANTS AWARDED?**

The evaluation of Applications shall be based on the criteria set forth in Rule 62-820.006, F.A.C. and the information in Application Form SMWW-2. Trust staff shall utilize the information contained in the application (including exhibits) and all information obtained during its review of the application, including information obtained during site visits, in drafting an evaluation report and developing a ranking report to present to the FCT Governing Board. At a publicly noticed meeting, the FCT Governing Board will evaluate the reports and approve the recommended ranking report that will be presented to the Board of Trustees.

The Business Summary shall be evaluated for sufficiency based on information provided in Application Form SMWW-2. Staff from the issuing agency, and other state agencies as deemed necessary by FCT, shall review each Business Summary and provide comments to the FCT Governing Board. FCT staff shall prepare a recommended Business Summary sufficiency determination that takes into consideration comments received from the Department of Agriculture and Consumer Services and other agencies for consideration by the FCT Governing Board. Applications containing a Business Summary deemed insufficient by FCT will not be considered by the Board of Trustees.

An application shall receive all the points assigned to a particular criterion if the criterion is met; no partial scores will be given for a criterion. If a criterion does not apply to the proposed Project Site, the Applicant should state "No" in the response to the criterion.

If questions arise while preparing the application, please contact the FCT staff at (850) 245-2501 or by email at [FloridaCommunitiesTrust@FloridaDEP.gov](mailto:FloridaCommunitiesTrust@FloridaDEP.gov).

## **APPLICATION CHECKLIST**

Use the following Required Exhibits and Supporting Documentation List to make sure that all applicable and required documentation is included. To facilitate review and scoring, please tab all exhibits. **Applications will not receive points if all documents are not submitted.**

**Attach supporting documents at the end of the application in alphabetical order as follows:**

NOTE: Four (4) copies of the completed and signed application and all supporting documents must be submitted **no later than June 29, 2018, 5:00 PM** (1 original and 3 copies). **Use a soft covered binder.** (No Hard 3-ring binders)

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## **REQUIRED EXHIBITS AND SUPPORTING DOCUMENTATION**

Each of the following exhibits is required to be submitted with the grant Application. Provide a label and tab for each exhibit and please ensure that all exhibits are legible and of an appropriate scale. If two or more exhibits are consolidated, make sure this is reflected on the exhibit label. If a specific exhibit is not applicable, include an exhibit page with a statement that it is “Not Applicable.” Locate the exhibits behind the project evaluation criteria section of the Application.

### **Cover Letter - Front Cover, Required**

A cover letter on local government or nonprofit letterhead signed by the appropriate official or administrator. The cover letter must include the following information:

1. Key contact person including contact number and email address.
2. The address and driving directions to the project site.
3. A statement binding the applicant to fulfill all the commitments made in the application.
4. Applicant’s FEID Number.
5. Mailing Address for reimbursement; this address must match active account in MyFloridaMarketPlace. <https://vendor.myfloridamarketplace.com/vms-web/spring/login?execution=e1s1>

### **Exhibits**

#### **A. Nonprofit Environmental Organization Status – Tab Exhibit A, if applicable**

If the Applicant is a Non-profit Working Waterfronts Organization, provide evidence of status of the organization, including documentation from the Internal Revenue Service that the organization is recognized as a 501(c) organization, a copy of the Bylaws, and a copy of the Articles of Incorporation that can demonstrate that the support of Working Waterfronts as defined in Sections 380.503(18)(a) and (b), F.S., are among its principal purposes and goals. The required documentation is available online from the Department of State, Division of Corporations- <http://dos.myflorida.com/sunbiz/>.

#### **B. Nonprofit Environmental Organization Management Commitment – Tab Exhibit B, if applicable**

1. If the Applicant is a Non-profit Environmental Organization which anticipates being designated as the management entity, the Non-profit Environmental Organization shall provide documentation that they have funds on hand, or letters of commitment to provide the funds prior to closing on the Project Site. The amount equal to ten percent of the Project Cost to be set aside as a management endowment fund for the Project Site. **Label Exhibit B1**
2. The Non-profit Environmental Organization shall provide a guaranty or pledge by a Local Government, the Water Management District, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, or the Florida Department of Environmental Protection to act as a backup manager to take over the responsibility for management of the Project Site in the event the Non-profit Environmental Organization is unable to manage. **Label Exhibit B2**

#### **C. Source of Match – Tab Exhibit C, if applicable**

Third Party; Application question #10, page 3. **Label Exhibit C**

#### **D. Willing Owner Letter(s) – Tab Exhibit D, Required**

Letter from the owner(s) of each parcel(s), as identified in the Application, indicating their willingness to consider an offer. If a portion of the property is proposed for acquisition under a conservation easement,

provide a letter from the owner stating their willingness to consider an offer for a sale of a conservation easement.

If the Project Site is being acquired via less-than-fee or through a donation, the willing owner letter should state so clearly and should include a percentage and amount. **Label Exhibit D**

**E. Project Summary (Education Projects) – Tab Exhibit E, Required**

The Project Summary shall include a discussion of the purpose of the project, existing and future uses, existing and proposed physical improvements and historic resources. Include the size of any existing or proposed buildings. Indicate if any easements, concessions, or leases exist or are proposed. The recommended size for a Project Summary is one page. **Label Exhibit E**

**F. Business Summary – Tab Exhibit F, Required**

As outlined on pages 5 & 6 of Application Form SMWW-2. **Label Exhibit F**

**Location Documentation – Tab Exhibits G-L, if applicable**

**G.** Local Government documentation to include CRA Boundary Map and Copy of adopted Community Redevelopment Plan. **Label Exhibit G**

**H.** The Florida Coastal Office (formerly CAMA) Letter and Map. **Label Exhibit H**

**I.** FCT website confirmation of Municipality with population less than 30,000. **Label Exhibit I**

**J.** Department of Economic Opportunity Map and Letter – Working Waterfront Partnership Community Designation. **Label Exhibit J**

**K.** Department of Agriculture and Consumer Services Map and Letter – Aquaculture High Density Lease Area Designation. **Label Exhibit K**

**L.** FCT website confirmation of Rural Area of Critical Economic Concern/Area of Critical State Concern Designation. **Label Exhibit L**

**Economic Consideration – Tab Exhibits M-N, if applicable**

**M.** FCT website confirmation that Project Site exceeds average growth rate. **Label Exhibit M**

**N.** Federal or State verification project Site sustained hurricane damage in past 5 years. **Label Exhibit N**

**Site Suitability/Readiness – Tab Exhibits O-P, if applicable**

**O.** Structures – Photographs/Drawings and descriptions; Please title and clearly label each photograph per each criterion (i.e. (3)(b)2). **Label Exhibit O**

**P.** If Project Site is less than fee acquisition, Willing Owner Affidavit stating willingness to sell development rights off the property and to continue to operate the site as a Working Waterfront. **Label Exhibit P**

**Financial Contribution – Tab Exhibit Q, Required**

**Q.** If providing match, letter from CFO confirming match amount and source. **Label Exhibit Q**

**Community Planning – Tab Exhibits R-S, Required**

**R.** Copy of Future Land Use and Zoning Map or overlay and description consistent with application. **Label Exhibit R**

**S.** Excerpts from Local Government Comprehensive Plan highlighting the Policies and Objectives consistent with application. **Label Exhibit S**

**Public Education – Tab Exhibit T, if applicable**

- T.** Division of Historical Resources Map and Letter – National Register of Historic Places Designation. **Label Exhibit T**

**Other Criteria – Tab Exhibits U-DD, if applicable**

- U.** United States Geological Survey 7 1/2-minute quadrangle map with the boundary of the Project Site clearly delineated. **Label Exhibit U**
- V.** County Tax Appraiser’s map clearly delineating the Project Site boundary, names of the property owners, and parcel tax identification numbers, and ownership boundaries, using an appropriate scale. **Label Exhibit V**
- W.** Aerial photograph (1 inch = 2,000 feet or greater detail) with the Project Site boundary clearly delineated. **Label Exhibit W**
- X.** Physical improvements map of an appropriate scale that clearly delineates all existing physical improvements, alterations, or disturbances occurring on the Project Site; including but not limited to all cleared areas, buildings, roads, fences, docks, power lines, billboards, boat ramps, parking areas and known easements and rights-of-ways, and the approximate acreage of the foregoing. **Label Exhibit X**
- Y.** Conceptual site plan that clearly delineates the Project Site boundary and shows the approximate location of all proposed site improvements. **Label Exhibit Y**
- Z.** One set of labeled photographs of the Project Site which depict all on-site features on the Project Site and including, waterbodies, shorelines, historical features and existing improvements. Each photograph submitted shall include a legend that identifies the photograph location and key features that the photograph is intended to depict. **Label Exhibit Z**
- AA.** The Applicant must provide a letter from the issuing agency that verifies any facilities or structures owned by the Applicant that are located over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373 Part IV, 403 and 597, Florida Statutes and the submerged land lease and applicable fees and wet slip certification forms are current or that the structures are not located on state sovereignty submerged land. This letter must accompany the application. **Label Exhibit AA**
- BB.** The Applicant must provide a letter from the issuing agency that verifies any facilities or structures located on the Project Site that are over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373 Part IV, 403 and 597, Florida Statutes and the submerged land lease and applicable fees and wet slip certification forms are current or that the structures are not located on state sovereignty submerged land. This letter can be submitted no later than 48 hours before the FCT Governing Board meeting. **Label Exhibit BB**
- CC.** A letter from the local planning department that verifies the proposed uses of the Project Site are in compliance with the future land use designation and local zoning regulations. **Label Exhibit CC**
- DD.** A copy of each Local Comprehensive Plan objective and policy cited in the grant application that applies to the Project Site. Please highlight or underline the applicable plan directive being referenced. **Label Exhibit DD**

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