

# **STATE AID TO LIBRARIES GRANT**

## **GUIDELINES**

**Fiscal Year 2013-2014**

*State Aid Application*

[www.fllibraries.org](http://www.fllibraries.org)

*Application Deadline: October 1, 2013*

*Reports and Other Documents Deadline:  
December 1, 2013*

**Florida Department of State  
Division of Library and Information Services  
R.A. Gray Building, Tallahassee, Florida 32399-0250**

## Application Submission

Applications must be submitted on or before **October 1, 2013**.

Other documents must be submitted on or before **December 1, 2013**.

Applications must be submitted electronically using the Florida Libraries and Grants system at [www.fllibraries.org](http://www.fllibraries.org).

## For Assistance and Information

Contact the Grants Staff:

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This *Guidelines* packet is available electronically at <http://info.florida.gov/bld/grants/forms/Stateaidforms.html>.

## Alternative Formats

The *State Aid to Libraries Grant Guidelines* can be made available in alternative formats. For more information, contact the Grants Staff.

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## LAW AND RULE

Chapter 257, *Florida Statutes*, Public Libraries and State Archives

Chapter 1B-2.011, *Florida Administrative Code*, Library Grant Programs

# STATE AID TO LIBRARIES GUIDELINES

## I. PROGRAM GOAL

In recognition of the fact that free professional public library service for all Floridians is an important part of the state's educational infrastructure and greatly enhances and enriches the quality of life in the state, the over-arching goal of the State Aid to Libraries Program is to assist local governments in maintaining and developing such vital services, specifically to:

- *Provide equal access to free public library service to all residents of the service areas of participating governments.*
- *Coordinate library service throughout the service area.*
- *Provide consistent plans, programs, policies, and procedures in the operation, maintenance, and development of library service throughout the service area.*

Florida's State Aid to Libraries Program is administered by the Florida Department of State, Division of Library and Information Services. The Division has oversight and management responsibility for implementation of the *Florida Statutes* that mandate the program. The program is funded through annual legislative appropriations within the Division's budget.

State Aid is a continuing state grant authorized by Chapter 257, *Florida Statutes*, for eligible library entities. Three types of grants are available: Operating, Equalization, and Multicounty. Grants are awarded through an application process with eligibility and completeness reviews of each application by Division staff.

## II. HISTORICAL OVERVIEW

The notion that aid from the state to local governments encourages the development and provision of free public library service has been central to the operation of the Division of Library and Information Services for decades. As early as 1928, when the State Library began lending books to local communities, State Librarian W.T. Cash characterized this effort as designed to "gradually build up sentiment for the establishment of county libraries in the different counties of Florida." A component of Cash's call in 1937 for establishment of financial aid from the state to local libraries was a recognition of the need for standards and criteria for eligibility.

The Library Extension Department was established in 1952. It is the predecessor of the Bureau of Library Development. At the time, State Librarian Dorothy Dodd remarked:

*“The ultimate goal of this program is the development of library service in Florida in such a manner that every resident of the state, whether in urban or rural communities, will have ready access to books and other library materials for informational and recreational purposes. To accomplish this, a system of county and regional libraries is envisaged that will combine the ability to serve rural areas with the economy of operation offered larger library units.”*

A state aid law was finally enacted in 1961 with the expressed intent that it is the “policy of the state of Florida to aid and encourage the establishment and development of free library service throughout the state, by grants of money to counties maintaining a free library or free library service...”

The program has been built on strength and larger units of service where tax support can be more broadly distributed. The trend for larger units of service has occurred in the fields of public education, health service delivery, growth management planning, and in the profit and nonprofit sectors.

Florida’s State Aid to Libraries Program is analogous to our state’s plan for public education through county school districts. Both are predicated on the public policy to provide access for people in the incorporated areas as well as the unincorporated areas of the state, where approximately 50% of Floridians live. The difference between the two is that the state made county school districts mandatory and provides the majority of financial support for these systems, while county public libraries are discretionary through home rule laws and are largely locally supported.

In recognition of the vast variation in financial resources among Florida counties and regions, revised legislation and rules governing the State Aid to Libraries Grant Program created three changes in 1992:

- Multicounty aid provided an incentive to counties with limited resources to join together to provide cost effective library service.
- The equalization formula was structured to provide an effective supplement to local funds for libraries serving counties with limited local tax resources, especially to those that choose to support their library at exceptionally high levels when compared to local resources and the investment of other counties.
- In recognition of the increasing complexity of local governments and variation among those governments, the introduction of the notion of “cooperative” administrative structure “consolidated” under the State Aid to Libraries Program’s policies provided more flexibility to local governments wishing to provide library service.

In 2003, the Legislature revised the law to allow independent municipal libraries to participate in the State Aid to Libraries Program. This was done in recognition of the fact that the provision of state aid to independent municipal libraries is a valuable contribution to the extension of the state's public library development plan.

In response to the public library community, the State Librarian convened a task force to review the State Aid formula and propose changes to balance the distribution of funding. Operating Grants were decreasing as State Aid appropriations remained static or decreased. The 2008 Legislature revised the law to balance the proportion of dollars going into Operating and Equalization Grants; to provide a three-year phase-out period for libraries that no longer qualify for Equalization Grants; and to provide increased funding for Multicounty Library Grants from \$250,000 to \$350,000 after the State Aid appropriation was increased.

### III. STATE AID TO LIBRARIES GRANTS

Chapter 257, *Florida Statutes*, authorizes three types of grants under the State Aid to Libraries Program: Operating, Equalization, and Multicounty.

- **Operating Grants** are made available to any county, municipality, special district, or special taxing district that qualifies for the State Aid to Libraries Program. Operating Grants are distributed in the following way:
  1. Grants are made available to counties, municipalities, special districts, or special taxing districts providing library service that meets the basic eligibility requirements in Section V.
  2. Operating Grants provide a match of up to 25 cents on each dollar of local funds expended centrally for the operation and maintenance of the library during the second preceding fiscal year. For example, fiscal year 2013-2014 grant calculations are based on local expenditures for the operation and maintenance of libraries during the fiscal year ending September 30, 2012.
  3. For the first two years of a newly established library, the Operating Grant matches only local funds that are appropriated to be expended centrally for the operation and maintenance of the library.
  4. Grants are prorated among eligible libraries if the appropriation by the Legislature does not fully fund the State Aid to Libraries Grant Program.

- **Equalization Grants** are made available to counties that qualify for an Operating Grant and have limited local tax resources.
  1. Equalization Grants are made available to counties providing library service that meets the eligibility requirements in Section V., and that meet four additional criteria based on calculations made by the Division. Those criteria are outlined in Section 257.18(1) *Florida Statutes*.
  2. Equalization Grants are calculated on the local funds expended centrally for the operation and maintenance of the library during the second preceding year, adjusted using an equalization factor based on the relationship of the county's taxable value to the average of the taxable value for all Florida counties. That factor is used to adjust the value of the local expenditures for library service in calculating the equalization formula.
    - (a) The Equalization Grants provide a match of 25 cents on the dollar for the adjusted local expenditures for the second preceding fiscal year.
    - (b) For counties that have provided the mill equivalent in local library support during the second preceding year higher than the statewide average for the mill equivalent in local library support for all counties, the Equalization Grant provides a match of 50 cents on the adjusted dollar for local expenditures the second preceding year.
  3. If a county fails to meet the eligibility criteria for an Equalization Grant in any one year, the county will be notified that its Equalization Grant funding will be phased out over a three-year period as outlined in Section 257.18(2)(a)-(d), *Florida Statutes*.
  4. A county may not receive an Equalization Grant that is equal to more than 10 percent of the total amount required to fund Equalization Grants to all eligible counties.
  5. Equalization Grants may not exceed 15 percent of the amount appropriated for Operating, Multicounty, and Equalization Grants or \$8,877,057, whichever is greater. Any reductions in Equalization Grants necessary to meet this requirement must be applied to all Equalization Grants on a prorated basis, including grants subject to the 10 percent cap or grants in the phase-out period.
  6. If the total appropriation for Operating, Multicounty, and Equalization Grants is less than \$31,999,233, then grants are prorated among eligible libraries.

- **Multicounty Library Grants** are available to provide additional support to counties that qualify for Operating Grants and choose to join together to provide library service to their residents. Multicounty Library Grants shall be used to support multicounty services and are distributed in the following way:
  1. Multicounty Library Grants are made available to those libraries that meet the eligibility requirements for Operating Grants, and that meet the following criteria:
    - (a) The library has been designated as the single library administrative unit by more than one county;
    - (b) The counties served have a combined population of 50,000 or more, and the library serves two or more counties, at least one of which qualifies for an Equalization Grant.
  2. Multicounty Library Grants have two components:
    - (a) A match on local expenditures. Grants match up to \$1 million in local funds expended centrally by the library for its operation and maintenance during the second preceding fiscal year using the formula outlined in Section 257.172(1)(a)-(e), *Florida Statutes*.
    - (b) In addition to the portion of the grant that matches local expenditures, a multicounty library is eligible to receive a base grant. The base grants are outlined in Section 257.172(2), *Florida Statutes*.
  3. Multicounty Library Grants are fully funded each year.

The program is an incentive program, designed to encourage local governments to provide library service to their residents and to provide funding to support that library service. Grant formulas are based largely on local funds invested in library service. The original intent was based on the concept that the more local money spent on library services, the higher the grant amounts earned under the State Aid to Libraries Grant Program. If a county or municipality reduces its expenditures for library service, the grant amounts will decrease proportionately two years later.



## IV. DEFINITIONS

**Annual plan of service** means a document adopted or approved by the library's governing body and submitted as part of the application for State Aid to Libraries grants and includes the goals, objectives, and activities that will be supported for the application year.

**Consolidated library** means a public library operated by a governing body designated by one or more participating local governments to directly administer, through a single administrative head, all the services provided by the library, with individual library outlets operated as branches of the library.

**Eligible political subdivision** means the entity that is eligible as defined in Section 257.17, *Florida Statutes*, to be designated by a county or municipality as the single library administrative unit for free public library service.

**Governing body** means an administrative board or the board, commission, council, or officers of a county, a special tax district, a special district, a municipality, or a nonprofit corporation or association that administers or coordinates the library services and program. This involves policy-making, planning, budgeting, and employing the single administrative head of the library, and entering into contracts on behalf of the library.

**Interlocal agreement** means a contract between local governmental units which is the basis for the joint exercise of power, as permitted under Section 163.01, *Florida Statutes*.

**Joint planning** for purposes of the State Aid to Libraries Grant program means that all public libraries within the county that receive Operating Grants participate in joint planning for the coordination of library services to residents. The joint planning requirement only applies to a county and the independent municipal libraries within the same county applying for State Aid.

**Legal service area** means the geographical area for which the library is established to offer services and from which (or on behalf of which) the library derives income, plus any area served under contract.

**Library** means the entire program of free library services and resources provided for the residents of the legal service area.

**Library outlet** means a single point of access to free library service, whether housed in a permanent or temporary structure. A library serving a specific geographic area may consist of one or more library outlets.

**Local funds** means funds, exclusive of any state and federal funds, expended centrally for the operation and maintenance of the library.

**Long-range plan** means the document that is adopted or approved by the library's governing body outlining the library's operation and development over a three- to five-year period.

**Participating local governments** means the county or municipal governments that operate or support a public library and participate in a county, municipal, or multicounty library through interlocal or other agreements. A local government is not the governing body for the single library administrative unit unless it has been so designated through interlocal agreements or other legal action as required in Section 257.17, *Florida Statutes*, and these guidelines.

**Public library cooperative** means a program of public library services and resources operated or coordinated by a governing body designated by one or more participating local governments. The governing body administers or coordinates, through a single administrative head, the common services for libraries operated by those participating local governments that have agreed through interlocal or other agreements to provide library service across their combined legal service areas. The single administrative head must be employed full time by either the cooperative's governing body or a participating local government. Interlocal or other agreements identify the authority of the governing body and the participating local governments and the libraries each supports. Residents of the combined legal service area have equal free access to all services provided by the libraries of all the participating local governments.

**Reciprocal borrowing** for purposes of the State Aid to Libraries Grant Program means that all public libraries within a county that receives Operating Grants extend borrowing privileges without charge to residents of each other's service areas. Borrowing privileges must apply to all materials in a fixed physical format available to be borrowed by residents of the library service area receiving an Operating Grant. Interlibrary loan does not meet this requirement. The reciprocal borrowing requirement only applies to a county and the independent municipal libraries within the same county that are applying for State Aid.

**Single administrative head** means the individual who is employed full time by the single library administrative unit and is responsible for managing or coordinating the library.

**Single library administrative unit** means an eligible political subdivision under Section 257.17, *Florida Statutes*, designated by a county or municipality to be responsible for managing or coordinating free library service to its residents.

## **V. ELIGIBILITY**

A library shall meet the following requirements in order to be eligible to receive a State Aid to Libraries Grant:

- A.** A county or municipality shall designate one of the following eligible political subdivisions as the single library administrative unit:
  - 1. A county that establishes or maintains a library, or that gives or receives free library service by contract with a municipality, nonprofit library corporation, or association within such county;
  - 2. A county that joins with one or more counties to establish or maintain a library, or contracts with another county, a special district, special taxing district, or one or more municipalities in another county to receive free library service;
  - 3. A special district or a special taxing district that establishes or maintains a library and provides free library service; or
  - 4. A municipality that establishes or maintains a library or that gives or receives free library service by contract with a nonprofit library corporation or association within the municipality.
  
- B.** Once an eligible political subdivision has been designated by a county or municipality as the single library administrative unit, that eligible political subdivision shall designate a governing body to provide service. That governing body shall be:
  - 1. The governing body of the county or another county;
  - 2. A legally established administrative board established by the eligible political subdivision for the purpose of governing the library;
  - 3. The governing body of a special district or special taxing district;
  - 4. The board of a nonprofit library corporation or association; or
  - 5. A municipality.
  
- C.** When two or more participating local governments join to establish a library, contracts or interlocal agreements outline the decision-making power given to the library's governing body and the power retained by the participating local government. Consolidated library and public library cooperative are the two types of library governance that can be established through those agreements.

Interlocal or other agreements for a public library cooperative shall clearly outline:

1. How the single administrative head will be selected or designated as required by Section 257.17(2)(a), *Florida Statutes*, for the public library cooperative and the powers, duties, and responsibilities of that position;
  2. The role that each participating local government and its library shall have in the development and implementation of the long-range plan;
  3. The way in which funds will be paid to the public library cooperative from participating local governments to support activities carried out by the public library cooperative on behalf of the participating local governments; and
  4. Agreement by all participating local governments to spend funds in accordance with the public library cooperative's long-range plan, annual plan of service, and budget for those funds a public library cooperative will report on a State Aid application as having been expended centrally, whether such funds are maintained and expended at the local level or by the public library cooperative's governing body.
- D.** The library shall have a single administrative head employed full time by the library's governing body with authority to manage or coordinate the operations of the library.
1. The library's governing body shall adopt a position description for the single library administrative head.
  2. The single administrative head shall have completed a library education program accredited by the American Library Association and shall have had at least two years of full-time paid professional experience, after completing the library education program, in a public library that is open to the public for a minimum of 40 hours per week.
  3. The single administrative head is responsible for the overall management or coordination of the library within the framework established by interlocal or other agreements, plans, policies, and budgets. Responsibility for managing or coordinating the following activities may not be delegated through interlocal or other agreements:
    - (a) Development of a single long-range plan for all library outlets;
    - (b) Development of a single annual plan of service;
    - (c) Development of a budget;
    - (d) Implementation of the long-range plan, an annual plan of service, and the budget; and
    - (e) Preparing reports on behalf of the library.

- E.** The library shall expend its funds centrally. To meet the requirement for central expenditure:
1. Requirements for activities of the single administrative head listed in Section V., Subsection D.3 shall be met; and
  2. All State Aid to Libraries Grants in a consolidated county or municipal library and a single county public library cooperative shall be expended by the library's single administrative head; or
  3. If the library is a multicounty public library cooperative, Operating and Equalization Grants may be expended by the individual county awarded these grants. Multicounty Library Grants shall be maintained and expended by the library's single administrative head; and
  4. Funds from local sources shall be expended in one of the following ways:
    - (a) Under the control of the library's single administrative head; or
    - (b) By participating local governments, with authority for such expenditure delegated by the library's governing body through an interlocal or other agreement.
  5. All local funds, including donations, shall be expended through the library's budget in order to qualify as local expenditures for State Aid grants. Only these local funds may be used in the calculations of the grants.
- F.** All public libraries within a county that receives Operating Grants shall extend borrowing privileges without charge to residents of each other's service areas. Borrowing privileges must apply to all materials that are available to be borrowed by residents of the library service area receiving an Operating Grant. Agreements for interlibrary loan do not meet this requirement. The reciprocal borrowing requirement only applies to a county and the independent municipal libraries within the same county that are applying for State Aid.
- G.** The library shall provide free library service. At a minimum, free library service requires that a library loan library materials that are made available for circulation free of charge, and provide reference and information services free of charge.
- H.** All public libraries within a county that receive Operating Grants shall participate in joint planning for the coordination of library services to residents.
- I.** The library shall provide access to materials, information, and services for all residents of the area served.
- J.** At least one library, branch library, or member library operated by the library's governing body shall be open 40 hours or more each week.

- K.** The library shall have a long-range plan, annual plan of service, and an annual budget.
- L.** The designated governing body of a library that has established public library service for the first time during the two previous years shall report in the State Aid application the total amount of local funds appropriated for the operation and maintenance of the library in the year for which the application is made and shall certify that such amount will be:
  - 1. Expended centrally;
  - 2. Expended on operation and maintenance of a library and not for the purchase or construction of a library building or library quarters;
  - 3. Appropriated for expenditures through the library's budget; and
  - 4. Expended in accordance with the accounting control procedures provided for in any interlocal or other agreements, the library's long-range plan, Chapter 257, *Florida Statutes*, and the *State Aid to Libraries Grant Guideline*.

## **VI. APPLICATION**

- A.** The *State Aid to Libraries Guidelines* packet will be made available no later than August 1 of each year.
- B.** Applications must be submitted electronically using the Florida Libraries and Grants system at [www.fllibraries.org](http://www.fllibraries.org).

Applications must be submitted by the organization director or a person who the director has designated with the authority to submit an application.
- C.** For recipients of grants under the State Aid to Libraries Program for the two previous fiscal years, the application will certify the local funds expended centrally under a single administrative head for the operation and maintenance of the library by the eligible political subdivision or its designee during the second preceding fiscal year.
- D.** For eligible applicants that are in the first two years of providing public library service, the application will certify the local funds appropriated to be expended centrally under a single administrative head for the operation and maintenance of the library by the eligible political subdivision or its designee during the fiscal year in which the library will receive the grant.
- E.** In order to be eligible to receive a State Aid to Libraries Grant, an applicant shall have a current copy of the following documents on file with the Division on or before the indicated deadlines.

**By October 1 of each year submit the following:**

1. **Applicant Information.** This section provides general information about the applicant, including contact information, type of library, and if the library is in its first two years of operation.
2. **Expenditure or Appropriation Report.** The Expenditure or Appropriation Report provides details on library expenditures or appropriations by funding source. The report assists both local library personnel and Division staff in verifying the accuracy of the funds a library reports as expenditures or appropriations qualifying for match under Chapter 257, *Florida Statutes*. The total amount listed in the Local funds column is the amount used to calculate the State Aid grant amounts.

Expenditure or Appropriation Categories.

The definitions used below are to assist in completing the Expenditure or Appropriation Report and are not mandatory. The source of the definitions is *Uniform Accounting System Manual for Florida Counties*, 2011 edition, prepared by the State of Florida, Department of Financial Services, Bureau of Local Government.

10 Personnel Services - Expense for salaries, wages, and related employee benefits provided for all persons employed by the reporting entity whether on full-time, part-time, temporary, or seasonal basis; represents the total of all expenditures for libraries in sub-object classifications 11 through 29 as defined in the *Uniform Accounting System Manual*.

30 Operating Expenses - Expenditures for goods and services which primarily benefit the current period and are not defined as personal services or capital outlays; includes all expenditures for libraries in sub-object classifications 31 through 59, as defined in the *Uniform Accounting System Manual*.

60 Capital Outlay - Outlays for the acquisition of or addition to fixed assets, includes all expenditures for libraries in sub-object classifications 61 through 68, as defined in the *Uniform Accounting System Manual*.

**NOTE:** *Funds for the purchase or construction of a library building or library quarters may not be reported as having been expended for the operation and maintenance of a library.*

Other - Any other operating expenditure categories in the library budget.

Funding or Revenue Sources.

Report expenditures or appropriations by these sources of revenue:

Local - County or municipal funds appropriated by local governments for expenditure by the library; also includes fines, fees, donations, and any other funds from local sources expended through the library's budget.

State - State Aid to Libraries grant funds; and any other state funds expended by the library.

Federal - Funds provided under the Library Services and Technology Act and any other federal funds expended by the library.

Other - Any other revenue from non-local sources expended for or by the library, but not expended through the library's budget.

- 3. Certification.** With their signatures, the person who manages the library's finances and the single library administrative head indicate they have reviewed and approved the amounts reported on the Expenditure Report and this Certification.
- 4. Designation of the Single Library Administrative Unit.** Provide documents verifying designation of the single library administrative unit by the county or municipality of an eligible political subdivision.
- 5. Designation of a Governing Body.** Provide documents verifying designation of a governing body to administer free library service to residents of an eligible political subdivision.
- 6. Interlocal Agreements or Contracts to Establish the Library.** Include all interlocal agreements or contracts among participating local governments, if two or more participating local governments join to establish a consolidated library or public library cooperative, and other agreements with nongovernmental entities that form the basis for the provision of free library service and outlining the decision making power given to the library's governing body and the power retained by the participating local government.
- 7. Verification of Governing Body Authority.** Provide documents that verify the governing body of the library has the authority to set policy, adopt plans, adopt budgets, employ the single administrative head, and enter into contracts on behalf of the library.
- 8. Position Description of the Single Administrative Head.** Provide a current position description of the library's single administrative head that has been adopted or approved by the library's governing body.
- 9. Certification of Credentials - Single Administrative Head.** Certifies that the library's single library administrative head is employed by the single administrative unit; has completed a library education program accredited by the American Library Association; and has at least two years of full-time paid professional experience, after completing the library education program, in a



public library that is open to the public for a minimum of 40 hours per week. The Certification is included with the *State Aid to Libraries Grant Guidelines* packet, or it can be downloaded from the Florida Libraries and Grants system at [www.fllibraries.org](http://www.fllibraries.org).

- 10. Schedule of Library Hours.** The schedule should document that at least one library outlet or member library is open to the public 40 hours or more each week.
- 11. Long-Range Plan.** A long-range plan adopted or approved by the library's governing body outlining the library's operation and development over a three- to five-year period.
- 12. Interlocal Agreements for Library Service.** If applicable, provide any interlocal agreements among libraries that outline service to residents in a county, municipality, or public library cooperative other than those in place to establish the library.
- 13. Verification of Reciprocal Borrowing.** Provide library lending policies verifying that the library is providing reciprocal borrowing to residents of all political subdivisions within the county that receive Operating Grants. Borrowing privileges must apply to all materials in a fixed physical format that are eligible to be borrowed by residents of the political subdivision applying for the Operating Grant. Interlibrary loan does not meet this requirement. This requirement **only** applies to a county and the independent municipal libraries within the same county that are applying for State Aid.
- 14. Verification of Joint Planning.** Provide documents verifying that the library *has* engaged in joint planning for the coordination of library services within the county that receives Operating Grants. The document must list all libraries participating in joint planning and outline areas of cooperation and activities to be implemented among the county and the independent municipal libraries in the same county. This requirement **only** applies to a county and the independent municipal libraries within the same county that are applying for State Aid.
- 15. Financial Audit.** If the library received a State Aid to Libraries Grant during the second preceding fiscal year, a copy of the annual audit of the eligible political subdivision for that year carried out in accordance with the requirements of Section 215.97, *Florida Statutes*, Chapter 10.550, *Rules of the Auditor General*, and generally accepted accounting principles shall be submitted. The audit shall be provided within 12 months of the close of the entity's fiscal year.
- 16. Grant Agreements.** The grant agreement is the applicant's official contract with the Department of State.

The grant agreement is included with the *State Aid to Libraries Grant Guidelines*, or it can be downloaded from the Florida Libraries and Grants system at [www.fllibraries.org](http://www.fllibraries.org).

- Obtain the original signature of an authorized official and enter the date under the signature.
- Obtain an original signature of the clerk of the circuit court or the chief financial officer of the governing entity as witness to the signature of the authorized official and enter the date.
- The agreement becomes effective when it is signed and dated by an authorized official of the Florida Department of State. Grant funds may begin to be obligated or expended at this time.
- One copy of the agreement with original signatures will be returned after it has been dated and signed by an authorized official of the Florida Department of State.

**By December 1 of each year, submit the following documents:**

- 1. Current Annual Plan of Service.** The annual plan of service must be adopted or approved by the library's governing body. It should include the goals, objectives, and activities that will be supported for the application year.
- 2. Budget for the current year.** The budget must be adopted or approved by the library's governing body.

For public library cooperatives there shall be a single budget for library service to the residents of the service area of all participating local governments. The budget shall:

- (a) Reflect the library's long-range plan;
- (b) Be developed by the single library administrative head with the participating local governments and their libraries;
- (c) Be adopted or approved by the public library cooperative organization's governing body; and
- (d) Be a single line item format for the public library cooperative and include funds that will meet the criteria for expending funds centrally that have been budgeted for expenditure by participating local governments.

The budget shall include funds from participating local governments (both those appropriated by the local government and those appropriated by the public library cooperative), aid received from the state and federal governments, and other revenue received to provide library service.

- 3. Summary Financial Report.** The information provided on this form is used to prepare reports to the Legislature and the people of Florida, and to provide information for state and local budget purposes. The form is used to:
- Provide information on the use of State Aid to Libraries Grant funds by recipient libraries and how the funds benefit Florida residents. That information is reported to the State Legislature and the people of Florida.
  - Provide an estimate of local funds expended centrally for the operation and maintenance of the applicant library or county during the year that ended September 30. That amount is used to prepare updated estimates for State Aid to Libraries Grant estimates for the upcoming year.
  - Provide an estimate of local funds to be expended centrally for the operation and maintenance of the library for the current year. That amount is used for development of the Division's next Legislative Budget Request for the State Aid to Libraries Program.

Grant funds may be rolled over from year to year until expended. For each year that prior year grant funds are expended, a separate Part C report must be submitted until all of the grant funds are expended. Each year's grant funds must be reported separately.

- 4. Annual Statistical Report Form for Public Libraries.** This form, incorporated herein by reference, solicits data on library activity during the previous fiscal year. The data are used for federal, state, and local reporting and comparison purposes. Libraries must submit the form electronically at [fl.countingopinions.com](http://fl.countingopinions.com). If a library is unable to file the report electronically, a paper version can be requested from the Division for completion and submission. All libraries are given a library identification number and password to access the form electronically.

## VII. APPLICATION REVIEW

- A.** All applications will be reviewed for eligibility and completeness. In reviewing applications, the Division shall determine:
1. Eligibility of the library under the requirements in Section V.
  2. Eligibility of funds reported as having been expended centrally in the second preceding fiscal year, or appropriated for the application year, for the operation and maintenance of the library.
  3. Compliance of the application and all required accompanying documents with Chapter 257, *Florida Statutes* and the guidelines for the State Aid to Libraries Grant Program.

- B. The Division shall notify applicants of any application deficiencies. Applicants will have 30 days after the notification date to complete and correct deficiencies. Failure to correct identified deficiencies within the 30-day period shall automatically make the application ineligible. All corrections shall be submitted on or before the last day of the correction period specified by the Division.

## VIII. GRANT AWARD

- A. The Division will certify the grant amounts to the Chief Financial Officer by December 1. By January 1, the Division will complete an evaluation and review of applications submitted by October 1 and December 1. The grant agreement will be signed by an authorized official in the Florida Department of State and returned to qualified libraries by February 1.

The Division shall review and verify the amount of local expenditures submitted by a political subdivision as a part of their application. After these amounts have been verified, the grants will be calculated based on statute and the legislative appropriation.

The formula for calculating Equalization Grants is provided in *Florida Statutes*. The following information provides additional clarification.

### Equalization Grants

#### Determining Eligibility

1. Of the 34 counties with the lowest adjusted value of a mill, determine if a county's operating millage is equal to or above the statewide average. If the operating millage is not equal to or above the statewide average, then the county's per capita income must be equal to or below the statewide average per capita income.
2. The county must also have been eligible for an Equalization Grant each year since 2007-2008.

If a county fails to meet the eligibility criteria, their Equalization Grant funding will be phased out over a three-year period. Grant amounts for counties in the phase-out period may be reduced based on one or more of the following factors: (1) the maximum grant amount a county may receive; (2) pro rata reductions based on the amount of funding that may go to Equalization Grants; or (3) pro rata reductions based on the amount of funding available.

For the eligible counties, the Equalization Grant amount is calculated in the following manner:

1. Determine the ratio of the county's level of assessment, which is the individual county's level of assessment divided by the statewide average.
2. Determine the adjusted value of a mill, which is the county's taxable value divided by the ratio of the county's level of assessment.
3. Determine the adjusted mill equivalent, which is the amount of local expenditures of a county divided by the adjusted value of a mill.
4. Determine the level of effort, which is the adjusted mill equivalent divided by the statewide average. If the level of effort is greater than or equal to 1, the grant is equal to 50 cents. If the level of effort is less than 1, the grant is equal to 25 cents.
5. Determine the equalization factor, which is the Statewide Average of Adjusted Value of Mill minus Adjusted Value of Mill, then divided by the Statewide Average of Adjusted Value of a Mill.
6. The grant amount is calculated by taking the local expenditures divided by the cents eligible and then multiplying this amount by the equalization factor plus 1.

Grant amounts for both eligible and ineligible counties are then adjusted so that no county receives an Equalization Grant equal to more than 10 percent of the total amount required to fund Equalization Grants to all eligible counties.

The total amount needed to fund Equalization Grants may not exceed 15 percent of the amount appropriated for Operating, Multicounty, and Equalization Grants or \$8,877,057, whichever is higher. Any reductions needed to meet this requirement are applied to all Equalization Grants on a prorated basis.

If the total amount appropriated for Operating, Multicounty, and Equalization Grants is less than \$31,999,233, Equalization Grants are reduced on a prorated basis. The prorata is based on the percentage that total appropriation is less than \$31,999,233.

### Multicounty Grants

Multicounty Grants are calculated based on two components: a base grant and a match on local expenditures.

Base grant: A multicounty with two participating counties receives a base grant of \$50,000. A multicounty with three or more participating counties receives a base grant of \$250,000. The \$250,000 base grant will increase to \$350,000 when the appropriation increases to at least three percent more than the 2007-2008 appropriation of \$31,999,233.

Matching grant: The matching grant is based on the local expenditures of the participating counties, up to \$1 million and the matching grant amount. The

matching grant amount is determined based on the number of participating counties. The grant is calculated by multiplying the local expenditures by the matching grant amount.

Multicounty Grants are fully funded each year.

#### Operating Grants

Operating Grants are calculated by prorating the funds remaining after the Equalization and Multicounty Grant funds have been determined to the amount that a political subdivision has fully qualified for at 25 cents per local dollar expended.

- B. When all eligible applications are determined by the Division to be sufficient and complete, the Division will award the grant award amounts based on the appropriation of funds from the Legislature.
- C. Grant funds will be distributed in two payments. The first payment will be requested by the Division after the grant agreement has been signed by an authorized official in the Florida Department of State. All payments will be made by June 30.

## **IX. USE OF GRANT FUNDS**

State Aid to Libraries Grant funds shall be expended in the following way:

- A. Centrally as defined in Section V., Subsection E.;
- B. For the operation and maintenance of the library and not for the purchase or construction of a library building or library quarters.

State Aid to Libraries Grant funds may be retained beyond the ending date of the grant until they are expended. Any funds retained must be expended as noted above.

## **X. NONCOMPLIANCE STATUS**

Noncompliance status. If the grant recipient is in noncompliance with any term(s) of the grant agreement or any other grant agreement with the Department of State, the Division may withhold grant payments until the organization and/or governing body comes into compliance. Violation of a grant program requirement, including but not limited to failure to submit grant reports and other grant documents; submission of incomplete grant reports or other grant documents; or violation of other contractual requirements; shall constitute a basis for the Division to place the recipient and/or its governing body in noncompliance status with the Department of State.

## CHAPTER 257, *FLORIDA STATUTES* PUBLIC LIBRARIES AND STATE ARCHIVES

This section includes the pertinent sections of Chapter 257, *Florida Statutes* that apply to the State Aid to Libraries Grant Program.

**257.14 Division of Library and Information Services; rules.**--The Division of Library and Information Services may adopt rules pursuant to ss. 120.56(1) and 120.54 to implement the provisions of this chapter.

**257.15 Division of Library and Information Services; standards.**--The Division of Library and Information Services shall establish reasonable and pertinent operating standards under which libraries will be eligible to receive state moneys.

**257.16 Reports.**--Any library receiving grants under ss. 257.14-257.25 shall file with the Division of Library and Information Services on or before December 1 of each year a financial report on its operations and furnish the division with such other information as the division may require.

**257.17 Operating grants.**--A political subdivision that has been designated by a county or municipality as the single library administrative unit is eligible to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that political subdivision during the second preceding fiscal year for the operation and maintenance of a library, under the following conditions:

(1) Eligible political subdivisions include:

- (a) A county that establishes or maintains a library or that gives or receives free library service by contract with a municipality or nonprofit library corporation or association within such county;
- (b) A county that joins with one or more counties to establish or maintain a library or contracts with another county, a special district, a special tax district, or one or more municipalities in another county to receive free library service;
- (c) A special district or special tax district that establishes or maintains a library and provides free library service; or
- (d) A municipality that establishes or maintains a library or that gives or receives free library service by contract with a nonprofit library corporation or association within the municipality.

(2) The library established or maintained by such political subdivision shall:

- (a) Be operated under a single administrative head who is an employee of the single library administrative unit and who has completed a library education program accredited by the American Library Association. The single administrative head shall have at least two

years of full-time paid professional experience, after completing the library education program, in a public library that is open to the public for a minimum of 40 hours per week.

- (b) Expend its funds centrally.
  - (c) Provide reciprocal borrowing, and other library services pursuant to interlocal agreement, to residents of all political subdivisions with the county which receive operating grants from the state.
  - (d) Have at least one library or branch library open for 40 or more hours per week.
  - (e) Have a long-range plan, an annual plan of service, and an annual budget.
  - (f) Engage in joint planning for coordination of library services within the county or counties that receive operating grants from the state.
- (3) Any political subdivision establishing public library service for the first time shall submit a certified copy of its appropriation for library service, and its eligibility to receive an operating grant shall be based upon such appropriation.

**257.171 Multicounty libraries.**--Units of local government, as defined in s. 165.031(1), may establish a multicounty library. The Division of Library and Information Services may establish operating standards and rules under which a multicounty library is eligible to receive state moneys. For a multicounty library, a local government may pay moneys in advance in lump sum from its public funds for the provision of library services only.

**257.172 Multicounty library grants.**--

- (1) The administrative unit of a multicounty library which serves a population of 50,000 or more and serves two or more counties, at least one of which qualifies for an equalization grant is eligible for an annual grant from the state. The grant funds are to be used for the support and extension of library service in participating counties. The grant must be computed by the division on a state-matching basis up to \$1 million in local expenditures by all participating counties for operation and maintenance of a library during the second preceding year. The administrative unit of a multicounty library with:
- (a) Two participating counties is eligible for a grant equal to 5 cents on each local dollar of expenditure.
  - (b) Three participating counties is eligible for a grant equal to 10 cents on each local dollar of expenditure.
  - (c) Four participating counties is eligible for a grant equal to 15 cents on each local dollar of expenditure.
  - (d) Five participating counties is eligible for a grant equal to 20 cents on each local dollar of expenditure.



- (e) Six or more participating counties is eligible for a grant equal to 25 cents on each local dollar of expenditure.
- (2) In addition, to support multicounty library service, the administrative unit of a multicounty library with:
  - (a) Two participating counties is eligible to receive a base grant of \$50,000, effective July 1, 2008.
  - (b) Three or more participating counties is eligible to receive a base grant of a minimum of \$250,000. Such amount shall be increased to \$350,000 when the appropriation from state funds for operating, multicounty, and equalization grants is at least three percent more than the appropriation from state funds for those grants for fiscal year 2007-2008.
- (3) For the purposes of this section, s. 257.21 does not apply.

**257.18 Equalization grants.--**

- (1) Any county qualifying for an operating grant is eligible to receive an equalization grant if it meets the following criteria:
  - (a) The county was eligible for an equalization grant in fiscal year 2007-2008.
  - (b) The value of one mill adjusted to reflect the average statewide level of assessment is below the median amount for all counties in the state.
  - (c) The county operating millage subject to the 10-mill cap is equal to or above the average for all counties. If the county does not meet this millage requirement, the per capita income for the county must be equal to or below the average for all counties.
  - (d) The county has been eligible for an equalization grant each fiscal year since fiscal year 2007-2008.
- (2) If a county fails to meet the eligibility criteria for an equalization grant in any one year, the county shall be notified that its equalization grant funding will be phased out over a three-year period as follows:
  - (a) In the first year, the county shall receive the grant amount for which it qualified the previous year.
  - (b) In the second year, the county shall receive two-thirds of the grant amount it received under paragraph (a).
  - (c) In the third year, the county shall receive one-third of the grant amount it received under paragraph (a).
  - (d) In subsequent years, the county shall not be eligible to receive an equalization grant.

- (3) An equalization grant to an eligible county is calculated in the following manner:
- (a) The equalization factor is computed by subtracting the value of one mill adjusted to reflect the average statewide level of assessment for each county from the average adjusted value of one mill for all counties and then dividing that amount by the average adjusted value of one mill for all counties.
  - (b) An equalization grant is computed by multiplying the equalization factor times the total local funds expended for library support by that county during the second preceding year and adding that amount to the actual total local funds expended for library support by that county during the second preceding year. The result is the adjusted value for the local funds expended for library service. The amount of the equalization grant is equal to 25 cents of the adjusted value of local funds expended for library service.
  - (c) When the adjusted mill equivalent of actual local funds expended for library support by the county during the second preceding year is above the statewide average adjusted mill equivalent of actual local funds expended by all counties receiving operating grants, the amount of the equalization grant is equal to 50 cents of the adjusted value of local funds expended for library service.
- (4) A county may not receive an equalization grant that is equal to more than 10 percent of the total amount required to fund equalization grants to all eligible counties.
- (5) The Division of Library and Information Services shall calculate equalization grants based on the amount of local funds expended for library service the second preceding year as certified by the appropriate county officials and information on the level of assessment of property in each county, the taxable value of property in each county, the county operating millage subject to the 10-mill cap, and the per capita income as reported by the agency authorized by law.
- (6) Equalization grants may not exceed 15 percent of the amount appropriated for operating, multicounty, and equalization grants or \$8,877,057, whichever is greater. Any reductions in equalization grants necessary to meet this requirement must be applied to all equalization grants on a prorated basis. This includes grants subject to the 10-percent cap or grants in the phase-out period. If the total appropriation for operating, multicounty, and equalization grants is less than \$31,999,233, s. 257.21 applies.

**257.195 Revenue shortfalls; procedures.**--In the event of revenue shortfalls which necessitate budget reductions during any fiscal year, the total appropriation for library grants from state sources shall have the same ratable reduction as that applied to the operating funds of the Division of Library and Information Services or such reduction shall be at the discretion of the Secretary of State.

**257.21 Maximum grants allowable.**--Any reduction in grants because of insufficient funds shall be prorated on the basis of maximum grants allowable.

**257.22 Division of Library and Information Services; allocation of funds.**--Any moneys that may be appropriated for use by a county, a municipality, a special district, or a special tax district for the maintenance of a library or library service shall be administered and allocated by the Division of Library and Information Services in the manner prescribed by law. On or before December 1 of each year, the division shall certify to the Chief Financial Officer the amount to be paid to each county, municipality, special district, or special tax district.

**257.23 Applicant for grant.**--The board of county commissioners of any county, the chief executive officer of a municipality, or the governing body of a special district or special tax district desiring to receive a grant under the provisions of ss. 257.14-257.25 shall apply therefore to the Division of Library and Information Services on or before October 1 of each year on a form to be provided by the division. The application shall be signed by the chair of the board of county commissioners and attested by the clerk of the circuit court or the appropriate officer in a charter county, by the chief executive officer of a municipality and attested by the clerk of the municipality, or by the chair of the governing body and attested by the chief financial officer of a special district or a special tax district. The county, municipality, special district, or special tax district shall agree to observe the standards established by the division as authorized in s. 257.15. On or before December 1 each year, the applicant shall certify the annual tax income and the rate of tax or the annual appropriation for the free library or free library service, and shall furnish such other pertinent information as the division may require.

**257.24 Use of funds.**--State funds allocated to libraries shall be expended only for library purposes in the manner prescribed by the Division of Library and Information Services. Such funds shall not be expended for the purchase or construction of a library building or library quarters, except such funds specifically appropriated for construction purposes as provided in this chapter.

**257.25 Free library service.**--Free library service shall constitute as a minimum the free lending of library materials that are made available for circulation and the free provision of reference and information services.

**FLORIDA DEPARTMENT OF STATE  
DIVISION OF LIBRARY AND INFORMATION SERVICES**

**STATE AID TO LIBRARIES GRANT APPLICATION  
Certification of Credentials - Single Library Administrative Head**

The \_\_\_\_\_  
(Name of library governing body)

governing body for the \_\_\_\_\_  
(Name of library)

hereby certifies that the incumbent single library administrative head,  
\_\_\_\_\_  
(Name of incumbent)

- Has completed a library education program accredited by the American Library Association; and
- Has at least two years full-time paid professional experience, after completing the library education program, in a public library open to the public for a minimum of 40 hours per week.

**Signature**

\_\_\_\_\_  
Chair, Library Governing Body

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Typed)

**Florida Department of State, Division of Library and Information Services  
STATE AID TO LIBRARIES GRANT AGREEMENT**

The Applicant (GRANTEE) \_\_\_\_\_  
(Name of library governing body)

Governing body for \_\_\_\_\_  
(Name of library)

hereby makes application and certifies eligibility for receipt of grants authorized under Section 257, *Florida Statutes*, and guidelines for the State Aid to Libraries Grant Program.

The Division, as administrator of state funds provided under Section 257, *Florida Statutes*, has approved an application for State Aid to Libraries Grant funds submitted by the GRANTEE. By reference, the application is hereby made a part of this agreement.

Grant Purpose. This grant shall be based upon the following scope of work during Fiscal Year 2013-2014:

The single library administrative unit, as an eligible political subdivision under 257.17 *Florida Statutes*, is responsible for managing or coordinating free library service to the residents of its legal service area. The library shall:

1. Have a single administrative head employed full time by the library's governing body;
2. Provide free library service, including loaning library materials available for circulation free of charge, and providing reference and information services free of charge;
3. Provide access to materials, information and services for all residents of the area served; and
4. Have at least one library, branch library or member library operated by the library's governing body open 40 hours or more each week.

The parties agree as follows:

I. The GRANTEE agrees to:

a. Provide the following as grant deliverables:

1. For payment number one:

- i. The amount of local funds expended during the second preceding local fiscal year for the operation and maintenance of the library and certification that the expenditures were for the operation and maintenance of the library.

2. For payment number two:

- b. A copy of the annual audit that was done in accordance with the requirements of Section 215.97, *Florida Statutes*, Chapter 10.550, Rules of the Auditor General, and generally accepted accounting principles.
- b. Expend all grant funds awarded and perform all acts in connection with this agreement in full compliance with the terms and conditions of Chapter 257, *Florida Statutes*, and guidelines for the State Aid to Libraries Grant Program.

- c. Expend all grant funds received under this agreement solely for the purposes for which they were authorized and appropriated.
- d. Provide the DIVISION with statistical, narrative, financial and other evaluative reports as requested.
- e. Retain and make available to the DIVISION, upon request, all financial and programmatic records, supporting documents, statistical records, and other records for the project.
- f. Retain all records for a period of five years from the date of submission of the final project report. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the five year period, the records shall be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular five-year period, whichever is later.
- g. Establish and maintain a proper accounting system in accordance with generally accepted accounting procedures. To use and maintain adequate fiscal authority, control, and accounting procedures that will ensure proper disbursement of, and accounting for, project funds.
- h. Perform all acts in connection with this agreement in strict conformity with all applicable laws and regulations of the State of Florida.
- i. Not use any grant funds for lobbying the legislature, the judicial branch, or any state agency.
- j. Hereby certify that it is cognizant of the prohibition of conflicts of interest described in Sections 112.311 through 112.326, *Florida Statutes*, and affirms that it will not enter into or maintain a business or other relationship with any employee of the Department of State that would violate those provisions. The GRANTEE further agrees to seek authorization from the General Counsel for the Department of State prior to entering into any business or other relationship with a Department of State employee to avoid a potential violation of those statutes.
- k. Not discriminate against any employee employed in the performance of this agreement, or against any applicant for employment because of race, color, religion, gender, national origin, age, handicap, or marital status. The GRANTEE shall insert a similar provision in all subcontracts for services by this agreement.
- l. In the event that the grantee expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such GRANTEE, the grantee must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, *Florida Statutes*; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), *Rules of the Auditor General*. In determining the state financial assistance expended in its fiscal year, the GRANTEE shall consider all sources of state financial assistance, including state financial assistance received from the Department of State, other state agencies, and other nonstate entities. State financial assistance does not include federal direct or pass-through awards and resources received by a nonstate entity for federal program matching requirements.

In connection with the audit requirements addressed in part k, paragraph 1, the GRANTEE shall ensure that the audit complies with the requirements of Section 215.97(8), *Florida Statutes*. This includes submission of a financial reporting package as defined by Section 215.97(2)(e), *Florida Statutes*, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), *Rules of the Auditor General*.

If the GRANTEE expends less than \$500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, *Florida Statutes*, is not required. In the event that the GRANTEE expends less than \$500,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, *Florida Statutes*, the cost of the audit must be paid from the nonstate entity's resources (i.e., the cost of such an audit must be paid from the grantee's resources obtained from other than State entities).

Information related to the requirements of Section 215.97, *Florida Statutes*, (the Florida Single Audit Act) and related documents may be found at <https://apps.fldfs.com/fsaa>.

Copies of financial reporting packages required by this agreement shall be submitted by or on behalf of the GRANTEE directly to each of the following:

1. The Department of State at the following addresses:

Office of Inspector General  
Florida Department of State  
R. A. Gray Building, Room 114A  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

2. The Auditor General's Office at the following address:

Auditor General's Office  
Room 401, Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

- m. Identify an individual or position with the authority to make minor modifications to the application, if necessary, prior to execution of the agreement.

## II. The DIVISION agrees:

- a. To provide a grant in accordance with the terms of this agreement in consideration of the GRANTEE's performance hereinunder, and contingent upon funding by the Legislature. The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Legislature. In the event that the state funds on which this agreement is dependent are withdrawn, this agreement is terminated and the state has no further liability to the GRANTEE beyond that already incurred by the termination date. In the event of a state revenue shortfall, the total grant may be reduced accordingly.

- b. To notify the grantee of the grant award after review and approval of required documents. The grant amount shall be calculated in accordance with Chapter 257, *Florida Statutes*, and guidelines for the State Aid to Libraries Grant Program.
- c. To distribute grant funds in two payments. The first payment will be requested by the DIVISION from the Chief Financial Officer upon execution of the agreement. The remaining payment will be made by June 30.
- d. That any balance of unobligated cash that has been paid to the grantee may be retained for direct program costs in a subsequent period.

III. The GRANTEE and the DIVISION mutually agree that:

- a. This instrument embodies the whole agreement of the parties. There are no provisions, terms, conditions, or obligations other than those contained herein; and this agreement shall supersede all previous communications, representation, or agreements either verbal or written, between the parties. No amendment shall be effective unless reduced in writing and signed by the parties.
- b. The agreement is executed and entered into in the State of Florida, and shall be construed, performed, and enforced in all respects in accordance with the laws and rules of the State of Florida. Each party shall perform its obligations hereunder in accordance with the terms and conditions of this agreement. If any matter arising out of this Agreement becomes the subject of litigation, venue shall be in Leon County.
- c. If any term or provision of the agreement is found to be illegal and unenforceable, the remainder of the agreement shall remain in full force and effect and such term or provision shall be deemed stricken.
- d. No delay or omission to exercise any right, power, or remedy accruing to either party upon breach or default by either party under this Agreement shall impair any such right, power, or remedy of either party; nor shall such delay or omission be construed as a waiver of any such breach or default, or any similar breach or default.
- e. This agreement shall be terminated by the DIVISION because of failure of the GRANTEE to fulfill its obligations under the agreement in a timely and satisfactory manner unless the GRANTEE demonstrates good cause as to why it cannot fulfill its obligations. Satisfaction of obligations by GRANTEE shall be determined by the DIVISION, based on the terms and conditions imposed on the GRANTEE in paragraphs I and III of this agreement and guidelines for the State Aid to Libraries Grant Program. The DIVISION shall provide GRANTEE a written notice of default letter. GRANTEE shall have 15 calendar days to cure the default. If the default is not cured by GRANTEE within the stated period, the DIVISION shall terminate this agreement, unless the GRANTEE demonstrates good cause as to why it cannot cure the default within the prescribed time period. For purposes of this agreement, "good cause" is defined as circumstances beyond the GRANTEE's control. Notice shall be sufficient if it is delivered to the party personally or mailed to its specified address. In the event of termination of this agreement, the GRANTEE will be compensated for any work satisfactorily completed prior to notification of termination, if equitable.



- f. The DIVISION shall unilaterally cancel this agreement in the event that the GRANTEE refuses to allow public access to all documents or other materials made or received in regard to this agreement that are subject to the provisions of Chapter 119, *Florida Statutes*. GRANTEE agrees to immediately contact the DIVISION for assistance in the event that it receives a public records request related to this agreement or the grant the it awards.
- g. The DIVISION shall not be liable to pay attorney fees, interest, late charges and service fees, or cost of collection related to the grant.
- h. The DIVISION shall not assume any liability for the acts, omissions to act or negligence of the GRANTEE, its agents, servants, or employees; nor shall the GRANTEE exclude liability for its own acts, omissions to act, or negligence to the DIVISION. In addition, the GRANTEE hereby agrees to be responsible for any injury or property damage resulting from any activities conducted by the GRANTEE.
- i. The GRANTEE, other than a GRANTEE which is the State or agency or subdivision of the State, agrees to indemnify and hold the DIVISION harmless from and against any and all claims or demands for damages of any nature, including but not limited to personal injury, death, or damage to property, arising out of any activities performed under this agreement and shall investigate all claims at its own expense.
- j. The GRANTEE shall be responsible for all work performed and all expenses incurred in connection with the project. The GRANTEE may subcontract as necessary to perform the services set forth in this agreement, including entering into subcontracts with vendors for services and commodities, provided that such subcontract has been approved by the DIVISION, such approval not to be unreasonably withheld, and provided that it is understood by the GRANTEE that the DIVISION shall not be liable to the subcontractor for any expenses or liabilities incurred under the subcontract and that the GRANTEE shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.
- k. Neither the State nor any agency or subdivision of the State waives any defense of sovereign immunity, or increases the limits of its liability, upon entering into a contractual relationship.
- l. The GRANTEE, its officers, agents, and employees, in performance of this agreement, shall act in the capacity of an independent contractor and not as an officer, employee or agent of the DIVISION. Under this agreement, GRANTEE is not entitled to accrue any benefits of state employment, including retirement benefits, and any other rights or privileges connected with employment in the State Career Service. GRANTEE agrees to take such steps as may be necessary to ensure that each subcontractor of the GRANTEE will be deemed to be an independent contractor and will not be considered or permitted to be an agent, servant, joint venturer, or partner of the DIVISION.

- m. The GRANTEE shall not assign, sublicense, nor otherwise transfer its rights, duties, or obligations under this agreement without the prior written consent of the DIVISION, whose consent shall not unreasonably be withheld. The agreement transferee must demonstrate compliance with the requirements of the program. If the DIVISION approves a transfer of the GRANTEE's obligations, the GRANTEE remains responsible for all work performed and all expenses incurred in connection with the Agreement. In the event the Legislature transfers the rights, duties, or obligations of the Department to another governmental entity pursuant to Section 20.06, *Florida Statutes*, or otherwise, the rights, duties, and obligations under this agreement shall also be transferred to the successor government entity as if it were an original party to the agreement.
- n. This agreement shall bind the successors, assigns, and legal representatives of the GRANTEE and of any legal entity that succeeds to the obligation of the DIVISION.
- o. The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the legislature. In the event that the state funds on which this agreement is dependent are withdrawn, this agreement is terminated and the DIVISION has no further liability to the GRANTEE beyond that already incurred by the termination date. In the event of a state revenue shortfall, the total grant shall be reduced in accordance with Section 257.21, *Florida Statutes*.
- p. If the GRANTEE is in noncompliance with any term(s) of this grant agreement or any other grant agreement with the Division of Library and Information Services, the Division of Historical Resources or the Division of Cultural Affairs, the Division may withhold grant payments until the GRANTEE comes into compliance. Violation of a grant program requirement, including but not limited to failure to submit grant reports and other grant documents; submission of incomplete grant reports or other grant documents; or violation of other grant agreement requirements; shall constitute a basis for the Division to place the GRANTEE in noncompliance status with the Department of State.
- q. The Division shall apply the following financial consequences for failure to perform the duties / tasks required in the scope of work. Should the library fail to provide free library service to the public or be open fewer than 40 hours per week, it will no longer be eligible to receive State Aid Libraries grant funding, and its funding will be reduced to \$0.
- r. Unless there is a change of address, any notice required by this agreement shall be delivered to the Division of Library and Information Services, 500 South Bronough Street, Tallahassee, Florida 32399-0250, for the State and, for the GRANTEE, to its single library administrative unit. In the event of a change of address, it is the obligation of the moving party to notify the other party in writing of the change of address.

IV. The term of this agreement will commence on the date of execution of the grant agreement.

**THE APPLICANT/GRANTEE**

**THE DIVISION**

\_\_\_\_\_  
Chair of Governing Body or  
Chief Executive Officer

\_\_\_\_\_  
Florida Department of State  
Division of Library and Information Services

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk or Chief Financial Officer

\_\_\_\_\_  
Division Witness

\_\_\_\_\_  
Typed Name and Title of Official

\_\_\_\_\_  
Division Witness

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Date

## Florida Administrative Code

### **1B-2.011 Library Grant Programs.**

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:

(a) The State Aid to Libraries Grant Guidelines,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-01114>,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-01115>, effective 4-1-98, amended 11-20-01, amended 12-28-03, amended 2-21-07, amended 4-1-10, amended 4-10-12, amended xx-xx-xxxx; which contain guidelines;-Grant Agreement, effective 12-28-03, amended 4-1-10, amended 4-10-12; Certification of Credentials – Single Library Administrative Head, effective 4-1-98, amended 12-28-03, amended 4-1-10.

(b) The Library Construction Grant Guidelines and Application,

[www.flrules.org/Gateway/reference.asp?No=Ref-01116](http://www.flrules.org/Gateway/reference.asp?No=Ref-01116), effective 4-1-98, amended 2-14-99, amended 1-9-03, amended 2-21-07, amended 4-10-12; which contain instructions, grant application (Form DLIS/PLC01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 1-9-03; Payment Request #1 (Form DLIS/PLC02) effective 1-9-03; Payment Request #2 (Form DLIS/PLC03) effective 1-9-03; Payment Request #3 (Form DLIS/PLC04) effective 1-9-03; Payment Request #4 (Form DLIS/PLC05) effective 1-9-03; Closeout Report (Form DLIS/PLC06) effective 1-9-03; and Grant Agreement, [www.flrules.org/Gateway/reference.asp?No=Ref-01117](http://www.flrules.org/Gateway/reference.asp?No=Ref-01117) , effective 4-10-12.

(c) The Library Cooperative Grant Guidelines and Application,

[www.flrules.org/Gateway/reference.asp?No=Ref-01118](http://www.flrules.org/Gateway/reference.asp?No=Ref-01118), effective 4-1-98, amended 1-24-08, amended 4-10-12; which contain instructions and application (Form DLIS/LCG01), effective 4-1-98, amended 4-4-00, amended 1-24-08; Mid-Year Report (Form DLIS/LCG02) effective 1-24-08; Annual Report Form (Form DLIS/LCG03) effective 1-24-08; Annual Statistical Report Form for Multitype Library Cooperatives (Form DLIS/LCG04), effective 4-1-98, amended 4-4-00, amended 1-24-08, amended 4-10-12; Grant Agreement (Form DLIS/LCG05), [www.flrules.org/Gateway/reference.asp?No=Ref-01119](http://www.flrules.org/Gateway/reference.asp?No=Ref-01119), effective 1-24-08, amended 4-10-12; and the FLIN Manual, effective 1-24-08.

(d) The Library Services and Technology Act Grant Guidelines, effective 4-1-98, amended 2-14-99, amended 11-20-01, amended 4-21-10,

[www.flrules.org/Gateway/reference.asp?No=Ref-01120](http://www.flrules.org/Gateway/reference.asp?No=Ref-01120), amended 4-10-12; which contain instructions and Grant Agreement, [www.flrules.org/Gateway/reference.asp?No=Ref-01121](http://www.flrules.org/Gateway/reference.asp?No=Ref-01121), effective 4-21-10, amended 4-10-12.

(e) The Community Libraries in Caring Program Application, [www.flrules.org/Gateway/reference.asp?No=Ref-01122](http://www.flrules.org/Gateway/reference.asp?No=Ref-01122), effective 11-16-04, amended 4-10-12; which contains instructions and application (Form DLIS/CLIC01), effective 11-16-04; Annual Report (Form DLIS/CLIC02), effective 11-16-04; and Grant Agreement (Form DLIS/CLIC03), [www.flrules.org/Gateway/reference.asp?No=Ref-01123](http://www.flrules.org/Gateway/reference.asp?No=Ref-01123), effective 11-16-04, amended 2-21-06, amended 2-21-07 amended 4-10-12.

(3) Guidelines and forms in this rule are incorporated by reference and may be obtained from the Director of the Division, Florida Department of State, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, *F.S.* Eligible communities applying for Library Services and Technology Act grants-and Library Construction grants must request waiver of matching requirements at the time of grant application.

(5) This section supersedes Chapters 1B-3 and 1B-5, *F.A.C.*

*Specific Authority 257.14, 257.191, 257.192, 257.24, 257.41(2) F.S. Law Implemented, 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 F.S. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, 11-16-04, 2-21-06, 2-21-07, 1-24-08, 4-1-10, 4-21-10, 4-10-12, xx-xx-xxxx.*