

FLORIDA DEPARTMENT OF NATURAL RESOURCES

FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM

Project Agreement

FRDAP # 4-32-2
(project number)

This Project Agreement made and entered into this 15th day of September, 1983, by and between the State of Florida Department of Natural Resources, hereinafter called DEPARTMENT, and Nassau County, hereinafter called the PROJECT SPONSOR, in furtherance of an approved outdoor recreation project involving the parties hereto in pursuance of which the parties hereto agree as follows:

1. This Project Agreement shall be performed pursuant to Section 375.021(3), Florida Statutes and Chapter 16D-5, Part II, Florida Administrative Code, attached hereto as Exhibit "A". In the event a dispute should arise between the parties concerning the intent of the language herein contained, the same shall be resolved by the adoption of that meaning which furthers the intent and purpose of said actions of the Florida Legislature and the Executive Board of the Department of Natural Resources. It is the intent of the parties hereto that none of the provisions of Section 163.01, Florida Statutes, shall have application to this Project Agreement.

2. The DEPARTMENT has found that outdoor recreation is the primary purpose of the project known as Callahan Park, (Florida Recreation Development Assistance Program, Project Number 4-32-2), and enters into this Project Agreement with the PROJECT SPONSOR for construction of outdoor recreation facilities and improvements on real property, the legal description of which is set forth in Exhibit "B", attached.

3. The PROJECT SPONSOR will construct, or cause the construction of, certain outdoor recreation facilities and improvements in accordance with the following project elements:

Picnic, playground and ballfield facilities.

Support facilities and facilities. Design expenses.

Prior to commencement of project construction, the PROJECT SPONSOR shall provide for DEPARTMENT approval a certified project site development

provided in Exhibit "C". The PROJECT SPONSOR shall retain all records supporting these costs for three years after the fiscal year in which the final Program payment was released by the DEPARTMENT, except that such records shall be retained by the PROJECT SPONSOR until final resolution of matters resulting from any litigation, claim, or audit that started prior to the expiration of the three-year retention period.

7. The DEPARTMENT and the PROJECT SPONSOR fully understand and agree that there shall be no reimbursement of funds by the DEPARTMENT for any obligation or expenditure made prior to the execution of this Project Agreement with the exception of \$ not applicable for: Not applicable.

8. Competitive open bidding and purchasing for the construction of said project facilities or improvements shall comply with all applicable law. Following completion of project construction, the PROJECT SPONSOR's Liaison Agent shall provide a statement certifying all purchases or contracts for construction were competitively bid pursuant to applicable law.

9. The PROJECT SPONSOR shall commence project construction within six months and complete the project by June 30, 1985.

10. Donald A. Gerteisen, Grants Coordinator, or
(Name) (Title)

successor, is hereby designated as the DEPARTMENT's Contract Manager for the purpose of this Project Agreement and shall be responsible for insuring performance of its terms and conditions and shall approve all reimbursement requests prior to payment. The PROJECT SPONSOR shall appoint a Liaison Agent, whose name and title shall be submitted to the DEPARTMENT upon execution of the Project Agreement, to act on behalf of the PROJECT SPONSOR relative to the provisions of the Project Agreement. The PROJECT SPONSOR's Liaison Agent shall submit to the DEPARTMENT signed project status reports every sixty (60) days summarizing the work accomplished, problems

encountered, percentage of completion and other appropriate information. Photographs shall be submitted when appropriate to reflect the work accomplished.

11. The PROJECT SPONSOR agrees to provide the DEPARTMENT with annual attendance reports at such time the project is opened for use by the general public. Said attendance reports shall be submitted to the DEPARTMENT during the month of July of each year and shall provide attendance records for a one year period beginning on July 1, and ending on June 30 of the previous year, such period constituting one fiscal year.

12. Should a user fee system be implemented for the project, such fees shall be imposed uniformly upon all users without regard to age, sex, race, other condition, or the political subdivision in which the user may reside. If requested by the PROJECT SPONSOR and authorized by the DEPARTMENT, special allowances may be made for certain classes or groups of users.

13. All moneys expended by the PROJECT SPONSOR for the purposes contained herein shall be subject to preaudit review and approval by the Comptroller of Florida in accordance with Section 17.03, Florida Statutes. Supporting documentation for expenditures shall be provided by the PROJECT SPONSOR in accordance with the Grant Accountability Policy, attached as Exhibit "C".

14. The PROJECT SPONSOR agrees to save and hold harmless the DEPARTMENT, its officers, agents, and employees from any and all liabilities, claims, actions, damages, awards and judgements, to the extent allowed by law, arising from the PROJECT SPONSOR's obligations contained herein to construct, operate and maintain the project.

15. The DEPARTMENT reserves the right to inspect said project and any and all records related thereto at any time.

16. This Project Agreement may be unilaterally cancelled by the DEPARTMENT in the event the PROJECT SPONSOR refuses to allow public access to all documents, papers, letters, or other material made or received in conjunction with the Project Agreement pursuant to the provisions of Chapter 119, Florida Statutes.

17. Following receipt of an audit report identifying any reimbursement due the DEPARTMENT for non-compliance by the PROJECT SPONSOR with said Project Agreement, the PROJECT SPONSOR will be allowed a maximum of sixty (60) days to submit additional pertinent documentation to offset the amount identified as being due the DEPARTMENT. The DEPARTMENT, following a review of the documentation submitted by the PROJECT SPONSOR, will inform the PROJECT SPONSOR of any reimbursement due the DEPARTMENT.

18. The DEPARTMENT shall have the right to demand a refund, either in whole or part, of the funds provided to the PROJECT SPONSOR for non-compliance with the terms of this Project Agreement, and the PROJECT SPONSOR upon notification from the DEPARTMENT, agrees to refund, and will forthwith pay, the amount of money demanded -- which payment shall be made directly to the DEPARTMENT.


19. The PROJECT SPONSOR and the DEPARTMENT mutually agree to the following special terms and conditions incorporated as part of this agreement:


The DEPARTMENT shall have cause to terminate this Project Agreement should the fair market value of land, identified in Paragraph #5, not receive DEPARTMENTAL approval. If the approved fair market value is less than the amount identified in Paragraph #5, the program amount will be reduced to comply with Section 16D-5.23(5), F.A.C.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by the officers and agents thereunto lawfully authorized.

STATE OF FLORIDA
DEPARTMENT OF NATURAL RESOURCES

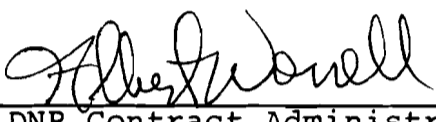
BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY

By: 
Dr. Elton J. Gissendanner
Executive Director

By: 
Its Agent for this Purpose
As Its Chairman

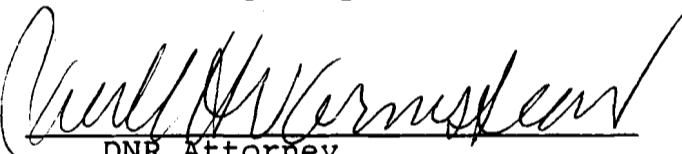
Attest: 

Attest: 
Ex-Officio Clerk


DNR Contract Administrator


DNR Contract Manager

Approved as to
Form and Legality:


DNR Attorney

RULES
OF THE
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 16D-5
PART II

EXHIBIT A

FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM

- 16D-5.20 Reserved
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16D-5.21 Purpose. The purpose of this Part is to set forth policy and procedure for administration of the Florida Recreation Development Assistance Program to further the implementation of the Outdoor Recreation and Conservation Act of 1963, Chapter 375, Florida Statutes (as amended), and to assist in implementation of the official, comprehensive outdoor recreation plan of the State of Florida promulgated and periodically amended pursuant to the requirements of Chapter 375, Florida Statutes. The plan may be obtained by writing to:

Department of Natural Resources
Division of Recreation and Parks
Office of Recreation Services
3900 Commonwealth Boulevard
Tallahassee, Florida 32303

General Authority 370.021(1), 375.041, FS.

Law Implemented 375.041(3), FS.

History: New 12-21-80, Previously Numbered 16D-5.02

16D-5.22 Definitions. The basic terms utilized in this Part are defined as follows:

(1) "ANNOUNCED SUBMISSION PERIOD" means the formally announced period of time provided for the submission of applications for a single funding cycle.

(2) "APPLICANT" means an eligible governmental agency that submits a program application to the Department of Natural Resources.

(3) "APPLICATION" means a formal request for financial assistance consisting of a complete project proposal with required documentation.

(4) "BOARD" means the Governor and Cabinet sitting as the Executive Board of the Department of Natural Resources.

(5) "DEPARTMENT" means the Department of Natural Resources.

(6) "DEVELOPMENT" means the act of physically improving an area to increase its ability or capacity to serve outdoor recreation purposes.

(7) "ELIGIBLE GOVERNMENTAL AGENCY" means the 67 county general governments and the incorporated municipalities of Florida, as well as statutory or Constitutional agencies of the State of Florida with legal authority and responsibility for provision of outdoor recreation areas and facilities for the use and benefit of the general public.

(8) "EXECUTIVE DIRECTOR" means the Executive Director of the Department of Natural Resources.

(9) "FUNDING" means the awarding of a grant from the program for assistance in financing an approved project.

(10) "FUNDING CYCLE" means the processing phase involving a single program amount and a single announced submission period.

(11) "GRANT" means program funds authorized by the Board for release to a project sponsor.

(12) "IN-KIND COSTS" means expenses incurred by a project sponsor for personnel employed or equipment and materials owned and maintained by the project sponsor.

(13) "LIAISON AGENT" means the individual or contact person officially designated to act on behalf of the applicant or

project sponsor on all matters related to participation in the program.

(14) "OUTDOOR RECREATION" means the pursuit of leisure-time activities which occur in an outdoor setting.

(15) "PLAN" or "STATE PLAN" means the currently effective, official comprehensive outdoor recreation plan of the State of Florida.

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

(17) "PROGRAM AMOUNT" means the amount of funds available for program assistance during any single funding period.

(18) "PROJECT" means a planned undertaking in which all actions or activities have a well defined, common objective and which has fixed beginning and ending dates.

(19) "PROJECT AGREEMENT" means a program contract executed between the Department and the project sponsor.

(20) "PROJECT AMOUNT" means the amount of funds estimated to be necessary to complete the project -- normally twice the amount of the requested grant.

(21) "PROJECT AREA" means the specific site, defined by a project boundary map or legal description, on which grant funds will be used for development or acquisition.

(22) "PROJECT PERIOD" means the approved period of time during which costs may be incurred and charged to the project grant.

(23) "PROJECT PROPOSAL" means an outdoor recreation project in the conceptual state.

(24) "PROJECT SPONSOR" means an eligible governmental agency receiving program funding pursuant to an approved application.

(25) "RESOURCE-BASED OUTDOOR RECREATION" means outdoor recreation of types dependent upon natural resources for enjoyment of the activity involved. Examples include: boating, hiking, canoeing, trailriding, picnicking, fishing, hunting, surfing, camping, etc.

(26) "USER-ORIENTED OUTDOOR RECREATION" means outdoor recreation of types dependent upon man-made facilities which can be placed at the convenience of the user to take advantage of proximity to population centers. Examples of facilities include: swimming pools, ballfields, tennis courts, golf courses, handball courts, etc.

General Authority 370.021(1), 375.041, FS.

Law Implemented 375.041(3), FS.

History: New 12-21-80, Previously Numbered 16D-5.02

16D-5.23 Policy. The following constitutes the policy of the Board pertaining to administration of the program:

(1) Financial assistance, up to the total amount authorized for the program each year in the general appropriations act, may, on a project-by-project basis, be authorized by the Board in the form of program grants from the Land Acquisition Trust Fund established by and pursuant to Section 375.041, Florida Statutes, to eligible governmental agencies for the development of outdoor recreation facilities or the acquisition of land for outdoor recreation purposes.

(2) Outdoor recreation must be the primary purpose of any project area on which a program grant is to be used. Secondary purposes may be allowed, but the Department must first make a determination that any secondary purposes within the project area are consistent and compatible with the primary project purposes.

(3) Funding may be authorized by the Board for the development of eligible outdoor recreation areas and facilities pursuant to Section 16D-5.25 of this Part or for acquisition of land for such areas and facilities.

(4) The Board shall render final decision on approval of all grants under the program.

(5) Program grants may be authorized on a two-for-one (state/applicant) matching basis for projects providing areas and facilities for resource-based outdoor recreation pursuant to Section 16D-5.25 of this Part. Program grants may be authorized

on a one-for-two (state/applicant) matching basis for projects providing user-oriented outdoor recreation facilities pursuant to Section 16D-5.25 of this Part, or for any project providing a combination of resource-based and user-oriented areas and facilities. The total program grant limit which may be allocated to any single project shall be \$250,000. The matching amount may be provided by cash expenditures, in-kind labor, materials and equipment, or the fair market value of undeveloped property to be developed for recreational use with grant funds.

(6) Florida Boating Improvement Program funds, as provided by Part III of this Chapter, may be utilized as the applicant's required matching contribution; however, expected grant funds from the federal Land and Water Conservation Fund Program, as provided in Part I of this Chapter, may not be pledged for such purposes.

(7) The Department shall reject and return to the applicant any application requesting program funds for a project which is identical to one submitted simultaneously under the provisions of Part I of this Chapter - The Land and Water Conservation Fund Program.

(8) The program grant limit for any single designated recreation area, park or playground, shall be \$500,000. The limit applies cumulatively for any project area receiving grant funding in more than one funding cycle.

(9) The Department may accept program applications only during the authorized submission period which shall extend from August 1 to November 30. Additional submission periods will be established and announced as authorized by the Board to provide opportunity for submittal of a suitable number of eligible applications for consideration. A submission period normally shall extend four months from the date on which an announcement is published in the Florida Administrative Weekly, but may be of shorter duration if circumstances require. All cities, counties and other eligible governmental agencies shall be notified of the dates of each submission period by direct mail.

(10) Only one (1) program application per eligible governmental agency may be submitted during each submission period. Applications may be withdrawn by the applicant at any time prior to Board approval. Replacement applications may be submitted only during an announced submission period.

(11) Program projects may not be approved unless the project area is owned by, under lease or permit to the project applicant by the date of application submittal. Program funds may be authorized for development of outdoor recreation facilities on lands leased to a project sponsor for public recreation uses, only if the lease arrangement provides reasonable assurance to the Department that the property can be used for the approved project purposes for a minimum period of 25 years from the date of project completion.

(12) Project sponsors must commit to operation and maintenance of an approved project from the date of its completion for a period of 25 years. If within the period of commitment, a project sponsor should convert any part of the project area or the facilities thereon to other than approved recreational uses, the sponsor shall be required to replace the area or facilities at its own expense with a project of comparable scope and quality in near proximity to the original project. In lieu of such replacement, the Department shall require return of grant funds for facilities not replaced. Such grant refund shall include interest, compounded at 12 percent per annum from the date of final payment.

(13) Once the Board has approved a program grant, the Department and the project sponsor shall enter into a project agreement which stipulates the responsibilities of each with regard to grant administration.

(14) No project costs may be incurred by the project sponsor prior to the full execution of the project agreement unless approved by the Department and specified in the project agreement and/or amendments thereto.

(15) Authorized grants shall be released by the Department to the project sponsor on a reimbursement basis.

A minimum of 10 percent of the grant amount will be retained for the final payment, to be released upon receipt of acceptable project completion documentation.

(16) All facilities constructed with program funds shall fully comply with Sections 553.45-48, Florida Statutes, relating to accessibility by handicapped persons.

(17) When completed, program projects must be open and uniformly made available on a non-exclusive basis to the general public without regard to age, sex, race, other condition, or the political sub-division in which the user may reside. However, if specifically authorized in advance by the Department, special allowance may be made for certain classes of users, such as the elderly or handicapped.

(18) The Department may terminate a project agreement and demand return of program funds disbursed to the sponsor for non-compliance with any of the terms of the project agreement or this Part. Failure of a project sponsor to comply with the provisions of this Part or the project agreement may result in the Department declaring the sponsor ineligible for further participation in the program until such time as compliance has been made to the satisfaction of the Department.

General Authority 370.021(1), 375.041, FS.

Law Implemented 375.041(3), FS.

History: New 12-21-80, Amended 2-24-81

16D-5.24 Application Requirements.

(1) All applications must be received or post-marked on or before the last day of the announced submission period in order to be considered for funding.

(2) Following the close of the submission period, the Department will review all applications for eligibility and completeness, and will notify the appropriate applicants of any ineligible items or incomplete application requirements. The applicant then will have 30 days from the date of such notification to correct the application deficiencies.

(3) All applications must meet basic project eligi-

bility as defined in Section 16D-5.25 of this Part.

(4) Applications must contain the following documentation to be complete:

(a) Completed application forms.

(b) An official, adopted resolution of the applicant's governing body which requests financial assistance under the program, specifies the manner in which the grant matching requirement will be met, and authorizes submittal of the application.

(c) Project area boundary map.

(d) Preliminary site development plan.

(e) Brief site description, to include topography, vegetation, water features, surrounding land use, access and other relevant features.

(f) Aerial photograph or on-site photographs of project area.

(g) For development projects, a cost estimate showing total project cost and cost for each major project element.

(h) For acquisition projects, a cost estimate which shall be not more than 10 percent greater than the current assessed valuation established by the County Property Appraiser.

(5) If the proposed project involves work which requires federal or state environmental or construction permits, the application must include copies of the permits. In cases where permits have been applied for but not received, however, the following procedure will apply: The application will be conditionally processed and presented to the Board pursuant to Subsection 16D-5.26(1); but, if funding approval is granted by the Board, the Department will not enter into a project agreement with the applicant until all applicable permits have been approved. The applicant will have ninety (90) days after Board approval of a grant to obtain and submit approved permits; otherwise, the project will lose its eligibility for funding during the current funding cycle.

(6) For land value to be used to meet the matching requirement, the following conditions apply:

(a) The property must be undeveloped, must be under ownership of the applicant by the date of application submittal and must be the proposed site of the grant project. However, if the property was acquired more than one year prior to the date of the application, the applicant must show that it had not previously been used for public recreational purposes.

(b) If the property was acquired through donation, or was purchased more than one year prior to the date of application submittal, an appraisal must be submitted with the application to establish the value of the property. The appraisal must be dated within one year of the date of application submittal and must be prepared by an appraiser included in the list of approved appraisers maintained by the Department's Division of State Lands.

(c) If the property was purchased within one year prior to the date of application submittal, the purchase price may be used as the land value.

(d) Appraisal costs and other reasonable costs incidental to acquiring the land may be applied toward the match.

(e) Land value or acquisition costs which are in excess of the required match may not be applied to other project applications under this program or the Land and Water Conservation Fund program.

(f) The value of land acquired pursuant to Section 16D-5.28 shall not be used as the required match for any project funded under this Chapter.

General Authority 370.021(1), 375.041, FS.

Law Implemented 375.041(3), FS.

History: New 12-21-80, Amended 2-24-81

16D-5.25 Project Eligibility.

(1) A program grant may be approved by the Board only for those projects which are consistent with the goals and objectives of the State Comprehensive Outdoor Recreation Plan. Program funding may be provided for any one or combination of:

(a) resource-based areas and facilities consisting of the following:

1. saltwater or freshwater swimming beach areas and access sites
2. picnic areas
3. archaeological and historical sites
4. recreational bicycle trails (within outdoor recreational areas only)
5. fishing facilities (piers, catwalks, jetties, docks, shoreline access sites)
6. boating access facilities
7. tent camping areas
8. nature study areas
9. hiking trails
10. horseback trails

(b) user-oriented facilities consisting of the

following:

1. tennis courts
2. golf courses
3. swimming pools
4. shuffleboard courts
5. baseball and softball fields
6. basketball/multipurpose courts
7. equipped playgrounds
8. handball/racquetball courts
9. football/soccer fields
10. physical fitness courses

The Board may consider and approve applications for outdoor recreation projects not included in Subsections (a) or (b) of this Section if such projects are otherwise consistent with all requirements of this Part, and the Executive Director so recommends them pursuant to Section 16D-5.26.

(2) Land acquired for public recreation purposes no more than two years prior to the date of application may be eligible for funding under this Part on a reimbursement basis. The land must have been acquired under extraordinary circumstances which, in the opinion of the Department, would have reasonably prevented the applicant from making application under the program in a

timely manner. In addition, the land must still be undeveloped and the grant funds received used for public recreation purposes acceptable to the Department. Such funds may not, however, be used as a match for other projects assisted under this Chapter.

(3) Support facilities and amenities which are essential to the use or development of eligible primary outdoor recreation facilities are also eligible for program funding. These include, but are not necessarily limited to: site preparation, bathhouses, restrooms, landscaping, utilities, lighting, parking, access roads, equipment storage buildings and entrance booths. Support facilities alone are not eligible. Enclosed recreation facilities or non-recreation buildings or other structures are not eligible for program funding. Contractual planning costs may also be eligible, as set forth in Subsection 16D-5.27(4) of this Part.

General Authority 370.021(1), 375.041, FS.

Law Implemented 375.041(3), FS.

History: New 12-21-80, Previously Numbered 16D-5.02

16D-5.26 Criteria for Judging Applications.

General Authority 370.021(1), 375.041, FS.

Law Implemented 375.041(3), FS.

History: New 12-21-80, Repealed 4-20-83, Previously Numbered 16D-5.02

16D-5.27 Project Funding Priority.

(1) A project's overall suitability for the program, and its standing among competing projects, shall be determined by the extent to which it is determined to meet the following criteria (one value point will be assigned by the Department for each criterion the project is determined to satisfy):

(a) Would be supportive of appropriate goals and objectives set forth in the Recreation Action Program of the State Comprehensive Outdoor Recreation Plan.

(b) Would implement the outdoor recreational goals, objectives, and priority needs specified in the project applicant's officially adopted recreation plan.

(c) Would provide compatible outdoor recreational use

of, or access to, recreationally suitable natural water bodies.

(d) Is designed to serve urban population concentrations as evidenced by location within a standard metropolitan statistical area.

(e) Is a result of the applicant's demonstrated effectiveness in obtaining public participation in the selection of and support for the project requested.

(f) Is readily accessible to all intended users of the facilities (via roads, walkways, bikeways, public transit systems).

(g) Provides for multiple forms of outdoor recreation.

(h) Provides new recreational facilities rather than expansion, renovation or replacement of old facilities.

(i) Will be under the management of an applicant having an administrative and operational unit in its governmental structure with responsibility for parks and recreation.

(j) Will involve the applicant's commitment of resources beyond the required matching contribution.

(2) Each application will be assigned a total point score of zero to ten on the basis of the criteria set forth in Section 16D-5.26(1), and will then be placed in a corresponding order of priority for funding consideration. If two or more applications receive like scores, those applications will be placed in an order of priority between or among themselves based on the per capita amount of funds previously received by the applicants under this program during the previous five (5) fiscal years. The application with the applicant having the lowest per capita amount of funds previously received will be assigned the highest priority, and the others will be arranged below in descending order inversely to their applicants' per capita amounts of funds previously received.

(3) The Executive Director shall submit the prioritized list of eligible projects to the Board for formal consideration. Once the Board has approved a prioritized grants award list, the Department shall proceed with the processing of approved projects in the established order of priority to the extent of funds available.

(4) If the total requested dollar amount for all eligible applications received in an announced submission period exceeds the program amount available, the unfunded applications will be returned to the applicants. If, however, any funds allocated during a funding cycle are not used and become available again before the start of an announced submission period for the next funding cycle, they may be applied in priority order to any projects remaining on the approved priority list.

(5) If the total requested dollar amount of all eligible applications is less than the program amount available, the Department may announce another application submission period pursuant to Section 16D-5.23(9).

General Authority 370.021(1), 375.041, FS.

Law Implemented 375.041(3), FS.

History: New 12-21-80, Previously Numbered 16D-5.02

16D-5.28 Grant Conditions. Further processing of applications which have been authorized for funding pursuant to Subsection 16D-5.26(3) of this Part shall be subject to the following grant conditions:

(1) The project sponsor must enter into a project agreement with the Department which stipulates the scope of the project, grant amount, time for completion, accountability standards and other relevant conditions consistent with Department policy. Should the project sponsor fail to comply with any or all provisions of the project agreement, once it is executed, the Department may declare the project sponsor ineligible for further participation in the program until compliance has been made.

(2) Any changes in the project agreement or approved final site development plan must be approved by the Department prior to their implementation. The project sponsor must officially request such changes in writing. Amendments to the project agreement may be authorized and approved by the Executive Director.

(3) The project sponsor will be granted up to two (2) years from the effective date of the project agreement to complete the project. If an extension becomes necessary, it must be requested in writing by the project sponsor at least sixty (60) days prior to the original or currently pending, termination date. The Executive Director may grant an extension by execution of an amendment to the project agreement and the project must then be completed before the amended termination date, unless further extended for good cause. Should the termination date expire prior to an extension amendment and final project completion, the date may be extended only at the discretion of the Executive Director. If not extended, the Executive Director may deobligate unexpended grant funds and require the sponsor to reimburse the Department for any or all grant contributions already made.

(4) Expenses eligible to be charged to the grant award, or the matching requirement under the program, may include contractual services and material costs or in-kind services incurred against the project. Except for pre-agreement costs, specified in the project agreement, or amendment thereto, expenses may be incurred only after full execution of the project agreement and before the project completion date. Planning costs incurred no more than two years prior to Board approval of the project may be considered eligible project costs, if requested in the project application.

(5) The sponsor may be reimbursed up to the level of funds authorized for the project in accordance with the project agreement. Requests for grant payments must be submitted by the project sponsor in accordance with the program accountability policy. The accountability policy will be attached to and made a part of the project agreement.

(6) Reimbursements shall be made payable to the project sponsor and not private persons or vendors.

(7) All development projects shall have final plans (site, architectural, engineering) prepared and certified by a registered engineer or architect. Prior to commencement of pro-

ject construction, the project sponsor shall provide the Department a certified final site development plan showing grant elements to be constructed.

(8) Competitive open bidding and purchasing shall comply with all applicable law. Following completion of construction, the liaison agent shall provide a statement certifying that all contracts for construction or purchases were competitively bid as per applicable law.

(9) Before final reimbursement, a Post Completion Certification Form, signed by the project liaison agent and a registered, engineer or architect, must be submitted. Such form will certify that the project has been completed in accordance with the project agreement executed between the sponsor and the Department and the final project plans (site, architectural, engineering).

(10) A final certified "as-built" site plan of the project must be submitted to the Department at project completion, along with an inventory of constructed project facilities and photographs of the project.

(11) The project sponsor must erect an information sign of appropriate size, appearance and location on the project site prior to final project completion. The sign must credit the Department and the program.

General Authority 370.021(1), 375,041, FS.

Law Implemented 375.041(3), FS.

History: New 12-21-80, Amended 2-24-81

16D-5.29 Special Conditions for Land Acquisition Projects.

(1) Grant funds for this program are appropriated from the Land Acquisition Trust Fund. Statutory restrictions on these funds require that title to any lands acquired must be vested in the Board of Trustees of the Internal Improvement Trust Fund. Applicants receiving grant funding for land acquisition will, therefore, be required to follow all applicable state land acquisition procedures. Following acquisition, the land will be

leased to the project sponsor for recreation development and management.

(2) The procedures to be followed for land acquisitions, in addition to those specifically enumerated in this section, are primarily those contained in Chapter 253, Florida Statutes and Chapter 16Q-3, Florida Administrative Code (F.A.C.).

(3) Negotiations by the project sponsor shall not be conducted until after the program application has been approved in concept by the Board, and the required surveys and appraisals have been reviewed and approved by the Department's Division of State Lands. Prior to receiving such approval, owner contact shall be limited according to Chapter 16Q-3.04, F.A.C.

(4) In reviewing an application for land acquisition assistance, the Division of Recreation and Parks will coordinate with the Division of State Lands to determine the availability, if any, of existing state-owned lands in the area.

(5) The requirements specified in Chapter 16Q-3.07, F.A.C., shall be followed in obtaining appraisals.

(6) Following approval for grant funding by the Board, the project sponsor shall enter into a project agreement with the Department which stipulates the grant conditions.

(7) After the grant project agreement has been executed, the project sponsor may initiate negotiations with the owner of the desired property, in accordance with the requirements of Chapter 16Q-3.08, F.A.C.

(8) Owner disclosures and affidavits shall be obtained by the project sponsor as required by Chapter 16Q-3.09, F.A.C.

(9) Within five days after signing the required purchase agreement, the project sponsor shall submit the documents required by Chapter 16Q-3.14, F.A.C., to the Division of Recreation and Parks, which will coordinate with the Division of State Lands in submitting the proposed acquisition to the Board of Trustees of the Internal Improvement Trust Fund for action as provided by Chapter 16Q-3.15, F.A.C.

(10) If the purchase price negotiated by the project sponsor is less than the project amount on which the previously

approved program grant was based, then the project amount and the grant will be reduced accordingly. If the negotiated purchase price is greater than the project amount on which the program grant was based, the project sponsor must provide funds to cover the entire increase.

(11) After the closing, the project sponsor shall be responsible for proper recordation of all legal documents and for providing to the Department the documents required by Chapter 16Q-3.16, F.A.C.

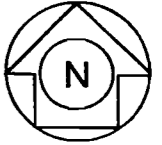
General Authority 370.021(1), 375.041, FS.

Law Implemented 375.041(3), FS.

History New: 12-21-80, Previously Numbered 16D-5.02

State Road No.-108

3 1/2 miles to Callahan →



Graded Road (paved to school site)

2000'

CALLAHAN COMMUNITY PARK BOUNDARY MAP

The following is a legal description of park:

A portion of Northeast quarter of the Northwest quarter, Section 35, Township 2 North, Range 24 East, Nassau County, Fl.

INTERMEDIATE SCHOOL
(Grades 4,5 & 6)

1604'

proposed access ↑

Graded Road

Graded Road

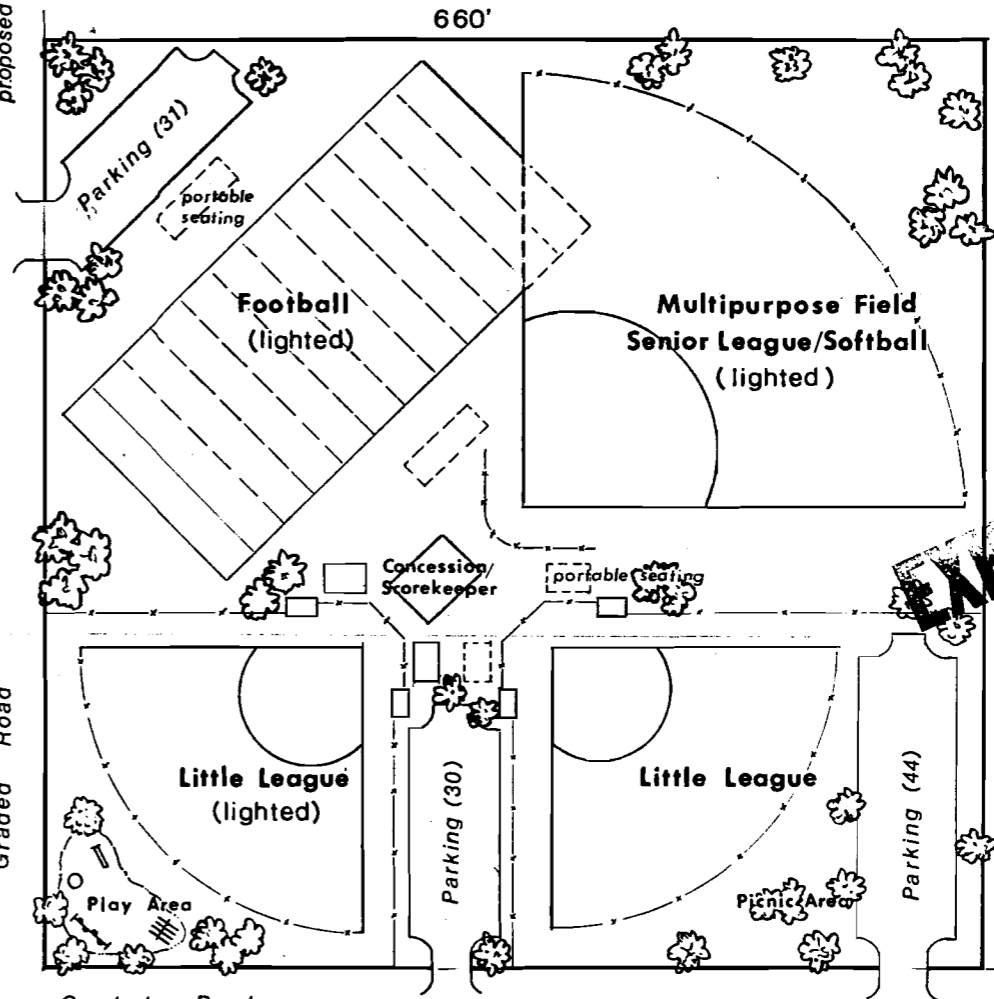
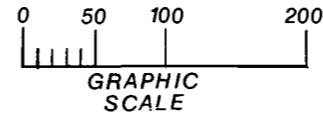


EXHIBIT B

EXHIBIT B



CALLAHAN COMMUNITY PARK
SITE PLAN
Nassau County, Florida April 1983

MAP
4

FLORIDA DEPARTMENT OF NATURAL RESOURCES
FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM

GRANT ACCOUNTABILITY POLICY

EXHIBIT C

I. Purpose and Applicability

The "Grant Accountability Policy" establishes uniform guidelines and procedures to be utilized in accounting for grant funds disbursed by the Department of Natural Resources under the Florida Recreation Development Assistance Program. This policy sets forth principles for determining eligible costs, supporting documentation and minimum reporting requirements for the program. Waiver or modification of the eligible costs, supporting documentation or reporting requirements may be made by the Department's Executive Director, or his designee, provided that the approval for any such changes shall be evidenced by an appropriate provision in the project agreement, or amendment thereto.

II. Definitions

(1) Affiliated Agencies: Subunits or divisions of the same governmental agency.

(2) Amendment: A formalized modification of an existing project agreement. Such amendments shall be executed by both the Department and Grantee. Department personnel may execute amendments in accordance with the approved delegation of authority in effect at the date of such amendment.

(3) Contract Manager: The official designated by the Department to serve as liaison agent in routine grant matters and to ensure performance of the terms and conditions of the project agreement.

(4) Date of Completion: The date when all work is completed (to include submission of a final report, if required) or the date specified in the project agreement, or any amendment thereto, whichever occurs first.

(5) Department: The Department of Natural Resources.

(6) Direct Costs: Costs that can be specifically identified as being incurred for the accomplishment of a particular project.

(7) Disallowed Costs: Reported project costs which are subsequently disallowed by the Department due to noncompliance with State laws, rules, regulations, or the project agreement.

(8) Donated Materials, Property and Services: Materials, property, or services contributed or provided at no cost to the Grantee from others. The value of such donated materials, property or services are not eligible costs for State reimbursement; nor may they be used, except for real property, as costs of the Grantee where the Grantee is required to fund a certain percentage or amount of the total costs. The value of donated real property may be used as costs of the Grantee for certain projects where the Grantee is required to fund a certain percentage or amount of total costs. Authorization by the Department for such use of donated real property and the method of establishing the value for such property shall be evidenced by appropriate provisions in the project agreement or amendment thereto.

(9) Eligible Costs: Costs identified by State laws, rules or project agreement, or amendments thereto, as being reimbursable with program funds.

(10) Grantee: Any county general government and incorporated municipality of Florida as well as statutory or Constitutional agencies of the State of Florida with legal authority and responsibility of the provision of outdoor recreation areas and facilities for the use and benefit of the general public that is receiving program grant funds.

(11) Grant: Obligation of funds by the Department for the accomplishment of a specified project by a Grantee.

(12) Indirect Cost: Costs incurred for common or joint purposes that cannot be readily identified as being incurred solely for the accomplishment of a particular project.

(13) In-Kind Services: The Grantee's utilization of in-house resources (labor, equipment, or materials) to accomplish a specific project. Donated materials, property, or services are not included within the definition of in-kind services.

(14) Program: The Florida Recreation Development Assistance Program

(15) Project: A planned undertaking with program funds by a Grantee in which all actions have a well defined, common objective and there are fixing beginning and ending dates.

(16) Project Agreement: A written contract executed by the Department and Grantee setting forth in detail the mutual obligations of both parties.

(17) Project Administrator: The official designated by the Grantee to serve as a liaison agent in routine matters and provide direct project supervision and administration.

(18) Project Cost: All necessary and reasonable cost incurred by a Grantee in accomplishing the objectives of a project during the project period.

(19) Project Engineer or Architect: A professional engineer or architect registered in the State of Florida.

(20) Project Financial Officer: The official who is primarily responsible for maintaining the financial and accounting records of the Grantee.

(21) Project Period: The specified period of time during which all contracted work must be accomplished.

(22) Termination: The cancellation of a grant or contract, by either the Department or Grantee at any time prior to the date of completion with written notification, or by the Department for reasons of non-compliance with State laws, rules, regulations, or the project agreement.

III. Disbursement of Funds

Program grant funds shall be disbursed by the Department directly to project Grantees in accordance with good cash management principles, and in no more than three installments. The Department shall retain ten percent (10%) of its obligation until final completion and approval of the project.

IV. Contract Classification

Program grants are classified as actual costs contracts whereby a Grantee is reimbursed for eligible costs (or a specified portion) incurred in accomplishing the project.

V. Competitive Open Bidding and Purchasing

Competitive open bidding and purchasing for the accomplishment of the project shall comply with all applicable law. Following completion of project construction, the Grantee shall provide a statement certifying that all contracts for construction or purchases were competitively bid pursuant to applicable law.

VI. Eligible Costs, Supporting Documentation and Billing Guidelines

In general, it is the Department's intent that grant funds be obligated for work not yet undertaken, rather than paying for work that has already commenced or been completed. Certain preagreement costs, however, are allowed under the program and must be clearly identified in the project agreement, or amendments thereto.

(a) Eligible Costs - To be eligible for reimbursement under the program, costs must be necessary and reasonable for the effective and efficient accomplishment of the project and be directly allocable thereto pursuant to State laws, rules, and regulations. Costs must be incurred and work performed within the project period with the exception of preagreement costs specifically identified within the project agreement; or amendments thereto. Costs must be net of all

applicable credits such as purchase discounts, allowances, sales of scrap, and income from incidental services. The following paragraphs identify eligible and ineligible costs for reimbursement:

1. Contractual Services.

a. Eligible - Costs of work performed by private or independent contractors that is directly related to the accomplishment of the project for a Grantee.

b. Ineligible - Costs for work performed by private or independent contractors pursuant to cost plus or contingency fee contracts.

2. Salaries and Wages.

a. Eligible - Salaries and wages of employees for the performance of work directly related to the accomplishment of the project. Hourly wage rates shall be calculated by dividing the employee's regular gross annual salary for pay purposes by 2,088 gross annual work hours. Overtime charges for such employees shall be eligible costs provided they are necessary and approved by the Grantee's project administrator. Overtime charges shall be computed in accordance with the Grantee's normal policy for payment of overtime to employees.

b. Ineligible - Salaries and wages of employees responsible for administration and general activities who do not perform work directly related to the accomplishment of the project. Salaries and wages of employees performing routine daily servicing of equipment including general maintenance and repair work.

3. Employee Benefits

a. Eligible - Up to 40% of eligible salaries and wages of employees shall be allowed as a reasonable reimbursement for:

(1) Accrued annual, sick, and holiday leave based upon a maximum of 15% of salaries and wages of employees who accrue such benefits from the Grantee.

(2) Employee benefits (FICA, Retirement, Health and Life Insurance, Workmans Compensation, etc.) based upon a maximum of 25% of salaries and wages of employees who receive such benefits from the Grantee.

b. Ineligible - Employee benefits in excess of the standard allowance paid to or for the account of employees.

4. Material and Supplies.

a. Eligible - All costs of materials and supplies consumed or expended in accomplishing the project including direct purchases as well as withdrawals from Grantee's stock.

b. Ineligible - Costs of small tools (shovels, saws, hammers, drills, etc.) and clothing or uniforms worn by employees. Operating expendables or replacement parts purchased for Grantee owned equipment used on the project.

5. Equipment.

a. Eligible - All reasonable costs for equipment which is required to be used or to be kept available at the site for the accomplishment of the project.

(1) The actual cost incurred for the rental of equipment by the Grantee from independent sources for the time such equipment is used or required to be available to accomplish the project.

(2) Rental rates as established hereinafter for the use of Grantee owned equipment provided the use of each piece of equipment and applicable rental rate are agreed upon in writing by both the Department and Grantee prior to commencement of the project. Except as immediately hereinafter provided, the hourly rental rate for Grantee owned equipment shall not exceed 1/40th of the weekly rental rate listed in the "Rental Rate Blue Book for Construction Equipment" (Blue Book) as published by the Equipment Guide Book which is current at the time the project is authorized. If such equipment is continuously required for use on a project in excess of 30 calendar days, the hourly rental rate shall not exceed 1/76th of the monthly rental rate listed in the Blue Book. Regional adjustment factors as set forth in the Blue Book shall be applied to the rental rates. If the Blue Book does not provide a rental rate for a piece of equipment, then the rental rate shall be established as the prevailing rental rate being paid for such equipment in the area where the project is located.

For each hour that equipment is actually being operated, an allowance shall be made for operating costs (including fuels, lubricants, repairs, and servicing) in accordance with the estimated operating cost per hour as listed in the Blue Book. If the Blue Book does not provide an estimated operating cost for a piece of equipment, the operating allowance shall be 15 percent of the rental rate.

If the equipment is required to be at the project site but not operating, the Grantee shall only be compensated for the authorized rental rate exclusive of the operating costs.

As an alternative to accounting for equipment rental costs on both an operating and non-operating basis, the Grantee may elect to select one equipment rental rate for each piece of equipment utilized on the project with built-in downtime incorporated into such a rate. The hourly rental rate under this method shall not exceed 50 percent of the rates established immediately above. (This calculation is based upon an estimated 50 percent equipment utilization rate.)

b. Ineligible - Costs of repairs or servicing of Grantee owned equipment. Rental charges subsequent to completion of the need for a piece of equipment for the project.

6. Donated Services, Materials, Supplies, Equipment, or Property.

a. Eligible - With written authorization by the Department's Contract Manager, Office Chief or Division Director, and Executive Director, as evidenced by the project agreement, the value of donated real property may be used as all or part of the Grantee's matching requirement. The project agreement shall clearly specify the value assigned as the Grantee's program match.

b. Ineligible - Values assigned to any donated property, materials or services used in accomplishing the project except for real property as noted above.

7. Indirect Costs.

a. Eligible - Fifteen percent (15%) of the amount of eligible salaries and wages of Grantee employees shall be allowed as a reasonable reimbursement for indirect costs. Indirect costs include but are not limited to, general operating expenses (such as insurance, storage, office space, utilities, telephones, postage, office supplies, etc.) and general administrative services (such as Personnel, Purchasing, Fiscal, etc.)

b. Ineligible - Indirect costs in excess of the standard allowance.

(b) Supporting Documentation.

1. Contractual Services - Services provided for a Grantee by private or independent contractors shall be evidenced by a formal agreement or contract executed by all appropriate parties specifying the exact terms and conditions. Competitive bid specifications, actual bids received and contract documentation shall be retained by the Grantee for submittal to the Department, if requested.

2. Salaries and Wages - Payroll registers or journals, payroll warrants, and other financial source documents shall be maintained to substantiate the rates of pay and actual payments to Grantee employees. Hours of work reported for Grantee employees shall be supported by individual time records signed at a minimum by the immediate field supervisor (foreman) and approved by the Grantee's project administrator. These records shall reflect the general categories of work performed and project elements identified in the project agreement.

3. Employee Benefits - A standard allowance of 40% of eligible salaries and wages is provided for employee benefits and no specific supporting documentation need be maintained for such costs.

4. Materials and Supplies.

a. Direct Purchases - Vendor invoices shall be maintained that include a description of the items and quantity purchased, unit cost and total cost, less applicable discounts. Invoices shall also contain the delivery date and signature

of a Grantee employee assigned to work on the project along with a description of the general use for such materials or supplies. Purchase orders, requisitions and competitive bid documentation as applicable shall be maintained for such purchases. Cancelled warrants shall be maintained as evidence of payment for such purchases.

b. Grantee Stock - Materials or supplies taken from Grantee's stock or inventory shall be supported by material requisitions or other job order/project cost records signed by the storekeeper and Grantee employee assigned to work on the project. These source documents shall describe items in detail and identify the general use of such materials in the project. Appropriate records (i.e. vendor invoices, cancelled checks etc.) shall be maintained to support unit costs of the materials based upon the Grantee's normal method of inventory valuation. No warehouse or overhead charges added by the Grantee shall be allowed.

5. Equipment - Equipment usage logs, project activity reports, or other operational cost reports shall be maintained to reflect the daily use of each piece of equipment. These records shall reflect the general work performed and equipment operator as well as the actual dates and hours of use. These records shall be signed at a minimum by the immediate field supervisor (foreman) and approved by the project administrator. Invoices and other documentation such as cancelled checks and purchase orders shall be maintained to support charges for rental costs of equipment obtained from independent sources.

6. Donated Real Property - Appraisals or other documentation as required by the Department shall be maintained and submitted for review to support values established for donated real property.

7. Indirect Cost - A standard allowance of 15% of eligible salaries and wages for Grantee employees is provided for indirect costs and no specific supporting documentation need be maintained for such costs.

(c) Billing - The Grantee shall submit the Actual Cost Contract Payment Request, DNR For 15-032(16), to the Department for reimbursement of grant costs. This payment request shall be accompanied by the documentation or schedules specified below for those costs that are to be reimbursed by the Department. Progress and final payments shall be made upon the approval of the Department's contract manager and Office Chief or Division Director. A certification of completion by a registered engineer or architect and the Grantee's project administrator shall be required prior to the final disbursement of funds. A certification shall be required prior to the final disbursement of funds by

the Department, from the Grantee's purchasing official, that all such purchases for the project were made at a minimum, in accordance with all applicable law.

1. Contractual Services - The Contractual Purchases Schedule, DNR Form 42-062, shall be submitted for contractual purchases. The contractor's name, check or voucher number and date, cost, general description of work performed and project element affected shall be reported to the Department.

2. Salaries and Wages - The Grantee Labor and Travel Cost Schedule, DNR Form 15-033(16), shall accompany payment requests for reimbursement of salaries and wages of Grantee employees. The following information shall be reported:

- a. Last name of employee and initials;
- b. Job classification and description of work performed;
- c. Project hours this billing;
- d. Rate of pay;
- e. Project labor cost this billing;
- f. Project element affected;

3. Employee Benefits - Employee benefits shall be calculated at 40% of salaries and wages and shall be reported as a line item on payment request.

4. Materials and Supplies.

a. Direct Purchases - The Direct Material Purchases Schedule, DNR Form 15-034(16), shall accompany payment requests for reimbursement of direct material purchases. The vendor's name, check or voucher number and date, costs, general description of items purchased and project elements affected shall be reported to the Department.

b. Grantee Stock - The Grantee Stock Material Cost Schedule, DNR Form 15-035(16), shall accompany payment requests for reimbursement of materials utilized from Grantee's stock or inventories. The material requisition date and number, general description of materials used, project element affected and applicable costs shall be reported to the Department.

5. Equipment - The Grantee Equipment Cost Schedule, DNR Form 15-066 shall accompany payment requests for reimbursement of equipment rental costs or for utilization of Grantee owned equipment. The type of equipment and general use shall be reported to the Department along with equipment hours, DNR Rates or rental costs, actual operating hours, project element affected and operating allowances.

6. Donated Real Property - Values established for donated real property shall be reported on the payment requests only upon prior written consent of the Department.

The Grantee shall submit such documentation as required by the Department to support the values established for such property.

7. Indirect Cost - Indirects costs shall be calculated at 15% of employee salaries and wages and shall be reported as a line item on payment requests.

8. Alternate Billing Procedures.

(a) The Grantee may request advance written approval of the Department's contract manager to submit other available accounting records in lieu of the specified Department forms, provided such alternate records contain the same detailed information.

(b) The Grantee may request advance written approval of the Department's contract manager to engage independent Certified Public Accountants to provide a review and compilation of project costs presented in the same general cost categories as contained on the actual cost payment request form, DNR-032(16). Such statements shall be accepted in lieu of the other specified Department forms required above for actual cost contracts only if payment requests are withheld by the Grantee until completion of the project and submitted with the CPA's report. The additional costs incurred by the Grantee for this alternate billing method shall not be eligible for reimbursement but shall be compensated through the allowance for indirect costs.

VII. Services Provided by Affiliated Agencies.

If the Grantee obtains services or purchases materials from affiliated governmental agencies, such costs shall be supported and billed in the same manner as required for the Grantee.

VIII. Record Retention and Audits.

(1) Grantees shall retain all records in support of the project costs included in the payment requests for three fiscal years (grantee) after the fiscal year in which final payment was made by the Department to the Grantee.

(2) All records of the Grantee in support of the project costs included in payment requests shall be subject to review by the Department, the Auditor General, Comptroller or others who may be authorized to audit the records of the Department which involves the Grantee.

IX. Forms.

Described below are grant forms available from the Department:

- DNR 42-062..... Contractual Purchases Schedule
- DNR 15-032(16)..... Actual Cost Contract Payment Request
1-82
- DNR 15-033(16)..... Grantee Labor and Travel Cost Schedule
1-82
- DNR 15-034(16)..... Direct Material Purchases Schedule
1-82
- DNR 15-035(16)..... Grantee Stock Material Cost Schedule
1-82
- DNR 42-066..... Grantee Equipment Cost Schedule
5-82

ACTUAL COST CONTRACT PAYMENT REQUEST

(Date)

(Grantee)
 Billing Period _____
 DNR Division _____

(Project)
 Billing # _____
 DNR Program _____

	Project Costs This Billing	Cumulative Project Costs
Contractual Services	\$ _____	\$ _____
Salaries and Wages	_____	_____
Employee Benefits (30% of Salaries)	_____	_____
Materials and Supplies:		
Direct Purchase	_____	_____
DNR 15-034(15)	_____	_____
Grantee Stock	_____	_____
DNR 15-035(16)	_____	_____
Equipment	_____	_____
DNR 15-036(16)	_____	_____
Travel	Not Applicable	Not Applicable
DNR 15-033(16)	_____	_____
Donated Real Property	_____	_____
Indirect Costs	_____	_____
TOTAL PROJECT COSTS	\$ _____	\$ _____

Certification: I hereby certify that the above expenses were incurred for the work identified as being accomplished in the attached progress report.

Certification: I hereby certify that documentation has been maintained as required to support the project expenses reported above and is available for audit upon request.

Project Administrator/Date

Project Financial Officer/Date

DNR USE ONLY

State funding participation	\$ _____
Total project costs to date	\$ _____
State obligation to date	\$ _____
State retainage (_____ %)	< _____ >
State obligation remaining	_____
State funds previously disbursed	< _____ >
State funds due this billing	\$ _____

Reviewed and Approved by:

 DNR Project Administrator/ Date

 Bureau Chief or Division Director/Date

