

Approved:



Department of Transportation

Effective: July 17, 2013

Office: Right of Way

Topic No.: 575-070-055-d

VEGETATION MANAGEMENT AT OUTDOOR ADVERTISING SIGNS

PURPOSE:

To establish a statewide process for protecting vegetation and providing for visibility of sign facings at permitted outdoor advertising signs. This procedure is necessary to establish a Department of Transportation (Department) procedure for processing ***Application(s) to Permit Vegetation Management at Outdoor Advertising Signs (Application)*** as required by ***Rule 14-10.057, Florida Administrative Code (F.A.C.)***.

AUTHORITY:

Sections 20.23(4)(a) and 334.048(3), Florida Statutes (F.S.)

SCOPE:

This procedure affects the Office of Right of Way, Office of Outdoor Advertising Control (OAC) the Office of Maintenance District Landscape Architects, Central Environmental Management Office, and Contracted Landscape Professionals.

REFERENCES:

- Article II, Section 7, Florida Constitution
- Sections 335.167, and 479.02(7), and 479.106, F.S.
- Rule 14-10.057, F.A.C., Outdoor Advertising Sign Regulation and Highway Beautification
- Highway Landscape Beautification and Plan Review, Topic No 650-050-003

1. VEGETATION MANAGEMENT APPLICATION/PERMIT PROCESSING

1.1 PROCESSING APPLICATIONS

- 1.1.1 The Administrator in Central Office of Right of Way is to receive all **Applications, Form No. 575-070-055**, to permit vegetation management at outdoor advertising signs. The Administrator will collect and deposit **Application** fees, mitigation funds, and penalties and will verify the surrender of sign permit tags and removal of structures when required.
- 1.1.2 All **Applications** will be entered and monitored by the Administrator in the Department's Permit Information Tracking System (PITS).
- 1.1.3 Each month, the Administrator shall notify the District Maintenance Engineer (DME) and District Landscape Architect (DLA) of all **Applications**, mitigation deposits, and penalties collected for locations in their district during the previous month. This notification will be given to aid in the implementation of district mitigation programs.
- 1.1.4 The Department shall review all **Applications** and accompanying vegetation management plans to ensure compliance with **Rule 14-40.057, F.A.C.** Regular meetings and/or correspondence should be scheduled to maximize coordination of the Department personnel (Administrator, DME, DLA, and/or Contractor, when necessary).
- 1.1.5 If the Department determines the **Application** contains errors, omissions, or requires additional information, the Department will communicate the deficiencies via the most efficient written form of communication within 30 days from receipt of the **Application**. **Applications** with uncorrected deficiencies will be denied. **Applications** received without the appropriate fees will be returned
- 1.1.6 The Department must take action on each **Application** it receives within 90 days of the date received. **Applications** may be denied, approved, or approved with conditions.
- 1.1.7 Where multiple **Applications** are submitted simultaneously by a single applicant, the Department shall not withhold approval of all **Applications** when one or more cannot be approved.
- 1.1.8 Upon receipt of the **Application**, the Administrator will verify through OAC if the outdoor advertising sign permit is valid and verify if the Applicant is required to surrender any sign permits. The applicable portion of the **Application** will be signed by an OAC staff member.

- 1.1.9 The Administrator will determine through the DME and/or DLA that the proposed sign's location does not conflict with an approved beautification/planting and is eligible for a vegetation management permit based on the criteria found in **Rule 14-10.057(1)(e) F.A.C.** The DME and/or DLA must notify the Administrator within 10 working days and should include in their response any issue that should be considered in a denial, approval, or approval with conditions, including any reason for granting a permit for less than five years.
- 1.1.10 The Administrator is responsible for checking the OAC database to confirm the existence of a view zone for each approved **Application**. The view zone is needed for landscape plan preparation and during the plan review process described in the **Highway Landscape Beautification and Plan Review Procedure, Topic 650-050-001**.

1.2 CONTRACTOR REVIEW

- 1.2.1 The Department will retain a Contractor with qualifications equal to or exceeding the official qualifications required in **Rule 14-10.057, F.A.C.** to review **Applications** for vegetation management plans, appraisals, and mitigation plans, and when necessary prepare mitigation plans, as requested by the Administrator
- 1.2.2 Within (30) days after receipt of a complete **Application** submittal from the Department, the Contractor will thoroughly examine the **Application**, which will include an on-site field inspection, to determine that the submittal is appropriate for the proposed location. While on-site, the Contractor will secure photograph (s) of the location. Following the examination, all collected data, including the photograph and the Contractor's comments will be submitted to the Department. This information will be utilized by the Department in determining the approval, approval with conditions, or conditions of denial for each **Application**. Both phone and face to face contacts with the applicant and the Central Right of Way Office may be needed to ensure the permitting requirements are being met.
- 1.2.3 Within 10 working days of receipt of a complete **Application** for renewal, the Administrator shall forward the **Application**, complete with attachments, to the Contractor for review. The Contractor is required to take the original **Application** to the site and verify in writing that the renewal **Application** is for the same location as the original application, the conditions of the original **Application** were met, and the new **Application** contains no proposed changes to the original **Application**. Upon receipt of information from the Contractor, the Administrator will approve, deny, or approve with conditions the pending **Application**.
- 1.2.4 For **Applications** where the Contractor indicates significant impacts to the

roadside environment, aesthetics, or operation of the highway system, the Administrator may require the Contractor to complete a second review of the vegetation management plan (required attachment with the **Application**) in accordance with the **Highway Landscape Beautification and Landscape Plan Review, Procedure No. 650-050-001**. In such cases, the Department will issue a specific work assignment to the Contractor to schedule this review.

- 1.2.5** Within 5 working days after notification of the completion of the removal, cutting or trimming of the vegetation by the applicant, the Contractor will be asked to inspect the view zone and adjoining right of way and confirm that the work is complete. If the Contractor identifies any unauthorized removal, cutting or trimming, the extent and nature of such must be reported to the Department.

1.3 NEW SIGNS

- 1.3.1** When an application to erect a new sign is submitted to OAC, and the application indicates vegetation will need to be removed to make the new sign face visible, OAC will notify the Applicant that two sign permits for existing non-conforming signs must be surrendered in accordance with **Section 479.106(5) F.S.**, before the new sign can be permitted. When OAC has determined the sign site can be permitted pending surrender of permits for two existing non-conforming outdoor advertising signs, OAC will notify the Applicant in writing, indicating the timeline for final approval or denial of the OAC permit application for the new outdoor advertising sign. In addition, OAC will advise the Applicant to submit the **Application to Permit Vegetation Management at Outdoor Advertising Sign (Application), Form No. 575-070-055** and **Application** fee to the Administrator. **Applications** may be submitted to the OAC simultaneously with a permit application for a new sign.
- 1.3.2** Before approving the **Application** for vegetation management for any new sign, the Administrator will request available photographs and supporting information from OAC. Such data will be provided by the Administrator to the Contractor for use in verifying the site location and the vegetation status at the time of **Application**.
- 1.3.3** When an Applicant surrenders Outdoor Advertising Permits, by submitting an executed **Outdoor Advertising Permit Cancellation Certification (Cancellation Certification), Form No. 575-070-12** and corresponding tag for each permit being cancelled. OAC must forward to the Administrator, by email, a scanned copy of each **Cancellation Certification**. Prior to approval of the **Application** the Administrator must verify with OAC that surrendered structures have been removed and OAC has collected surrendered sign permit tags. The Administrator must also request that the Contractor review and verify the Applicant has met the mitigation requirements described in **Rule 14-10.057, F.A.C.**

1.4 APPROVED APPLICATIONS

- 1.4.1 When an **Application** is approved, the Applicant shall be notified. The approved **Application** becomes the **Permit**. When special conditions are listed on the **Permit** (an attachment may be used) by the Department, a sign company representative must acknowledge understanding of the special conditions by initialing the appropriate line on the **Application** form. A file copy of the approved **Permit** and all attachments must be maintained by the Administrator, with appropriate notice to the DME and DLA, or designee.
- 1.4.2 After approval of the **Application**, the Administrator must forward a copy of page 3 of the approved **Permit** to the OAC indicating if it is a new **Permit** or a renewal so that OAC may be aware the **Permit** has been granted and take appropriate action on pending sign **Permit Applications**.

2. MITIGATION

- 2.1 An applicant's appraisal or mitigation plan must meet the requirements of **Rule 14-10.057, F.A.C.** The Administrator will request a review of proposed plans by the Contractor. The Contractor's review must be submitted in writing to the Administrator and shall be maintained in the state-wide inventory records.
- 2.1.2 When the Applicant elects the fee option of **Rule 14-10.057(3)(b)1, F.A.C.**, to satisfy the mitigation requirements, fees must be collected before the permit is issued. Funds equal to the amount collected for mitigation in each district are available to fund landscape projects within that District.
- 2.1.3 When the applicant elects the mitigation plan option of **Rule 14-10.057(3)(b)2, F.A.C.**, to satisfy the mitigation requirements, the Administrator must secure a review of the mitigation plan by the Contractor. The Contractor's review will be furnished to the appropriate DME and DLA by the Administrator. The DME and DLA will be given fourteen (14) working days to provide in writing to the Administrator all concerns raised. The Administrator will furnish the comments to the Contractor and an analysis will be furnished by the Contractor to the Administrator who will approve, deny, or approve with conditions the mitigation plan.
- 2.1.4 The Administrator may require the Contractor to inspect the mitigation project for compliance with the approved plan, and provide a written analysis. The Contractor will monitor the site during the required establishment period. When necessary, the Administrator shall notify the **Applicant** in writing of any remedial action necessary to satisfy the requirements of **Rule 14-10.057(3)(b), F.A.C.**
- 2.1.5 Mitigation plans which are not approved must be returned to the Applicant by

certified mail with explanation, or with appropriate comments indicating revisions necessary to gain approval.

3. COLLECTION OF FEES

3.1 All monetary receipts shall be collected and processed by the Administrator. Such funds shall be sent to the Cashiers Office, Office of Comptroller (OOC), General Accounting Office, MS 42B, in accordance with ***Procedure No. 350-080-300, Securing, Transmitting, Depositing, Recording, and Refunding Receipts***, using the Funds Transmittal System. A copy shall be returned to the Applicant and a copy retained for the Department's file.

3.1.2 FLAIR Coding for the ***Funds Transmittal System*** is as follows:

Type of funds collected Object Receivable account number

Application fee 001701 NA

Penalty Fee unauthorized cutting 001702 NA

Mitigation fee or contribution

001703	District #1	7220
001703	District #2	7221
001703	District #3	7222
001703	District #4	7223
001703	District #5	7224
001703	District #6	7225
001703	District #7	7226
001703	District #8	7227

The district receivable account number is the key to getting credit for the funds collected and available for mitigation projects.

4. AUDIT

4.1 The Administrator shall maintain a record, accounting for the collection of mitigation fees.

4.1.2 A periodic audit will be performed by the Accounts Receivable Section of the General Accounting Office. This audit will be at least quarterly, but more frequent if activity dictates. The district balance will be verified against the monthly subsidiary report (for mitigation deposits).

4.1.3 During the first week of each quarter an email will be forwarded by the General

Accounting Office to the Administrator for redistribution to the DMEs. The Administrator will forward the email to each DME and copy the STLA, requesting verification of attached balances. A response should be submitted within seven business days to the General Accounting Office. Any discrepancies will be researched through the General Accounting Office and the District.

5. UNAUTHORIZED CUTTING, TRIMMING, OR REMOVAL OF VEGETATION

- 5.1 When a **Permit for Vegetation Management at Outdoor Advertising Signs** has not been issued, any cutting, trimming, or removal of vegetation in the right of way is unauthorized. Administrative penalties and required mitigation shall adhere to the provisions of **Section 479.106, F.S.**, and **Rule 14-10.057 F.A.C.**
- 5.1.2 When a **Permit** has been issued, any cutting, trimming, or removal of vegetation beyond what has been approved in the **Permit** is considered to be unauthorized. Administrative penalties and mitigation shall be required pursuant to the provisions of **Section 479.106, F.S.**, and **Rule 14-10.057, F.A.C.**
- 5.1.3 Any unauthorized cutting, trimming or removal of vegetation will result in the department issuing a Notice of Violation, which will subject the violator to a \$1,000 administrative penalty and mitigation.
- 5.1.4 Should a violator not submit the applicable penalty and mitigation within 30 days or by a deadline specified in a **Notice of Violation** from the Department, or request an administrative hearing, the Administrator shall notify OAC and turn the responsibility of the fee collection over to the Accounts Receivable Section of the General Accounting Office, who will then turn the account over to the State's contracted collection agency.
- 5.1.6 When a \$1000 administrative penalty is collected after it has been turned over to the Accounts Receivable Section of the General Accounting Office the Administrator shall notify the OAC by email within 5 working days that the penalty fees have been collected.

6. TRAINING

The Department will provide training to OAC, DMEs, DLAs, and the Contractor, as necessary.

7. FORMS

The following forms are available in the Department's Forms Library:

- Form 575-070-55, Application to Permit Vegetation Management at Outdoor Advertising Signs
- Form 575-070-12, Outdoor Advertising Permit Cancellation Certification

Note: The above forms are incorporated by reference in **Rule 14-10.057, F.A.C.**, and any revisions, additions or updates to these forms must be coordinated with the Office of the General Counsel for Administrative Code update.