

## Section 9.3

### PAYMENT FOR MOVING AND RELATED EXPENSES

#### TABLE OF CONTENTS

PURPOSE .....	9-3-1
AUTHORITY .....	9-3-1
SCOPE .....	9-3-1
REFERENCES.....	9-3-1
TRAINING .....	9-3-2
FORMS .....	9-3-2
9.3.1 Eligibility Criteria .....	9-3-2
9.3.2 Moves from a Dwelling .....	9-3-3
9.3.3 Moves from a Mobile Home.....	9-3-5
9.3.4 Fixed Residential Moving Cost Schedule .....	9-3-7
9.3.5 Multiple Occupancy .....	9-3-9
9.3.6 Owner Retention of Dwelling - Move Costs .....	9-3-9
9.3.7 Moves from a Business, Farm or Non-profit Organization.....	9-3-10
9.3.8 Move Cost Estimates for Non-Residential Moves.....	9-3-11
9.3.9 Fixed Payments, Non-Residential Moves for Businesses, Farms, and Nonprofit Organizations.....	9-3-13
9.3.10 Personal Property Only Moves.....	9-3-17
9.3.11 On-Premises Signs.....	9-3-19
9.3.12 Eligible Actual Moving Expenses.....	9-3-22
9.3.13 Related Non-Residential Eligible Expenses .....	9-3-27
9.3.14 Reestablishment Expenses for Non-Residential Moves .....	9-3-27

9.3.15	Actual Direct Loss Payment, Purchase of Substitute Personal Property .....	9-3-29
9.3.16	Low Value, High Bulk Items.....	9-3-30
9.3.17	Hazardous Waste and Substances .....	9-3-31
9.3.18	Ineligible Moving and Related Expenses.....	9-3-32
9.3.19	Notification and Inspection .....	9-3-33
9.3.20	Claim for Payment .....	9-3-35
HISTORY	.....	9-3-36

## **Section 9.3**

### **PAYMENT FOR MOVING AND RELATED EXPENSES**

#### **PURPOSE**

To set forth the eligibility criteria for move cost payments and establish the process by which payment is made to a displacee.

#### **AUTHORITY**

49 Code of Federal Regulations, Part 24  
Rule Chapter 14-66, Florida Administrative Code  
Section 20.23(4)(a), Florida Statutes  
Section 334.048(3), Florida Statutes

#### **SCOPE**

This section will be used by appropriate District and Central Office Right of Way and Office of the General Counsel Staff.

#### **REFERENCES**

Chapter 287, Florida Statutes  
Chapter 18296, Laws of Florida 1937, Murphy Act  
Department of Management Services, Rule 60A  
Department of Transportation Procedure No. 375-040-020, Procurement of Commodities and Contractual Services  
Dislocation Allowance Schedule, 49 Code of Federal Regulations, Part 24  
Florida Resource and Management Act  
Generally Accepted Accounting Principles  
Resource Conservation and Recovery Act  
Right of Way Manual, Section 7.2, Negotiation Process  
Right of Way Manual, Section 9.2, General Relocation Requirements  
Right of Way Manual, Section 9.4, Replacement Housing Payments  
Rule Chapter 62-761, Florida Administrative Code  
Section 501 of the Internal Revenue Code (26 U.S.C. 501)

## TRAINING

Training for this section is provided to all participants in the ***Relocation Fundamentals Course and the Advanced Relocation Course***, a required element of the Right of Way Level II Training Program.

## FORMS

The following forms are available on the Florida Department of Transportation's Forms Library and/or the Right of Way Management System (RWMS):

575-040-08, Hazardous Substance Letter  
575-040-09, 90-Day Letter of Assurance  
575-040-11, 30-Day Notice to Vacate  
575-040-15, Move Cost Estimate  
575-040-17, Personal Property Inventory  
575-040-20, Moving Expense Calculation and Payment Determination  
575-040-22, Direct Payment Agreement  
575-040-23, Application and Claim for Reimbursement of Moving Costs  
575-040-30, Notice of Eligibility- Nonresidential  
575-040-31, Notice of Eligibility - Residential  
575-040-34, Notice of Eligibility-Personal Property Move/Signs  
575-040-40, Letter of Abandonment

### 9.3.1 Eligibility Criteria

**9.3.1.1** Any displaced owner or tenant of a residence, business, farm, non-profit organization, on premise sign or individual personal property items who is required to move their personal property is entitled to reimbursement of actual reasonable moving and related expenses. The District Relocation Administrator will determine expenses considered to be reasonable and necessary. A displacee will receive moving expense reimbursement for:

- (A) Moving personal property located within the right of way;
- (B) Costs incurred in moving from a current dwelling or from other real property not acquired when the District determines the acquisition necessitates such a move;

- (C) Moving personal property of one person from acquired real property which is owned by another, when the Florida Department of Transportation (Department) requires the personal property be moved because of the acquisition.
  - (1) Only one move may be eligible for payment, except where more than one move is shown to be in the public interest and approval is obtained from the FHWA Division Administrator on federally funded projects.
  - (2) A move in and out of storage, when approved by the District Relocation Administrator, constitutes a single move.
- (D) Roadway Easements: Displacees who have personal property on the portion of a parcel affected by a roadway easement reserved by the ***Trustees of the Internal Improvement Trust Fund, Murphy Act Reservations or Everglades Drainage District Reservations***, are eligible for moving expense payments, provided all other eligibility criteria for payment are met.

**9.3.1.2** A non-occupant owner of a rented mobile home is eligible for actual cost reimbursement to relocate the mobile home. If the mobile home is not acquired as real estate, but the homeowner-occupant obtains a replacement housing payment under one of the circumstances described in ***Right of Way Manual, Section 9.5.4.2 Determination to Relocate the Mobile Home***, the homeowner occupant is not eligible for payment for moving the mobile home but may be eligible for a payment for moving personal property from within or around the mobile home.

## **9.3.2 Moves from a Dwelling**

**9.3.2.1** A displaced person's actual, reasonable and necessary moving expenses for moving personal property from a dwelling may be determined based on one, or a combination of the following methods:

- (A) Commercial Move – moves performed by a professional mover.
  - (1) At least two estimates from qualified commercial movers must be obtained by the displacee or the Department. Reimbursement is limited to the lowest estimated amount

- (B) Self-Move – moves that are performed by the displaced person in one or a combination of the following methods:
- (1) Fixed Residential Moving Cost Schedule - Any person displaced from a dwelling, seasonal residence or dormitory style room is entitled to receive this payment as an alternative to payment for actual moving and related expenses. This payment shall be determined in accordance with **Section 9.3.4, Fixed Residential Moving Cost Schedule**, approved by the Federal Highway Administration and published in the Federal Register on a periodic basis. The payment to a person with minimal personal possessions who is in occupancy of a dormitory style room, or a person whose residential move is performed by the Department at no cost to the person shall be limited to \$100.00 in accordance with the most recent edition of the Fixed Residential Moving Cost Schedule.
  - (2) Actual Cost Move – actual, reasonable and necessary costs supported by invoices or receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Cost for moving personal property that requires special handling should not exceed the hourly market rate for a commercial specialist. Equipment rental fees should be based on the actual cost of renting the equipment, but not exceed the cost paid by a commercial mover. If a question exists as to the reasonableness of an expense the Department may obtain estimates prepared by qualified movers to use as the standard in determining payment.
  - (3) A moving cost estimate - Prepared by a qualified Department staff person, as developed from the thorough review of the personal property to be moved and documented costs for materials, equipment, and labor. Hourly labor rates should not exceed the cost paid by a commercial mover for moving staff. Costs for moving residential personal property that requires special handling should not exceed the hourly rate for a commercial specialist. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover. The cost of materials should equal those readily available locally.

**9.3.2.2** Documentation of actual expenses incurred, such as receipted bills, or invoices from the commercial mover must be submitted to the District.

**9.3.2.3** If unusual or complex items are to be moved, a Department Right of Way agent should be present on a parcel by parcel basis to oversee that the move is performed as specified and all items in the pre-move inventory are moved.

**9.3.2.4** When the Department determines monitoring is needed the following will be documented:

- (A) Any equipment used in the move with cost and time used. Equipment rental fees should be based on the actual cost of renting the equipment, but not exceed the cost paid by a commercial mover;
- (B) Persons involved in the move, type of work performed, hourly wage (should not exceed the cost paid by a commercial mover), and time period of actual work;
- (C) Amount of inventory moved during the monitoring period.

**9.3.2.5** Pre-move and post-move inventories utilizing [Form No. 575-040-17, \(Personal Property Inventory\)](#) are required on all types of moves except where reimbursement is based on the Fixed Residential Move Cost Schedule.

**9.3.2.6** Eligible expenses for moves from a dwelling include the expenses described in paragraphs A through G of [Section 9.3.12, Eligible Actual Moving Expenses](#).

### **9.3.3 Moves from a Mobile Home**

**9.3.3.1** A displaced person's actual, reasonable and necessary moving expenses for moving personal property from a mobile home may be determined based on the cost of one, or a combination of the following methods:

- (A) Commercial Move – moves performed by a professional mover.
  - (1) At least two estimates from qualified commercial movers must be obtained by the displacee or the Department. Reimbursement is limited to the lowest estimated amount
- (B) Self-Move – moves that are performed by the displaced person in one or a combination of the following methods:

- (1) Fixed Residential Moving Cost Schedule - Any person displaced from a dwelling, seasonal residence or dormitory style room is entitled to receive this payment as an alternative to payment for actual moving and related expenses. This payment shall be determined in accordance with **Section 9.3.4 Fixed Residential Moving Cost Schedule**, approved by the Federal Highway Administration and published in the Federal Register on a periodic basis;
- (2) Actual Cost Move – actual, reasonable, and necessary costs supported by invoices or receipted bills for labor and equipment. Hourly labor rates should not exceed the rates paid by a commercial mover. Costs for moving personal property that requires special handling should not exceed the hourly market rate for a commercial specialist. Equipment rental fees should be based on the actual cost of renting the equipment, but not exceed the cost paid by a commercial mover.
- (3) A moving cost estimate - Prepared by a qualified Department staff person, as developed from the thorough review of the personal property to be moved and documented costs for materials, equipment, and labor. Hourly labor rates should not exceed the cost paid by a commercial mover for moving staff. Costs for moving residential personal property that requires special handling should not exceed the hourly rate for a commercial specialist. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover. The cost of materials should equal those readily available locally.

**9.3.3.2** Pre-move and post-move inventories are required on all types of moves except where reimbursement is based on the Fixed Residential Move Cost Schedule.

**9.3.3.3** Eligible expenses for moves from a mobile home include the expenses described in paragraphs A through G of **Section 9.3.12, Eligible Actual Moving Expenses**.

**9.3.3.4** The owner/occupant of a mobile home that is moved as personal property and used as the person's replacement dwelling, is also eligible for the moving expenses described in paragraphs I through K of **Section 9.3.12, Eligible Actual Moving Expenses**.



## 9.3.4 Fixed Residential Moving Cost Schedule

**9.3.4.1** Persons displaced from a dwelling, mobile home, dormitory style room, or seasonal residence may choose to receive a Fixed Residential Moving Cost Schedule payment as an alternative to a payment for actual moving and related expenses.

**9.3.4.2** A room is defined as either of the following:

- (A) A fully enclosed section of the interior of a structure having access through a door or doorway, exclusive of closets and bathrooms, or
- (B) An area within a fully enclosed section of a structure which has a separate and distinct function, such as the living area within a great room.

**9.3.4.3** This payment shall be determined according to the Fixed Residential Moving Cost Schedule approved by the Federal Highway Administration and published in the Federal Register on a periodic basis. The Fixed Residential Moving Cost Schedule is available at: [https://www.fhwa.dot.gov/real\\_estate/uniform\\_act/relocation/moving\\_cost\\_schedule.cfm](https://www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm).

### Schedule A: Occupant Owns Furnishings

Number of Furnished Rooms	Amount of Moving Expense
1	\$800
2	\$975
3	\$1150
4	\$1350
5	\$1575
6	\$1750
7	\$1950
8	\$2200
Each additional room	\$325

**Schedule B: Occupant Does Not Own Furnishings**

<b>Number of Unfurnished Rooms</b>	<b>Amount of Moving Expense</b>
1	\$550
Each Additional Room	\$175

**9.3.4.4** Modifications to the room count may be made as follows:

- (A)** An enclosed area within a structure which is primarily used for storage may be counted as more than one (1) room if the quantity of personalty exceeds that which would reasonably be found in a single room.
- (B)** Items of personalty stored in detached structures or in unenclosed areas around the residence may be counted as an additional room or, at the discretion of the District Relocation Administrator, may be approved for actual cost reimbursement in addition to the room count computation for the residence.
- (C)** Room count determinations shall be documented in the permanent file.

**9.3.4.5** The payment to a person with minimal personal possessions who is in occupancy of a dormitory style room, or a person whose residential move is performed by an agency at no cost to the person shall be limited the amount stated in the most recent edition of the Fixed Residential Moving Cost Schedule.

**9.3.4.6** Mobile Home Owner Occupants - Owner occupants who move their mobile home with the personal property still inside, will be reimbursed for the actual cost of moving the mobile home from the site. At the discretion of the District Relocation Administrator the displaced person may be eligible for up to \$550 for packing and securing personal property.

**9.3.4.7** Mobile Home Tenant/Occupants - Displacees who reside as tenants in a mobile home and move only personalty and not the mobile home will be reimbursed according to the Fixed Residential Moving Cost Schedule for furnished, unfurnished, or partially furnished dwelling, as appropriate. Please refer to [Section 9.3.4.1](#).

**9.3.4.8** An agency may determine that the storage of personal property is a reasonable and necessary moving expense for a displaced person under this part. The determination shall be based on the needs of the displaced person; the nature of the move; the plans

for permanent relocation; the amount of time available for the relocation process; and, whether storage will facilitate relocation. If the agency determines that storage is reasonable and necessary in conjunction with a fixed cost moving payment made under this section, the agency shall pay the actual, reasonable, and necessary storage expenses in accordance with § 24.301(g)(4). However, regardless of whether storage is approved, the Fixed Residential Move Cost Schedule provides a one-time payment for one move from the displacement dwelling to the replacement dwelling, or storage facility. Consequently, displaced persons must be fully informed that reimbursement of costs to move the personal property to storage and the cost of approved storage, if applicable, represent a full reimbursement of their eligibility for moving costs under this part.

### 9.3.5 Multiple Occupancy

**9.3.5.1** When an acquired dwelling is occupied by more than one occupant, the following applies:

- (A) If two or more occupants of the displacement dwelling move to separate replacement dwellings and the Department determined only one household existed, (see ***Right of Way Manual, Section 9.2, General Relocation Requirements***) each occupant is entitled to a prorated share of any move costs that would have been made, had the occupants moved to a single replacement dwelling. The prorated amount shall be based on the personal property actually owned by the individual displacees.
- (B) If the Department determines two or more occupants maintained separate households within the same displacement dwelling, each occupant has a separate entitlement to move cost payments if they move to separate replacement dwellings.

### 9.3.6 Owner Retention of Dwelling - Move Costs

**9.3.6.1** When an owner retains the dwelling which was not acquired by the Department, the cost of moving it to the remainder or to replacement land is eligible for reimbursement in accordance with ***Right of Way Manual, Section 7.2.25, Owner Retention***.

**9.3.6.2** The cost of moving the dwelling shall be based on an estimated cost obtained from a licensed house moving company. (This cost, together with others, will be utilized in the applicable replacement housing payment calculation comparison in accordance with ***Right of Way Manual, Section 9.4.30, Owner Retention-Purchase Additive Payment***).

**9.3.6.3** The cost of moving the personal property is payable as one or a combination of a commercial move, self-move, or a Fixed Residential Moving Cost Schedule payment.

**9.3.6.4** If the dwelling is used as a means of moving the personal property, the move costs are to be payable under the provisions for a Fixed Residential Moving Cost Schedule payment, see [Section 9.3.4](#).

### **9.3.7 Moves from a Business, Farm or Non-profit Organization**

**9.3.7.1** Personal property as determined by an inventory from a business, farm or non-profit organization may be moved by one or a combination of the following methods:

- (A)** Commercial move – moves performed by a commercial mover.
  - (1)** At least two estimates from qualified commercial movers must be obtained by the displacee or the Department. Reimbursement is limited to the lowest estimated amount
  - (2)** If the estimated cost to move is less than \$10,000, the District Relocation Administrator has the discretion to approve a single estimate.
- (B)** Self-move – moves that are performed by the displacee. A self-move payment shall be based on one or a combination of the following:
  - (1)** The lower of two bids or estimates prepared by a commercial mover or qualified Department staff person. At the District Relocation Administrator's discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate; or
  - (2)** Actual Cost Move- actual, reasonable and necessary costs supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity and equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover.
  - (3)** A qualified Department staff person may develop a move cost finding by estimating and determining the cost of a small uncomplicated nonresidential personal property move of \$5,000 or less, with the written consent of the person. This estimate may include only the

cost of moving personal property which does not require disconnect and reconnect and/or specialty moving services necessary for activities including crating, lifting, transportation, and setting of the item in place.

- (C) When the displacee uses the combination of the two, the total cost cannot exceed the amount of the lowest estimate.

### **9.3.8 Move Cost Estimates for Non-Residential Moves**

**9.3.8.1** A move cost estimate is a price guarantee given by a mover to accomplish a specific move within a specific time frame as follows:

- (A) The mover must be ready, willing and able to begin the particular move within a reasonable time from notification, as determined by the District Relocation Administrator and must sign a statement to that effect.
- (B) At the District Relocation Administrator's discretion during industrial and commercial moves, [Form No. 575-040-15, \(Move Cost Estimate\)](#), will be completed in detail to be valid.
- (C) A certified inventory, scope of services and, when determined necessary by the agent, a complete set of move specifications must be provided to a mover submitting a move cost estimate. Each mover must then inspect the acquired and replacement sites with a Department representative prior to submitting [Form No. 575-040-15, \(Move Cost Estimate\)](#).
- (D) For moves requiring special handling of items to be moved, or subcontracted labor, or specialty work such as electrical or plumbing disconnecting and reconnecting, complete move specifications must be written either by the displacee or a designee, or Department representative, and approved by the District Relocation Administrator. These specifications will then be submitted to an appropriate specialist qualified to prepare an estimate.

**9.3.8.2** When the estimates are obtained by the displacee, the following will apply:

- (A) A minimum of two move cost estimates must be obtained. If the estimated cost to move is under \$10,000 the District Relocation Administrator has the discretion to approve a single estimate or require two estimates.

Reimbursement shall be based on the lower of two bids or estimates prepared by a commercial mover.

- (B) All move cost estimates must be submitted to the Department within 45 days from the date of request.
- (C) The Department will reimburse the reasonable cost of obtaining two move cost estimates.
  - (1) At the discretion of the District Relocation Administrator, additional estimates may be obtained.
  - (2) The invoice for preparation of each move cost estimate must include date(s) of services, time of day, hours per day, and hourly rates for such preparation.
- (D) The Department will reimburse the reasonable cost of advertising for packing, crating, unpacking, uncrating, and transportation, when such advertisement is determined to be necessary by the District Relocation Administrator. This is usually limited to complex or unusual moves where advertising is the only reasonable means of obtaining estimates. Exceptions to this are permissible at the discretion of the District Relocation Administrator.

**9.3.8.3** When the estimates are obtained by the Department on behalf of the displacee the following will apply:

- (A) A minimum of two move cost estimates must be obtained. If the estimated cost to move is under \$10,000 the District Relocation Administrator has the discretion to approve a single estimate or require two estimates. Reimbursement shall be based on the lower of two bids or estimates prepared by a commercial mover.
- (B) All move cost estimates should be obtained by the district within 45 days from the date of request;
- (C) The Department files must be documented regarding all estimates obtained; and
- (D) The Department must obtain bids or quotes for preparation of a move cost estimate by entering into contracts for such services, as provided for under ***Chapter 287, Florida Statutes (F.S.); Department of Management***

***Services, Rule 60A, and Topic No. 375-040-020, Procurement of Commodities and Contractual Services.***

**9.3.9 Fixed Payments, Nonresidential Moves for Businesses, Farms, and Nonprofit Organizations**

**9.3.9.1** A displaced business may be eligible to choose a fixed payment in lieu of the payments for actual moving and related expenses, actual reasonable reestablishment expenses and search expenses. Such fixed payment shall equal the average annual net earnings of the business, as computed in **Section 9.3.9.2(F)**, but not less than \$1,000, nor more than \$53,200. If the average annual net earnings of the displaced business, farm, or nonprofit organization are determined to be less than a \$1,000, even a \$0 or negative amount, the minimum payment of \$1,000, shall be provided. Landlord businesses are not eligible for this entitlement.

**9.3.9.2** If a business, farm operation, or nonprofit organization elects the fixed in lieu of payment option, the payment represents its full and final payment for all relocation expenses. Should the business elect to receive this payment, it would not be eligible for any other relocation assistance payments including actual moving or related expenses, or reestablishment expenses.

**9.3.9.3** To be eligible for a fixed payment, the Department must determine if:

- (A)** The business has already claimed reimbursement of similar move costs under another allowable option;
- (B)** The business owns or rents personal property which must be moved in connection with such displacement; and for which an expense would be incurred in such move; and the business vacates or relocates from its displacement site;
- (C)** The business cannot be relocated without a substantial loss of existing patronage, clientele or net earnings. A business is assumed to meet this test unless the Department determines that it will not suffer a substantial loss of its existing patronage. The file must be documented with the determination, even if assumed. This determination will be made using the following guidelines as applicable:
  - (1)** Nature of the business, business type;
  - (2)** Nature of clientele, such as walk-ins, referrals, telephone contacts;

- (3) If transaction of business occurs on the displacement site or elsewhere;
  - (4) Any other point considered relevant as determined by the District Relocation Administrator.
- (D) The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the Department, and which are under the same ownership and engaged in the same or similar business activities. Other establishments will not be considered if they did not contribute materially to the income of the displaced person;
- (E) The business is not operated at the displacement dwelling or site solely for the purpose of renting the dwelling or site to others;
- (F) The business contributed materially to the income of the displaced person during the two taxable years prior to the displacement. Contributes materially means that during the two taxable years prior to the taxable year in which displacement occurs, a business or farm operation:
  - (1) Had average annual gross receipts of not less than \$5,000; or
  - (2) Had average annual net earnings of not less than \$1,000; or
  - (3) Contributed at least 33 1/3% of the owner's or operator's average annual income from all sources.
  - (4) If the application of the above criteria creates an inequity or hardship in any given case, the District Relocation Administrator may approve the use of other criteria as determined appropriate.

**9.3.9.4** Average annual net earnings of a business or farm operation means one-half of the net earnings of the operation at the acquired site, before Federal, State, and local income taxes, during the two taxable years immediately prior to the year of displacement and is determined by considering the following:

- (A) Average annual net earnings include any compensation paid by the operation to the owner, the owner's spouse, or the owner's dependents, during the two-year period. In the case of a corporate owner, earnings include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation, as well as compensation paid to the owner(s) regardless of their percentage of ownership in the corporation. For



the purpose of determining majority ownership, stock held by a person, their spouse and their dependent children shall be treated as one unit.

- (B) If a loss of net income occurs in one year and a gain in the other year, the income of the year in which the loss was incurred should be computed as zero (0) when determining the average net income for the two-year period.
- (C) If the two tax years prior to displacement are not representative, the District Relocation Administrator may approve an alternate consecutive two-year period during which the business was in operation at the acquired site.
- (D) The displacee must furnish the Department with proof of net earnings such as signed tax returns or a financial statement that has been certified as conforming to **Generally Accepted Accounting Principles** by a Certified Public Accountant. If signed tax returns are not available, a written statement or affidavit from the displacee attesting that the unsigned tax returns are true and correct copies of the ones submitted to the Internal Revenue Service will be acceptable. The statement should also express the displacee's agreement to request copies of their returns from the Internal Revenue Service in cases where the Department thinks it is necessary.

**9.3.9.5** If the business or farm is in operation on the date of initiation of negotiations but was not in operation for the full two taxable years prior to displacement, and is otherwise eligible, then the fixed payment would be based on the net earnings of the business at the displacement site for the actual period of operation during the two taxable years prior to displacement, projected to an annual rate. The payment shall be computed by dividing the net earnings by the number of months it has operated and multiplying that amount by twelve.

A taxable year is defined as any twelve-month period used by the operation in filing federal income tax returns.

If a business was not in operation for a full two (2) years, the existing net earnings income data should be used to project what the net earnings could be if the business were in operation for a full two (2) years. If the business is seasonal, the business' operating season net income represents the full annual income for the purposes of calculating this benefit.

For example:

- (A) The business in operation for only six (6) months earned \$10,000

Computation:  $(\$10,000/6) \times 12 = \$20,000$  annual net earnings  $\times 2$  years = \$40,000 divided by 2 = \$20,000; Eligibility = \$20,000 average annual net earnings.

- (B) Business in operation 18 months earned \$20,000.

Computation: \$20,000 divided by 18 months = \$1,111 per month  $\times 24$  months = \$26,664 divided by 2 years = \$13,332; Eligibility = \$13,332 average annual net earnings.

- (C) Business is seasonal—open summer only for 4 months and earns \$5,000.

Computation: \$5,000 was the seasonal net earnings 1 year and \$6,000 was the seasonal net earnings a second year. \$11,000 divided by 2 = \$5,500; Eligibility = \$5,500 average annual net earnings.

**9.3.9.6** In determining whether two or more displaced legal entities constitute a single business, which is entitled to only one fixed payment, all pertinent factors must be considered, including the extent to which:

- (A) The same premise and equipment are shared;
- (B) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;
- (C) The entities are held out to the public, and to those customarily dealing with them, as one business;
- (D) The same person or closely related persons own, control, or manage the affairs of the entities.

**9.3.9.7** A displaced farm operation may be eligible to choose a fixed payment in lieu of a payment for actual moving and related expenses and actual reasonable reestablishment expenses equal to the average annual net earnings, but not less than \$1,000 nor more than \$53,200. The determination is as follows:

- (A) All provisions of **Section 9.3.9.3** apply.
- (B) In the case of a partial acquisition of land, which was a farm operation prior to the acquisition, the fixed payment shall be made only if the District determines that:

- (1) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or
- (2) The partial acquisition caused a substantial change in the nature of the farm operation.

**9.3.9.8** A displaced nonprofit organization may be eligible to choose a fixed payment of \$1,000 to \$53,200 in lieu of payment for actual moving and related expenses and actual reasonable reestablishment expenses. A nonprofit organization is a corporation duly registered with the Florida Secretary of State as a Corporation Not for Profit. The corporation must also be exempt from paying federal income taxes under **Section 501** of the **Internal Revenue Code (26 U.S.C. 501)**. The determination is as follows:

- (A) To be eligible for this payment the District must determine that the nonprofit organization cannot relocate without a substantial loss of its existing patronage, membership, or clientele. A nonprofit organization is assumed to meet this test unless the District determines that it will not suffer a substantial loss of its existing patronage, membership, or clientele. The file must be documented with the determination, even if assumed.
- (B) Any payment in excess of \$1,000 must be supported with financial statements for the two, twelve (12) month periods prior to the acquisition. The amount to be used for the payment is the average of two (2) year's annual gross revenues less administrative expenses, not to exceed \$53,200.
- (C) Gross revenues may include membership fees, class fees, cash donations, tithes, and receipts from sales, or other forms of fund collection that enables the nonprofit organization to operate. Administrative expenses are those for administrative support such as rent, utilities, salaries, advertising, and other like items, as well as fund raising expenses. Operating expenses for carrying out the purposes of the nonprofit organization are not included in administrative expenses. The monetary receipts and expenses amounts may be verified with certified financial statements or financial documents required by public agencies.

## **9.3.10 Personal Property Only Moves**

**9.3.10.1** Eligible expenses for a person who is required to move personal property from real property but is not required to move from a dwelling (including a mobile home),

business, farm or nonprofit organization include those expenses described in paragraphs A through G and S of **Section 9.3.12, Eligible Actual Moving Expenses.**

**9.3.10.2** A displaced person's actual, reasonable and necessary moving expenses for moving personal property shall be based on the cost of one, or a combination of the following methods:

- (A)** Commercial move – moves performed by a commercial mover.
  - (1)** At least two estimates from qualified commercial movers must be obtained by the displacee or the Department. Reimbursement is limited to the lowest estimated amount
  - (2)** If the estimated cost to move is less than \$10,000, the District Relocation Administrator has the discretion to approve a single estimate.
- (B)** Self-move – moves that are performed by the displacee. A self-move payment shall be based on one or a combination of the following:
  - (1)** The lower of two bids or estimates prepared by a commercial mover or qualified Department staff person. At the District Relocation Administrator's discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate; or
  - (2)** Actual cost move- actual, reasonable and necessary costs supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity and, equipment rental fees should be based on the actual rental cost of the equipment but not exceed the rates paid by a commercial mover.
- (C)** Fixed Residential Moving Cost Schedule – May be used in situations where a displaced person is eligible for reimbursement of move costs for moving of personal property from a residential dwelling.
  - (1)** For such a residential personal property move, there may be situations in which the costs of obtaining moving bids may exceed the cost to move. In those situations, the agency may allow an

eligibility determination and payment based upon the use of the “additional room” category of the Fixed Residential Move Cost Schedule at

[https://www.fhwa.dot.gov/real\\_estate/uniform\\_act/relocation/moving\\_cost\\_schedule.cfm](https://www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm)

### 9.3.11 On-Premises Signs

9.3.11.1 Eligibility criteria for on-premises signs are as follows:

- (A) On-premises signs are eligible to be moved and the sign owner is entitled to reimbursement for the actual, reasonable and necessary cost of moving the sign to a replacement site. An actual direct loss payment shall be utilized for reimbursing an owner whose sign cannot be relocated without violating Local, State and Federal law or when the sign owner chooses not to relocate the sign. If an actual direct loss payment is claimed for the sign, the District Relocation Administrator may determine that no effort to sell is required in accordance with ***Section 9.3.15.1(A)(1), Actual Direct Loss Payment, Purchase of Substitute Personal Property.***
- (B) An on-premises sign owner or lessee is not eligible for move costs or other related payments if the sign is moved to a site in violation of Federal, State, or local regulations.

9.3.11.2 Payment calculation is as follows:

- (A) The moving estimate will be based on the actual, reasonable and necessary cost approved by the District Relocation Administrator.
- (B) If the sign owner is entitled to move the on-premises sign, but chooses not to do so, a direct loss payment shall be utilized for reimbursing the lesser of:
  - (1) The depreciated reproduction cost of the sign as determined by the Department minus the proceeds of its sale; or
  - (2) The estimated cost of moving the sign with no allowance for storage.
- (C) If the sign cannot be re-erected in another location because it is or will be in conflict with Federal, State, or local regulations, reimbursement will be the depreciated reproduction cost of the sign as determined by the District Relocation Administrator minus the proceeds of its sale.

(D) In the case of a partial taking where the business itself is not required to move, but an on-premises sign must be relocated and it cannot be re-erected in another location because it is, or will be in conflict with Federal, State or local regulations, the sign owner shall be eligible for actual, reasonable expenses incurred in obtaining new exterior signing under the provisions of reestablishment expenses up to a maximum payment of \$33,200, in accordance with [Section 9.3.14\(A\)\(3\), Reestablishment Expenses for Non-Residential Moves](#). This eligibility is subject to the following:

- (1) It must be determined that the sign is an integral part of the business and is necessary for the business to continue operating at the site.
- (2) It must be determined that the cost of a conforming replacement sign will exceed the actual direct loss payment for the non-conforming sign in accordance with [Section 9.3.15.1\(A\)\(1\)](#). The estimated cost should be for a replacement sign that conforms to the existing ordinance and provides a similar function to the business as did the previous sign in terms of visibility, lighting, etc. While this may require a change in the style of the sign, such as a sign mounted on the side of a building may replace a pole sign or a sign may require lighting to provide similar visibility to a larger, unlighted sign, care should be taken to ensure that the new sign is not an unnecessary enhancement over the previous one.
- (3) The reestablishment payment shall be based on the actual, reasonable cost of obtaining a conforming replacement sign, less the amount of the actual direct loss payment for the non-conforming sign being replaced, in accordance with [Section 9.3.15.1\(A\)\(1\)](#). In no case may the reestablishment payment for the new exterior signing exceed \$25,000.
- (4) The following examples are provided for clarification purposes:

**Example No. 1:** On-premises sign located in the area of taking cannot be relocated to the remainder because it is non-conforming to the current sign ordinance. The depreciated reproduction cost of the existing sign is \$14,000. A new conforming sign that provides a similar function to the existing sign will cost \$25,000. The sign owner is eligible for a \$14,000 actual direct loss payment for the existing

sign and a \$11,000 reestablishment payment for the new sign. The total of the payments \$25,000 is sufficient to pay for the replacement sign.

**Example No. 2:** The depreciated reproduction cost of the existing sign is \$10,000. The new conforming sign will cost \$48,000. The sign owner is eligible for a \$10,000 actual direct loss payment for the existing sign and a \$33,200 reestablishment payment for the new sign. The total of payments will be \$43,200. The sign owner will be responsible for the additional expense of \$4,800 to obtain the new sign.

If an actual direct loss payment is claimed for the sign, the District Relocation Administrator may determine that no effort to sell is required in accordance with [\*\*Section 9.3.15.1\(A\)\(1\)\(a\)\*\*](#).

#### **9.3.11.3 Relocation benefits and sign relocation requirements:**

- (A) The Department will provide the owner of an on premise sign to be acquired with [Form No. 575-040-34, \(Notice of Eligibility-Personal Property Move/Signs\)](#). The form will notify them of their eligibility for relocation benefits. The agent will provide an explanation of their entitlement of advisory services and what payment types the owner may receive. An explanation of the basis for the payment determination will be provided and the payment amount will be calculated in accordance with [\*\*Section 9.3.15.1\(A\)\*\*](#). The Department will also advise the sign owner of the claim process and will assist in the preparation and filing of the claim for reimbursement.
- (B) The written offer of relocation benefits shall notify the displacee of their right to appeal in accordance with the ***Right of Way Manual, Section 9.2, General Relocation Requirements***.
- (C) The owner of an on-premises sign will be given [Form No. 575-040-09, \(90-Day Letter of Assurance\)](#), in accordance with the ***Right of Way Manual, Section 9.2, General Relocation Requirements***.
- (D) When property is acquired by Order of Taking and the court does not specify a possession date, the Department will deliver [Form No. 575-040-11, \(30-Day Notice to Vacate\)](#), to the owner of the on-premises sign. This notice will be delivered 30 days in advance of the actual date the sign must be

relocated from acquired right of way. The specific vacate date will be included within the notice.

- (E) If the sign is not relocated by the specified vacate date, the District Right of Way Manager may choose to initiate eviction proceedings. If so, the District Right of Way Manager will furnish to the District General Counsel copies of [Form No. 575-040-09, \(90-Day Letter of Assurance\)](#) and [Form No. 575-040-11, \(30-Day Notice to Vacate\)](#), if delivered, and will request in writing that the General Counsel's office will begin the eviction proceedings process.

### 9.3.12 Eligible Actual Moving Expenses

**9.3.12.1** Actual reasonable moving and related expenses will be paid as follows and in accordance with [Section 9.3.4, Fixed Residential Moving Cost Schedule](#):

- (A) Transportation of the displaced person and personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the Department determines that relocation beyond 50 miles is justified.
- (B) Packing, crating, unpacking, and uncrating of the personal property.
- (C) Disconnecting, dismantling, removing, reassembling, and reinstalling household appliances and other personal property.

For businesses, farms, or nonprofit organizations this includes machinery, equipment, substitute personal property, and connections to utilities available within the building. It also includes modifications to the personal property, including those mandated by Federal, State, or local law, code, or ordinance, necessary to adapt it to the replacement structure, the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.

- (D) Storage of personal property for a period not to exceed 12 months, unless the District Relocation Administrator determines a longer period is necessary.
- (E) Insurance for the replacement value of the property in connection with the move and necessary storage.



- (F) Replacement value of property lost, stolen, or damaged in the moving process (through no fault or negligence of the displacee, their agent or employee), where insurance covering such loss, theft or damage is not available. The District must verify that insurance coverage is not available.
- (G) A displaced tenant is entitled to reasonable reimbursement, as determined by the Department, for actual expenses not to exceed \$1,000, incurred for rental replacement dwelling application fees or credit reports required to lease a replacement dwelling.
- (H) Other moving-related expenses, that are not listed as ineligible in accordance with [Section 9.3.18](#), as the District Relocation Administrator determines to be actual, reasonable and necessary.
- (I) The reasonable cost of disassembling, moving, and reassembling any appurtenances attached to a mobile home, such as porches, decks, skirting, and awnings, which were not acquired, anchoring of the unit, and utility 'hookup' charges.
- (J) The reasonable cost of repairs and/or modifications so that a mobile home which can be moved and/or made decent, safe, and sanitary.
- (K) The cost of a nonrefundable mobile home park entrance fee, to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or the Department determines that payment of the fee is necessary to effect relocation.
- (L) Any license, permit, fees, or certification required of the displaced person to operate a business, farm, or nonprofit at the replacement location. However, the payment may be limited to the remaining useful life of the existing license, permit, fees, or certification as issued through the applicable regulating agency.
- (M) Professional services as the Department determines to be actual, reasonable and necessary for:
  - (1) Planning the move of the personal property;
  - (2) Moving the personal property, and;
  - (3) Installing the relocated personal property at the replacement location.

- (N)** Re-lettering signs and replacing stationary on hand at the time of displacement, and making reasonable and necessary updates to other media that are made obsolete as a result of the move.
- (O)** Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of:

If the item is currently in use, the lessor of :

- (1)** The fair market value in place of the item, as is for continued use, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the District Relocation Administrator determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the market value shall be based on the cost of the goods to the business, not the potential selling price.); or
- (2)** The estimated cost to move the items up to 50 miles and reinstall.

If the item is not currently in use the payment shall be based on the estimated cost of moving the item up to 50 miles, as is.

- (P)** The reasonable cost incurred in attempting to sell an item that is not to be relocated
- (Q)** Purchase of substitute personal property. If an item of personal property, which is used as part of a business or farm operation is not moved, but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:
  - (1)** The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
  - (2)** The estimated cost of moving and reinstalling the replaced item, with no allowance for storage. If the estimated cost is less than \$10,000, the District Relocation Administrator has the discretion to base the payment on a single bid or estimate.

- (R)** Searching for a replacement location. A business or farm operation is entitled to reimbursement for actual expenses, not to exceed \$5,000, as the District Relocation Administrator determines to be reasonable, which are incurred in searching for a replacement location, including:
- (1)** Transportation;
  - (2)** Meals and lodging away from home;
  - (3)** Time spent searching, based on reasonable salary or earnings. (The relocation agent must document and verify salary or earnings);
  - (4)** Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites;
  - (5)** Time spent in obtaining permits and attending zoning hearings; and
  - (6)** Expenses negotiating the purchase or lease of a replacement site based on a reasonable salary or fee, including actual, reasonable, and necessary attorney's fees.
  - (7)** The Federal funding agency may, on a program wide or project basis, allow a one-time payment of \$1,000 for search expenses with minimal or no documentation as an alternative payment method to paragraph 9.3.12.1(R) of this section. Request for approval must be sent to Central Office for review and submittal to FHWA.
- (S)** Low value/high bulk: When the personal property to be moved is of low value or high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the Department, the allowable moving cost payment shall not exceed the lesser of:
- (1)** The amount which would be received if the property were sold at the site; or
  - (2)** The replacement cost of a comparable quantity delivered to the new business location.

Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals, and other similar items of personal property as determined by the Department.

### **9.3.13 Related Non-Residential Eligible Expenses**

**9.3.13.1** The following expenses, in addition to those provided in **Section 9.3**, for moving personal property, shall be provided if the Department determines that they are actual, reasonable and necessary expenses for a nonresidential move:

- (A) Connection to available nearby utilities from the replacement site's property line to improvements at the replacement site.
- (B) Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of the District Relocation Administrator a reasonable pre-approved hourly rate may be established.
- (C) Impact fees and one time assessments for anticipated heavy utility usage, as determined necessary by the District Relocation Administrator.

### **9.3.14 Reestablishment Expenses for Non-Residential Moves**

**9.3.14.1** In addition to the payment for moving and related expenses available under **Section 9.3.7**, a small business, farm or nonprofit organization may be eligible to receive a payment, not to exceed \$33,200, for expenses actually incurred in relocating and reestablishing such small business, farm or nonprofit organization at a replacement site. as follows:

- (A) Eligible Expenses: Reestablishment expenses must be actual, reasonable and necessary, as determined by the Department. They may include, but are not limited to, the following:
  - (1) Repairs or improvements to the replacement real property as required by Federal, State, or local law, code, or ordinance.
  - (2) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
  - (3) Construction and installation costs for exterior signing to advertise the business.

- (4) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
  - (5) Advertisement of replacement location.
  - (6) Estimated increased cost of operation during the first two (2) years at the replacement site for such items as:
    - (a) Lease or rental charges,
    - (b) Personal or real property taxes,
    - (c) Insurance premiums, and
    - (d) Utility charges, excluding impact fees.
  - (7) Other items that the District Relocation Administrator determines to be essential to the reestablishment of the business.
- (B) Ineligible reestablishment expenses: The following is a nonexclusive listing of reestablishment expenses not considered to be reasonable, necessary or otherwise eligible:
  - (1) Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.
  - (2) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
  - (3) Interior or exterior refurbishment at the replacement site which are for aesthetic purposes, except as provided in [Section 9.3.13\(A\)\(4\)](#).
  - (4) Interest on money borrowed to make the move or to purchase the replacement property.
  - (5) Payment to a part time business in the home which does not contribute materially to the household income.
  - (6) Any reestablishment expense that has already been paid to the displaced person through a business damage claim.

- (7) Construction costs for a new building at the business replacement site, or costs to construct, reconstruct or rehabilitate an existing building.
- (8) The cost of constructing, reconstructing, or rehabilitating a shell structure.

### **9.3.15 Actual Direct Loss Payment, Purchase of Substitute Personal Property**

**9.3.15.1** When a displacee elects not to relocate eligible tangible personal property, reimbursement for actual direct losses or purchase of substitute personal property will be offered. These payments are only payable to businesses and farms whose operations must be relocated or are discontinued.

**(A)** In the following scenarios:

- (1) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment will be the lesser of:

If the item is currently in use, the lesser of

- (a)** The fair market value in place of the item, as is for continued use, less the proceeds from its sale. To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the District Relocation Administrator determines such effort is not necessary; When payment for property loss is claimed for goods held for sale, the market value shall be based on the cost of the goods to the business, not the potential selling prices; or

The estimated cost of moving the item up to 50 miles and reinstall as is, but not including any allowance for storage.

- (b)** If no bona fide effort to sell is made when determined necessary by the Department, and the property is abandoned, the owner of the property is not entitled to payment for move costs or direct loss.

- (c) The cost for removal of abandoned personal property for which an actual direct loss payment was claimed will not be charged against other eligible move cost payments.

If the item is not currently in use

A) The estimated cost of moving the item 50 miles, as is.

- (2) If an item of personal property, which is used as part of a business or farm operation is not moved, but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:

- (a) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or

- (b) The estimated cost of moving and reinstalling the replaced item, but with no allowance for storage. At the Department's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single estimate.

**9.3.15.2** Upon the District Right of Way Manager's request, the displacee shall transfer ownership to the Department of any personal property that has not been moved, sold or traded.

### **9.3.16 Low Value, High Bulk Items**

**9.3.16.1** When the personal property to be moved is of low value and high bulk and the cost of moving the property, would be disproportionate to its value in the judgment of the District Relocation Administrator, the allowable moving cost payment shall not exceed the lesser of:

- (A) The amount which would be received if the property were sold at the site; or
- (B) The replacement cost of a comparable quantity delivered to the new business location.

**9.3.16.2** The District shall:



- (A) Make a written and supported estimate, either by a qualified mover or a qualified Department employee, of the cost of moving the item;
- (B) Make a written and supported estimate of the liquidation value of the item;
- (C) Make a written determination of the cost of replacing the item at the replacement site;
- (D) Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of the personal property as determined by the District Relocation Administrator.

**9.3.16.3** Low value, high bulk items remain the property of the displacee, and they may dispose of or abandon them.

### **9.3.17 Hazardous Waste and Substances**

**9.3.17.1** All nonresidential displacees with the exception of on-premises sign owners, shall be notified by [Form No. 575-040-08 \(Hazardous Substance Letter\)](#), of their responsibilities under applicable state law relating to hazardous waste. The District may make a determination that a sign owner or residential displacee should also receive notification. Documentation of such notification shall be included in the file.

**9.3.17.2** All underground and/or above ground tanks, in service, will be emptied by the owner/operator in accordance with all applicable laws, regulations or ordinances, prior to the subject site being vacated. Refer to **Rule Chapter 62-761 Florida Administrative Code (F.A.C.)**. These tanks and their contents may not be abandoned. Abandoned means a storage system which:

- (A) Is not intended to be returned to service, or
- (B) Has been out of service for over three (3) years, or
- (C) Cannot be tested in accordance with the requirements of **Rule Chapter 62-761 F.A.C.**

**9.3.17.3** The Department will pay the lesser of the cost of disposal or the cost to move if the displacee chooses to dispose of the tank contents. If the displacee chooses to move the tank contents to the replacement site, the Department will pay the actual, reasonable and necessary costs associated with this move.

**9.3.17.4** All hazardous substances, pollutants or contaminants, which are not hazardous wastes must be disposed of, or moved to the replacement site, by the owner/operator in accordance with all applicable laws, regulations or ordinances. They may not be abandoned but must be addressed as follows:

- (A) The Department will pay the lesser of the cost of disposal or the cost to move if the displacee chooses to dispose of the material.
- (B) If the displacee chooses to move the material to the replacement site, the Department will pay the actual, reasonable and necessary costs associated with this move.
- (C) If the displacee is not permitted under applicable law to move the hazardous material to the replacement site, the Department will pay for the cost of disposal and transportation to the disposal site.
- (D) If disposal of hazardous material is a part of the normal operation, the Department will not pay for the cost of such disposal. If the operation maintains a schedule for the pick-up or transportation of the hazardous material to a disposal site and is required to move the material at an unscheduled time, the Department will pay the actual, reasonable and necessary costs associated with this move.

**9.3.17.5** Under no circumstances is the Department to be considered the owner or shipper of any hazardous material or substance in its transportation to a replacement site or a disposal site.

**9.3.17.6** Any generator of a solid waste must make a hazardous waste determination under the ***Resource Conservation and Recovery Act (RCRA)***, and the ***Florida Resource and Management Act***. All hazardous waste, as defined in ***RCRA***, must be disposed of by the generator in accordance with all applicable laws, regulations and ordinances at the sole cost of the generator before the subject site is vacated.

## **9.3.18 Ineligible Moving and Related Expenses**

**9.3.18.1** The following is a nonexclusive list of payments a displaced person is not entitled to:

- (A) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. (However, this part does not preclude the computation under ***49 Code of Federal Regulations Part 24.401(c)(2)(iii)***);

- (B) Interest on a loan to cover moving expenses;
- (C) Loss of goodwill;
- (D) Loss of profits;
- (E) Loss of trained employees;
- (F) Any additional operating expenses of a business or farm operation incurred because of operating in a new location except those actual, reasonable expenses allowed as an eligible reestablishment expenses as provided in **49 C.F.R. Part 24.304(a)(6)** and described in **Section 9.3.14(A)(6), *Reestablishment Expenses for Non-Residential Moves***;
- (G) Personal injury;
- (H) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Department;
- (I) Expenses for searching for a temporary or replacement dwelling which include costs for mileage, meals, lodging, time and professional real estate broker or attorney's fees;
- (J) Physical changes to the real property at the replacement location of a business or farm operation except replacement modifications as allowed in **49 C.F.R. Part 24.301(g)(3)** and **Section 9.3.12(C)** and actual, reasonable reestablishment expenses allowed in **Part 24.304(a)** and **Section 9.3.14(A), *Reestablishment Expenses for Non-Residential Moves***;
- (K) Costs for storage of personal property on real property already owned or leased by the displaced person,
- (L) Refundable security and utility deposits.
- (M) Cosmetic changes to a replacement or temporary dwelling, which are not required by State or local law, such as painting, draperies, or replacement carpet or flooring.

### **9.3.19 Notification and Inspection**

**9.3.19.1** In order to qualify for move expense reimbursement the following should take place:

- (A) The District will inform the displaced person in writing, within fourteen (14) days from the date of initiation of negotiations, of the following, in order to be eligible for move cost expense reimbursement:
- (1) The displaced person must provide the Department with a certified pre-move inventory of the items to be moved.
  - (2) In a nonresidential move, the displaced person must provide the Department with at least seven (7) days advance notice of the approximate date of the start of the move or disposition of the personal property.
  - (3) The displaced person must permit the District to make reasonable and timely inspections of the personal property at both the acquired and replacement sites and to monitor the move, if such is deemed necessary by the District agent or District Relocation Administrator.
  - (4) The Department will make payments based upon the lowest move cost estimate obtained in accordance with **Sections 9.3.2 Moves from a Dwelling, 9.3.8 Move Cost Estimates for Non-Residential Moves, and 9.3.10 Personal Property Move**, without regard to the mover who actually will accomplish the move. The Department will not accept any move cost estimates from movers who are not provided in advance with a certified inventory, move specifications, and scope of services, as required.
- (B) The right of way agent's pre-move discussions with the owner(s) of any non-residential operation must emphasize that the Department will reimburse only such costs actually incurred and allowable under these provisions. Such payments will be limited to reasonable costs based upon estimates from qualified movers, certified inventories, monitoring or inspections, and receipted bills or other acceptable evidence of expenses incurred in accordance with **Section 9.3.8, Move Cost Estimates for Non-Residential Moves**.
- (C) The displacee must be informed, prior to moving, that the Department has the right and obligation to verify all expenses claimed and that any pre-move discussions regarding moving expenses constitute a conditional amount for reimbursement.

- (D) The displacee must be informed, prior to moving, that any items considered realty in the appraisal, whether included in the Department's acquisition or retained by the owner, are not eligible for move cost reimbursement.

(E) Transfer of ownership (nonresidential). Upon request and in accordance with applicable law, the claimant shall transfer to the agency ownership of any personal property that has not been moved, sold, or traded in, and completing the ***Letter of Abandonment (575-040-40)***.

### 9.3.20 Claim for Payment

**9.3.20.1** Any claim for a relocation payment shall be supported by appropriate documentation in accordance with ***Right of Way Manual, Section 9.2.14***.

**9.3.20.2** A written claim for move costs must be submitted to the Department within 18 months of the later of:

- (A) For owners:
  - (1) The date the displacee moves from real property or moves their personalty from real property; or
  - (2) The date of final payment for the acquisition of the real property, closing or final judgment date.
- (B) For tenants: The date the displacee moves from the real property or moves their personalty from real property.

**9.3.20.3** The 18-month time frame shall be waived for good cause. Such waiver shall be requested by the displacee, in writing, and be approved by the District Relocation Administrator.

**9.3.20.4** The claim must be submitted on the standard claim form provided by the District, **[Form No. 575-040-23, \(Application and Claim for Reimbursement of Moving Costs\)](#)**.

**9.3.20.5** Payment will be made after the move is completed, unless a hardship exists, in accordance with ***Right of Way Manual, Section 9.2.17, General Relocation Requirements***. The following conditions apply:

- (A) In a hardship situation, advance payment may be made as per the ***Right of Way Manual, Section 9.2, General Relocation Requirements***.

- (B) When an advance payment is made, the displacee must affirm in writing:
  - (1) The payment satisfies any further claim for reimbursement of items for which that claim is intended; and
  - (2) The displacee will comply with the applicable provisions of this section in moving their personalty from the acquired property.

**9.3.20.6** Payment will be made directly to the displacee, unless requested otherwise in writing.

- (A) A direct payment can be made to a vendor by written agreement among the displacee, the vendor, and the Department by utilizing form [575-040-22, \(Direct Payment Agreement\)](#).
  - (1) [Form 575-040-22, \(Direct Payment Agreement\)](#) must be accompanied with the appropriate claim form, invoice, bill, receipts, purchase contract, and/or any other documentation deemed necessary by the District Relocation Administrator to support expenses claimed. If the vendor and/or the displacee fail to produce the requested documentation, the claim will be denied.
  - (2) [Form 575-040-22, \(Direct Payment Agreement\)](#) must specify the purpose of the agreement, including the amount to be paid.
- (B) The claim form, [Form No. 575-040-23, \(Application and Claim for Reimbursement of Moving Costs\)](#) must be executed by the displacee and accompanied by complete documentation supporting expenses claimed, such as bills, invoices, receipts, appraisals, or other evidence of such expenses.
  - (1) The Department will review the claim and if approved, payment will be issued in the name of the vendor.
  - (2) Payment will be made after the work is completed, unless a hardship exists, in accordance with ***Right of Way Manual, Section 9.2.17, General Relocation Requirements.***

## HISTORY

04/15/99; 02/21/00; 09/27/01; 07/16/03; 01/22/04; 11/3/05; 09/27/05; 09/26/08; 07/23/10;  
04/23/10; 09/10/2010; 10/01/2014, 08/01/2015; 5/19/2017; 10/12/21