

**Florida Recreation Development
Assistance Program
(FRDAP)**

Please Retain for your Reference
ADMINISTRATIVE RULE



**Florida Department of Environmental Protection
Division of Recreation and Parks
Office of Information and Recreation Services
Effective August 15, 2004**

This handbook is being offered for the convenience of the applicant by the Department of Environmental Protection, Division of Recreation and Parks, Office of Information and Recreation Services. Although we have attempted to accurately reproduce this rule, it should not be regarded as the official copy. For an official version, refer to the publication *Florida Administrative Code Annotated*, available from Matthew Bender LexisNexis, 701 East Water Street, Charlottesville, Virginia 22902, or call 1-800-446-3410

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FRDAP Administrative Rule – FDEP Chapter 62D-5 Part V
**RULES OF THE
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
CHAPTER 62D-5
PART V
FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM**

62D-5.053 PURPOSE

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62D-5.053 PURPOSE. The Florida Department of Environmental Protection (DEP), pursuant to Section 375.075, F.S., is authorized to establish the Florida Recreation Development Assistance Program (FRDAP) to provide grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. The purpose of this part is to set forth procedures to govern the program.

Specific Authority 375.075 FS.

Law Implemented 375.075 FS.

History-New 12-10-90, Formerly 16D-5.053.

62D-5.054 DEFINITIONS. The terms used in this part are defined as follows:

(1) "ACQUISITION" means the act of obtaining real property or interests and rights thereon by various legal means to serve public outdoor recreation purposes.

(2) "APPLICANT" means a local governmental entity which submits an application for FRDAP funds to the Department during an announced application submission period.

(3) "APPLICATION" means a formal request for FRDAP funds by an applicant consisting of a complete project application form with all required documentation.

(4) "APPLICATION SUBMISSION PERIOD" means the formally announced period of time provided by the Department for the submission of FRDAP applications by local governmental entities.

(5) "CASH" means money paid by a grantee to purchase goods and services from private and independent sources for accomplishment of a FRDAP project. In-kind service costs are not cash.

(6) "CAPITAL IMPROVEMENT PLAN" means that portion of an applicant's adopted local comprehensive plan which indicates a schedule of capital improvement projects, including estimated costs and target dates for completion.

(7) "DEPARTMENT" means the Florida Department of Environmental Protection.

(8) "DEVELOPMENT" means the act of physically improving an area, facility, resource or site to increase its ability or capacity to serve public outdoor recreation purposes.

(9) "DIVISION OF RECREATION AND PARKS" means the Division of Recreation and Parks of the Florida Department of Environmental Protection.

(10) "DIVISION OF STATE LANDS" means the Division of State Lands of the Florida Department of Environmental Protection.

(11) "EVALUATION CRITERIA" means the standards used to evaluate FRDAP applications.

(12) "ESTIMATED PROGRAM FUNDS" means the amount of FRDAP funds estimated to be available for the subsequent fiscal year by the Department.

(13) "FACILITY" means a component of a capital improvement project.

(14) "FISCAL YEAR" means the State fiscal year, July 1 - June 30.

(15) "FRDAP" means the Florida Recreation Development Assistance Program.

(16) "FUNDING CYCLE" means the interval of time between the start of a FRDAP application submission period and appropriation of project funds by the Florida Legislature.

(17) "GRANT" means program funds authorized by the Secretary for release to a grantee for implementation of an approved project.

(18) "GRANTEE" means a local governmental entity receiving FRDAP funds

pursuant to an approved FRDAP application.

(19) "GREENWAY PLAN" means an adopted local or regional plan describing the acquisition and development of a system proposed to link natural areas, open spaces and trails in the area served.

(20) "GREENWAYS AND TRAILS PLAN" means the document entitled "Connecting Florida's Communities with Greenways and Trails", dated September, 1998, and available from the Office of Greenways and Trails, 3900 Commonwealth Boulevard, MS 795, Tallahassee, Florida 32399-3000, (850) 245-2052.

(21) "IN-KIND SERVICE COSTS" means in-house expenses incurred by a grantee for labor and materials and grantee-owned and maintained equipment for accomplishment of an approved FRDAP project. Volunteer labor, inmate labor, or donated materials are ineligible program expenses.

(22) "LAND VALUE" means the assessed fair market value of land used by a grantee as match to FRDAP funds.

(23) "LOCAL GOVERNMENT COMPREHENSIVE PLAN" means a plan adopted pursuant to Chapter 163, Florida Statutes.

(24) "LOCAL GOVERNMENTAL ENTITY" means a county government, municipality (incorporated city, town or village), or an independent special district of the State of Florida with legal responsibility for the provision of outdoor recreational sites and facilities for use and benefit of the general public.

(25) "LWCF" means the Land and Water Conservation Fund, administered pursuant to Chapter 62D-5, Part VII, Florida Administrative Code.

(26) "MATCH" means the provision of cash, in-kind service costs or land value in the ratio required by this rule to be added to FRDAP funds by the grantee for the project cost.

(27) "MIXED-USE/MULTI-USE TRAIL" means a trail or corridor designated for more than one use, including motorized or non-motorized uses.

(28) "MOTORIZED TRAIL" means a trail specifically for off-road recreational motorized vehicular activities, including all-terrain vehicle riding, motorcycling, use of off-road light trucks, e-bikes, or other off-road motorized vehicles.

(29) "NEEDS" means a deficiency in or a necessity to carry out a predetermined level of recreational service.

(30) "NEW CONSTRUCTION" means building of new facilities not previously in existence.

(31) "NONMOTORIZED TRAIL" means a trail designated for foot, bicycle, canoe/kayak, equestrian traffic, or other nonmotorized uses.

(32) "OPEN SPACE" means an outdoor area whose purpose is to provide a source of recreation which contributes to environmental harmony through the enrichment of flora, fauna, wildlife habitat, and geological features.

(33) "OUTDOOR RECREATION" means the pursuit of leisure activities in an outdoor environment.

(34) "PREAGREEMENT EXPENSES" means expenses incurred by a grantee for accomplishment of an eligible FRDAP project prior to full execution of a project agreement.

(35) "PRIMARY FACILITY" means any facility which could stand alone and provide outdoor recreation without a support facility. Examples of primary facilities are: beach access, trailhead and trailside facilities, fishing piers, boat ramps and docks, canoe trails, boardwalks, observation towers, ball fields, tennis and basketball courts, playgrounds, hiking, nature and bike trails, or skate facilities.

(36) "PRIORITY LIST" means a list that contains all eligible applications which will meet or exceed the minimum point score as identified under paragraph 62D-5.0563(b).

(37) "PROGRAM" means the Florida Recreation Development Assistance Program.

(38) "PROGRAM AMOUNT" means the amount of FRDAP funds appropriated by the Florida Legislature for the subsequent fiscal year.

(39) "PROJECT" means the planned undertaking in which all actions or activities have a clear-cut identity and a well-defined, common outdoor recreation objective that has been planned to the point of definite implementation for which FRDAP funds will be used.

(40) "PROJECT AGREEMENT" means an executed contract between the Department and a grantee setting forth mutual obligations regarding an approved FRDAP project.

(41) "PROJECT COMPLETION" means the project is open and available for use by the public. Project must be designated complete prior to release of final reimbursement.

(42) "PROJECT COMPLETION DATE" means the date specified in a project agreement by which a grantee shall complete an approved FRDAP project and incur all grant and if applicable, match related expenses.

(43) "PROJECT COST" means the total of a FRDAP grant award and required match.

(44) "PROJECT ELEMENT" means an identified facility within a project.

(45) "PROJECT PERIOD" means the period of time set forth in a project agreement during which eligible project costs may be incurred and charged to the grant.

(46) "PROJECT SITE" means the specific area, and boundaries thereof, as shown by a survey and a legal description, for which FRDAP funds are used.

(47) "REAL PROPERTY" means land and improvements attached or affixed to the land.

(48) "RECREATIONAL TRAIL" means a linear corridor and any adjacent support parcels on land or water providing public access for recreation or authorized alternative modes of transportation such as bicycling, hiking, equestrian, and aquatic or water activities.

(49) "RENOVATION" means repair, replacement, or restoration of like facilities to an improved state suitable for public use, which facilities have deteriorated due to natural causes to the point where their usefulness is impaired.

(50) "RTP" means the Recreational Trails Program of the Office of Greenways and Trails, administered pursuant to Chapter 62S-2, F.A.C.

(51) "SECRETARY" means the Secretary of the Florida Department of Environmental Protection.

(52) "STAFF" means Department staff.

(53) "SCORP" means the State Comprehensive Outdoor Recreation Plan for the State of Florida prepared under Section 375.021, F.S.

(54) "SUPPORT FACILITY" means a facility which could not stand alone, or which would have little or no public outdoor recreational value without the primary facility. Examples of support facilities are: parking lots, restrooms, bathhouses, combined restroom-

concession stand buildings, access roads, walkways, landscaping, security lighting and fencing, and interpretive signs.

(55) "TRAIL CONSTRUCTION" means the act of developing new or renovating recreational trails, which may include trailhead and trailside facilities.

(56) "TRAIL SYSTEM" means a set of interconnected components that function as a whole and thereby achieve a behavior or performance that is different than the sum of each of the components taken separately.

(56) "TRAILHEAD" means a point of access to a trail. It shall be accessible from a public road and have restrooms and parking available.

Specific Authority 375.075 FS.

Law Implemented 375.075 FS.

History-New 12-10-90, Formerly 16D-5.054, Amended 8-13-98, 8-23-00,7-5-01, 8-15-04.

62D-5.055 GENERAL REQUIREMENTS. The following constitutes the general procedures for the program:

(1) **DISTRIBUTION OF PROGRAM FUNDS.** FRDAP funds are distributed as reimbursement grants by the Department on a project-by-project basis to applicants eligible under this rule. The Department's performance and obligation to award program grants are contingent upon an annual appropriation by the Florida Legislature for the subsequent fiscal year.

(2) **APPLICATION SUBMISSION PERIOD.** The Department shall accept program applications only during the application submission period. Applications must be postmarked on or before the last day of the application submission period. The Department shall publicize the dates of the application submission period and other pertinent application information specified in this rule in the Florida Administrative Weekly.

(3) **MAXIMUM GRANT REQUEST.** The Department shall announce the maximum funds that an applicant may request in a FRDAP application in the publication of the application submission period.

(4) **MATCH REQUIREMENTS.** Match requirements for FRDAP grants are set forth below:

(a) Match Ratios. The following match ratios apply:

Total Project Cost	State Share	Grantee Share
\$50,000 or less	100%	0
\$50,001-150,000	75%	25%
Over \$150,000	50%	50%

(b) Eligible Match Types. A grantee may utilize the following types of match sources for the grantee share:

- 1. Cash.**
- 2. In-kind service costs.**
- 3. Land Value.** The value of a project site, which has no recreational facilities already on it, owned by the applicant. The applicant must submit an appraisal prepared pursuant to Subparagraph 62D-5.058(6)(f)(1), F.A.C. or documentation from the County Property Appraiser showing the current assessed value of the land.

(c) Ineligible Match Sources. Land value of property acquired through FRDAP or other state and federal grant land acquisition programs, such as: Land and Water Conservation Fund, legislative special interest projects, Florida Communities Trust, Conservation and Recreation Lands Program (CARL), Save Our Rivers, Preservation 2000, Florida Forever, Recreational Trails Program (RTP), and Land Acquisition Trust Fund (LATF).

(5) GRANT AWARD. The Secretary shall approve applications to the extent of estimated available program funds based on a review of staff's recommended application priority lists of eligible applications established pursuant to Subsections 62D-5.055(6) and (7) and Section 62D-5.057, F.A.C. The Secretary shall approve the final application priority list, and the Department shall submit the list to the Executive Office of the Governor and to the House and Senate Appropriations Committees for funding consideration for the subsequent fiscal year.

(6) PROGRAM AMOUNT ALLOCATION. For each funding cycle, the Department shall divide the estimated available program amount into two funds: Small and Large Funds. The percentage of the program amount that is allocated to each fund is determined by the percentage of funds requested by applicants in that fund.

(a) Small Projects Fund. The dollar amount of eligible applications proposing projects that do not exceed \$50,000 in project cost divided by the total dollar amount of requested funds in all eligible program applications.

(b) Large Projects Funds. The dollar amount of eligible applications proposing projects that exceed \$50,000 in project cost divided by the total dollar amount of requested funds in all eligible program applications.

(7) RECOMMENDED APPLICATION PRIORITY LIST. The program amount assigned to each fund, established pursuant to Subsection 62D-5.055(6), F.A.C., shall be divided into three categories: acquisition, development, and trail construction. The fund amount assigned to each category is based on the percentage of funds in each category in relationship to the total amount of requested funds in all eligible project applications for each fund. Likewise, eligible project applications shall be divided into land acquisition, facility development, and trail construction categories in each fund and evaluated according to Section 62D-5.057, F.A.C. A total point score shall be assigned to each application upon evaluation of each under Sections 62D-5.056 and 5.057, F.A.C. Department staff shall prepare one priority list for each fund. Applications shall be ranked on the priority list according to assigned point scores. The application with the highest score will receive the highest priority. The remaining applications will be arranged in descending order according to their assigned point scores. Applications scoring below the minimum, established pursuant to Paragraph 62D-5.056(3)(c), F.A.C. shall not be placed on the priority list. The priority list shall include recommendations for distribution of available program funds. In the event there are insufficient applications to account for all program funds assigned to a category or fund, the remaining funds shall then be allocated to the other categories or funds.

(8) TIE-BREAKER SYSTEM. If two or more applications receive the same score as a result of the above evaluation, the tie-breaker system will be used to decide the priority ranking among them. Tied applications will be evaluated according to each step of the tie-breaker system in order and will be assigned their priority accordingly. If the tie is not broken by using step one, step two will be used.

(a) Step I - Per Capita Funding History. An order of priority among those applications with equal scores shall be established based on the per capita amount of funds previously received by the applicant through FRDAP during the previous five fiscal years. The application from the applicant which received the lowest per capita amount of program funds receives the highest priority. Other applications will be arranged in descending order related inversely to the per capita amount of program funds each has received. The resident population within the applicant's jurisdictional boundaries shall be utilized to compute the per capita amount of funds each applicant has received.

(b) Step II - Per Capita Operating Budget. The applicant with the lowest per capita expenditure of general operating funds receives the highest priority. The resident population within the applicant's jurisdictional boundaries, as determined in Step I, will be divided into the applicant's current fiscal year total general operating budget to obtain the per capita operating fund amount.

(9) RETROACTIVE PROJECTS. Retroactive projects are eligible if they otherwise meet rule criteria, funds are available, and project costs have occurred within one (1) year prior to the approval of funding by the Governor.

(10) UNSETTLED CLAIMS. The Department shall deny or suspend program eligibility to any applicant or grantee against which the Department has an unsettled financial claim.

Specific Authority 375.075 FS.

Law Implemented 375.075 FS.

History-New 12-10-90, Formerly 16D-5.055, Amended 8-13-98, 7-5-01.

62D-5.056 APPLICATION REQUIREMENTS AND PROCESSING.

The Department shall approve applications for program grants in order of priority until all program funds are depleted under the following standards and criteria:

(1) ELIGIBLE APPLICANTS. All local governmental entities with the legal responsibility for the provision of outdoor recreational sites and facilities for the use and

benefit of the public may submit FRDAP applications during the application submission period.

(2) PROJECT ELIGIBILITY.

(a) Outdoor Recreation: FRDAP grants shall only be awarded to grantees for projects that are for the sole purpose of providing outdoor recreational opportunities to the public.

(b) Eligible Site: The site of a FRDAP development project shall be owned by the applicant, or shall be under lease to the applicant for a period of time sufficient to satisfy the dedication period required by this rule, by the submission period deadline. The Department shall make exceptions when the applicant demonstrates that: 1) it is in the public interest; 2) it complies with all other parts of the rule; and 3) it serves the legislative intent of s. 375.075, F.S. Other forms of real property interest will be considered if the applicant provides clear and explicit documentation showing that it has the sole ability to control, manage, and dedicate the park for the required period of time. Site control verification must be received by the close of the submission cycle, as required by form FPS-A033 described in subsection (6) of this rule. Eligible sites shall not include school board property. Eligible sites shall be dedicated or managed for public recreational use pursuant to Section 62D-5.059, F.A.C.

(c) Number of Applications: An applicant may submit no more than two applications during each application submission period, with the exception of a consolidated city-county government which may submit four applications.

(d) Active Projects: A grantee with two incomplete FRDAP projects by the closing date of an application submission period shall only be eligible to submit one additional application.

(e) Duplicate Projects: A grantee shall not apply for FRDAP funds to complete an approved or incomplete FRDAP, LWCF or RTP project. An applicant shall not submit the same application, in whole or in part, for more than one of the following: Florida Recreation Development Assistance Program, Land and Water Conservation Fund, or Recreational Trails Program, in concurrent or overlapping funding cycles.

(3) ELIGIBILITY DETERMINATION. Following closure of an application submission period, Department staff will review and determine the eligibility of each applicant based on the following:

(a) Applications received by the application submission deadline will be reviewed and evaluated by Department staff based on the materials submitted. Applicants will be notified of the timely receipt and status of their application(s).

(b) No additional information shall be accepted after the application submission deadline, unless specifically requested by Department staff for clarification of information provided in the application received by the published application submission deadline.

(c) Ineligibility: An application, in whole or in part, may be declared ineligible by the Department pursuant to Paragraphs 62D-5.056 (2)(a-e), F.A.C. The Department may determine that a project site or facility is not viable or practical. A project site would not be considered practical if it has documented and unresolved environmental violations on the site. A project site or facility would not be considered viable if it does not receive a minimum number of 53 points as awarded under Section 62D-5.057, F.A.C.

(4) APPLICATION EVALUATION. Each eligible application shall be evaluated on the basis of the information provided in the application and in accordance with this part. Each application shall be assigned a total point score pursuant to Subsection 62D-5.055(7) and Section 62D-5.057, F.A.C.

(5) UNFUNDED AND INELIGIBLE APPLICATIONS. Any unfunded or ineligible application may be returned to the applicant upon request. If no request is made within 30 days after notification of grant awards, unfunded applications shall be discarded by staff.

(6) APPLICATION FORM. The Florida Recreation Development Assistance Program Application Form, FPS-A033, effective date, 08/13/98 is hereby incorporated by reference and is available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585 Tallahassee, Florida 32399-3000, (850)245-2501.

Specific Authority 375.075 FS.

Law Implemented 375.075 FS.

History-New 12-10-90, Formerly 16D-5.056, Amended 8-13-98, 8-23-00, 7-5-01, 8-15-04.

62D-5.057 EVALUATION CRITERIA. Pursuant to Subsection 62D-5.055(7), F.A.C., a total point score shall be assigned to each eligible application after an evaluation according to the application criteria which follows:

(1) GENERAL CRITERIA.

(a) The project implements the applicant's adopted local comprehensive plan and is included in the Capital Improvement Plan (CIP) or schedule during the current or next three (3) fiscal years:

20 points

or

is included as part of the plan through an adopted resolution committing the applicant to amend their CIP and complete the project should it receive program funds:

10 points

(b) The project would address one or more issues or goals as identified in the State Comprehensive Outdoor Recreation Plan:

4 points

(c) The project provides for a priority resource or facility need in the applicant's planning region identified in the State Comprehensive Outdoor Recreation Plan:

7 points

(d) The applicant obtained public participation through the following methods:

21 maximum points

Presentation at an advertised public meeting held solely for the discussion of the proposed project.

10 points

Presentation at a regularly scheduled advisory board meeting responsible for park, recreation and leisure service activities.

7 points

Presentation to community organizations or neighborhood associations or opinion surveys.

4 points

(e) The applicant has the capability to develop, operate and maintain the project: Has a full-time recreation or park department staffed to provide facility development, programming and maintenance capabilities.

6 points

or

Has demonstrated the existence of a full-time ability to provide facility development, programming and maintenance capabilities.

4 points

or

Has other means of providing facility development, programming and maintenance capabilities.

2 points

(f) The project is supported through a written cooperative agreement between the applicant and a private or public entity in which said entity agrees to furnish 10% or more of the cash, land, or labor services for the project.

3 points

(g) The project creates or enhances the development, extension or connection of local, regional, state or national parks, greenways, or trails. The project would provide for increased trail access by (a) connecting an existing, publicly owned and designated recreational trail with a project trail outside the project boundary; or (b) connecting two publicly designated trails outside of any park.

5 points

(2) DEVELOPMENT CRITERIA.

(a) The project provides for new development of entirely undeveloped park property:

5 points

(b) The project provides facilities identified in the priority ranked index clusters of outdoor facilities needs for renovation and/or new construction identified within the applicant's population density set forth in the Department's study entitled "Infrastructure Assessment of Local Government Recreation and Park Department Facility Needs in the State of Florida", effective December 1995, and incorporated herein by reference:

1 First priority ranked cluster: 6 points for each facility

2 Second priority ranked cluster: 5 points for each facility

3 Third priority ranked cluster: 4 points for each facility

4 Fourth priority ranked cluster: 3 points for each facility

5 Fifth priority ranked cluster: 2 points for each facility

6 Sixth priority ranked cluster: 1 point for each facility

(A project facility not listed in the priority ranked indexes will receive a score of a similar facility included in the indexes, as determined by Department staff).

30 maximum points

(c) The project, in whole or in part, addresses the priority funding needs for new construction, renovation, or a combination of the two for the applicant's population density identified in the Department's study entitled "Infrastructure Assessment of Local Government Recreation and Park Department Facility Needs in the State of Florida", identified in (2)(b) above:

Higher priority or combination of new construction and renovation 13 points

Lower priority. 8 points

(3) ACQUISITION CRITERIA.

(a) The project provides for development of facilities identified in the top three priority ranked index clusters of outdoor facilities needs for new construction identified within the applicant's population density set forth in the Department's study entitled "Infrastructure

Assessment of Local Government Recreation and Park Department Facility Needs in the State of Florida”, effective December 1995, and incorporated herein by reference:

15 points

(b) The project provides needed recreational acreage pursuant to the applicant's adopted local comprehensive plan:

15 points

(c) The applicant has identified development of the property in their capital improvement plan (CIP) or schedule during the current or next 3 fiscal years:

6 points

or

The applicant has included development of the property as part of the plan through an adopted resolution committing the applicant to amend their CIP and develop the property should it receive program funds.

3 points

(4) TRAIL CONSTRUCTION CRITERIA.

(a) The project provides for new trail construction on an entirely undeveloped park property:

5 points

(b) The project addresses one or more of the recommendations identified in the Greenways and Trails Plan:

6 points

(c) The project is located on or connects with a Florida Designated Greenway or Trail:

3 points

(d) The project implements an adopted local or regional Greenways or Trails Plan:

4 points

(e) The specific trail design demonstrates that the project will support mixed use/multi-use trail opportunities:

8 points

or

Single use recreational trail opportunities:

6 points

(f) The project addresses the priority funding needs for new construction, renovation, or a combination of the two for the applicant's population density identified in the Department's study entitled "Infrastructure Assessment of Local Government Recreation and Park Department Facility Needs in the State of Florida", effective December 1995, available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000, (850) 245-2501, and incorporated herein by reference for one of the following:

Higher priority or combination of new construction and renovation: 13 points

Lower priority 8 points

Specific Authority 375.075 FS.

Law Implemented 375.075 FS.

History-New 12-10-90, Formerly 16D-5.057, Amended 8-13-98, 8-23-00, 7-5-01, 8-15-04.

62D-5.058 GRANT ADMINISTRATION. The following constitutes procedures for administration of program grants:

(1) PROJECT AGREEMENT. After the Legislature appropriates FRDAP funds, the Department and grantee shall enter into a project agreement which sets forth the responsibilities and duties of each regarding administration of the approved project. The project agreement shall contain terms and conditions particular to each project. Project agreements are not transferable.

(2) PAYMENT BASIS. Grantees shall be paid program funds by the Department subject to the following conditions:

(a) Project Costs. Payment of project costs shall be reimbursed as provided for in this rule and in the project agreement. Costs shall be incurred between the effective date of, and the project completion date identified in, the project agreement except for pre-agreement costs. Costs for appraisals, appraisal review, surveys (boundary and topographic), title

searches, and project signs are eligible project expenses. If the total cost of the project exceeds the grant amount and the required match, the grantee must pay the excess cost.

(b) **Cost Limits.** Project planning expenses, such as application preparation, architectural and engineering fees, permitting fees, project inspection, and other similar fees, are eligible project costs provided that such costs do not exceed fifteen percent of the project cost.

(c) **Retention.** The Department shall retain ten percent of the grant until the grantee completes the project and the Department approves the completion documentation set forth in Paragraphs 62D-5.058 (6)(g) and (7)(d).

(3) **ACCOUNTABILITY.** The following procedures shall govern the accountability of program funds:

(a) **Accounting System.** Each grantee shall maintain an accounting system which meets generally accepted accounting principles and shall maintain financial records to properly account for all program and matching funds.

(b) **Grant and Contract Accountability Procedure.** The grantee shall ensure the requirements of the Division's Grant and Contract Accountability Procedure, effective January 23, 1997, incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000, (850)245-2501.

(4) **PROJECT COMPLETION CERTIFICATION.** The grantee shall submit to the Department a Project Completion Certificate, FPS-A037, effective date 08/13/98, hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida, 32399-3000,(850) 245-2501.

(5) **REVERTED PROJECT FUNDS.** FRDAP funds remaining after termination of a grant award or grantee completion of project shall revert to the Department under the provisions of Section 216.301, Florida Statutes. If any funds awarded during a funding cycle are not accepted by the grantee or become available before termination of the fiscal year for

which they were appropriated, the Department shall offer the funds to unfunded applicants in order of priority.

(6) ACQUISITION PROJECTS. The following constitutes the specific procedures for administration of acquisition projects:

(a) Grant Period. The grantee will have up to one year from the effective date of the project agreement to purchase the property. Department staff will extend this period for good cause such as financial hardship, public controversy, or factors beyond grantee's control, at the written request of the grantee. Extensions shall not exceed three years from the start of the fiscal year in which funds are appropriated.

(b) Ownership. Title to land acquired with program funds shall vest with the grantee.

(c) Procurement. The grantee shall purchase the property according to its adopted acquisition methods.

(d) Assumption of Title. The grantee shall not purchase the property until the project agreement is fully executed and Department staff approves the commencement documentation required by Paragraph 62D-5.058(6)(f), F.A.C. unless otherwise specified in this part.

(e) Site Development. The grantee will have up to three (3) years from the completion date set forth in the project completion certificate to develop the property.

(f) Commencement Documentation. Prior to commencement of acquisition procedures, the grantee shall submit for approval the documentation described in the Florida Recreation Development Assistance Program Acquisition Project Commencement Documentation Form, FPS-A034, effective date 08/13/98, hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000, (850)245-2501.

1. Appraisal. Prior to the Department staff authorizing the grantee to commence acquisition procedures, the grantee shall submit to the Department an appraisal, prepared in accordance with the uniform standards of professional appraisal practices, which establishes the fair market value of the project site. The fair market value of the project site shall be based on its highest and best use. If the property is \$500,000 or less in appraised value, one

appraisal is required. If the property exceeds \$500,000 in appraised value, two appraisals are required. The appraisal(s) must be dated no earlier than six months prior to the closing date of the application submission period and prepared by an appraiser on the list of approved appraisers maintained by the Department's Division of State Lands under the provisions of Sections 253.025 (6)(b), F.S., 259.041(7)(c), F.S., and Section 18-1.007, F.A.C. The list of approved appraisers may be obtained from the Division of State Lands, Bureau of Appraisal, 3900-Commonwealth Boulevard, Mail Station 110, Tallahassee, Florida, 32399-3000, (850) 245-2658. If two appraisals are required for the project, the lower of the approved appraised values is the basis of the acquisition cost for program purposes.

2. Survey. For all acquisition projects, the grantee shall submit to the Department a survey of the project site. The survey must provide a legal description and sketch of the property's boundaries, display known easements and encroachments, if any, be legally sufficient to identify the site, be updated to within one year of the closing date of the application submission period, and must be signed and sealed by a professional surveyor and mapper licensed under provisions of Chapter 472, F. S. Along with the survey, the grantee shall submit a title opinion, prepared by a member of the Florida Bar or a licensed title insurer. The title opinion shall cover the prior thirty year period.

(g) Completion Documentation. Upon completion of an acquisition and prior to release of the final payment, the grantee shall submit all documentation described in the Florida Recreation Development Assistance Program Acquisition Project Completion Documentation Form, FPS-A036, effective date 08/13/98, incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard Mail Station 585, Tallahassee, Florida, 32399-3000, (850) 245-2501.

(7) DEVELOPMENT PROJECTS AND TRAIL CONSTRUCTION. The following constitutes the specific procedures for administration of development projects:

(a) Grant Period. The grantee will have up to three years from the start of the fiscal year in which funds are appropriated to complete the project. If the project is not completed within three years from the start of the fiscal year in which funds are appropriated, the

contract shall be terminated and the project funds shall be reverted to the revenue fund from which they were appropriated.

(b) Procurement of Goods and Services. The grantee shall secure all goods and services for accomplishment of the project according to its adopted procurement procedures.

(c) Commencement Documentation. Prior to commencement of project construction, the grantee shall submit for approval the documentation described in the Florida Recreation Development Assistance Program Development Project Commencement/Reimbursement Documentation Form, FPS-A034, effective 08/13/98, hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida, 32399-3000,(850)245-2501.

1. Project Permitting Certification. The grantee shall submit to the Department a Project Permitting Certificate, FPS-A035, effective date 08/13/98, hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000,(850)245-2501.

2. Land Value Match. Prior to the Department staff authorizing the grantee to commence construction of a project utilizing land value as match, the grantee shall submit to the Department an appraisal, prepared in accordance with the uniform standards of professional appraisal practices, which establishes the fair market value of the project site. The fair market value of the project site shall be based on its highest and best use. The appraisal must be dated no earlier than one year prior to the closing date of the application submission period and prepared by an appraiser on the list of approved appraisers maintained by the Department's Division of State Lands; under provision of Sections 253.025 (6)(b), F.S., 259.041(7)(c),F.S., and Section 18-1.007, F.A.C. The list of approved appraisers may be obtained from the Division of State Lands, Bureau of Appraisal, 3900 Commonwealth Boulevard, Mail Station 110, Tallahassee, Florida, 32399-3000, 245-2658. In lieu of obtaining an appraisal to establish the site's fair market value, the grantee may use the assessed value of the project site supported by documentation of the current assessed value from the County Property Appraiser. Approved fair market or assessed land value not used by the

grantee for a match on an approved project may be used as matching funds on a subsequent approved project within two years after the Secretary's approval of the initial project, and the grantee need not obtain a new appraisal or documentation of land value. Such use is limited to one additional project.

3. Survey. For all projects, the grantee shall submit to the Department a survey of the project site. The survey must provide a legal description and sketch of the site's boundaries, display known easements and encroachments, if any, be legally sufficient to identify the site, and must be signed and sealed by a professional surveyor and mapper licensed under provisions of Chapter 472, F.S. Along with the survey, the grantee shall submit a title opinion, prepared by a member of the Florida Bar or a licensed title insurer. The title opinion shall cover the prior thirty year period.

(d) Completion Documentation. Upon completion of the project and prior to release of the final payment, the grantee shall submit all documentation described in the Florida Recreation Development Assistance Program Project Development Completion Documentation Form, FPS-A036, effective 08/13/98, incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida, 32399-3000,(850)245-2501.

(e) Inspections. The Department shall have the right to perform an on-site inspection of the project site to ensure compliance with the project agreement prior to release of the final grant payment.

Specific Authority 375.075 FS.

Law Implemented 375.075 FS.

History-New 12-10-90, Formerly 16D-5.058, Amended 8-13-98, 8-23-00, 7-5-01, 8-15-04.

62D-5.059 COMPLIANCE RESPONSIBILITIES. The following constitutes the general requirements for program compliance:

(1) SITE DEDICATION. Land owned by the grantee, which is developed or acquired with FRDAP funds, shall be dedicated in perpetuity as an outdoor recreational site for the use

and benefit of the general public. Land under control other than by ownership of the grantee such as by lease, shall be dedicated as an outdoor recreation area for the use and benefit of the general public for a minimum period of 25 years from the completion date set forth in the project completion certificate. The dedications must be recorded in the public property records by the grantee.

(2) MANAGEMENT OF PROJECT SITES. Grantees shall ensure by site inspections that facilities on project sites developed with FRDAP funds are being operated and maintained for outdoor recreational purposes for a minimum period of twenty-five (25) years from the completion date set forth in the project completion certificate. All project sites shall be open at reasonable times and shall be managed in a safe and attractive manner.

(3) CONVERSION. Should a grantee, within the periods set forth in Subsections 62D-5.059 (1) and (2), convert all or part of the project site to other than public outdoor recreational uses, the grantee shall replace the area, facilities, resource or site at its own expense with a project of comparable scope and quality.

(4) NON-COMPLIANCE. The Department shall terminate a project agreement and demand return of the program funds (including interest) for non-compliance by a grantee with the terms stated in the project agreement or this rule. If grantee fails to comply with the provisions of this part or the project agreement, the Department shall declare the grantee ineligible for further participation in FRDAP until such time as compliance has been obtained.

(5) PUBLIC ACCESSIBILITY. All facilities shall be accessible to the public on a non-exclusive basis without regard to age, sex, race, religion, or ability level.

(6) ENTRANCE FEES. Reasonable differences in entrance fees for program projects may be maintained on the basis of residence. Such fees may only be charged if the grantee can clearly show that the difference in entrance fees reflects, and is substantially related to, all economic factors related to park management, and it is not simply related to the amount of tax dollars spent by the residents for the park; and that a definite burden on the grantee in park maintenance costs clearly justifies a higher fee for nonresidents.

(7) NATIVE PLANTINGS. In developing a project area with program funds, a grantee shall primarily use vegetation native to the area, except for lawn grasses.

(8) POST COMPLETION INSPECTIONS. Department staff shall have the right to perform an on-site inspection of completed program sites to ensure compliance with program requirements as stated in Subsections (1), (2) and (3) of this section.

Specific Authority 375.075 FS.

Law Implemented 375.075 FS.

History-New 12-10-90, Formerly 16D-5.059, Amended 8-13-98, 8-15-04.