

RELOCATION ASSISTANCE BUSINESSES, FARMS, AND NON-PROFIT ORGANIZATIONS



STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
HAYDON BURNS BUILDING
605 SUWANNEE STREET
TALLAHASSEE, FLORIDA 32399-0450

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**IT REPRESENTS
THE MOST HUMANE
AND JUST LEGISLATION ON
RELOCATION ASSISTANCE EVER
ENACTED BY YOUR GOVERNMENT**



Declaration of Policy

***THE PURPOSE OF THIS TITLE IS TO ESTABLISH
A UNIFORM POLICY FOR FAIR AND
EQUITABLE TREATMENT OF ANY PERSONS DISPLACED
AS A RESULT OF FEDERAL AND FEDERALLY ASSISTED
PROGRAMS IN ORDER THAT SUCH
PERSONS SHALL NOT BE SUBJECTED TO
DISPROPORTIONATE INJURIES AS A RESULT OF
PROGRAMS DESIGNED FOR
THE BENEFIT OF THE PUBLIC AS A WHOLE.***

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INTRODUCTION

In order to keep up with Florida's rapid growth, a modern highway construction program is necessary to ensure safe, available roadways. Sometimes a small portion of the population is required to move their personal property, businesses, farms or non-profit organizations because of this much needed highway construction. If you are required to move, you may be able to receive relocation advisory services and payments for moving expenses as provided under Federal law (Public Law 91-646, the Uniform Relocation Act of 1970 as amended).

It is the policy of the Florida Department of Transportation that displaced businesses, farms and non-profit organizations will receive fair and equitable treatment.

This brochure explains the advisory services and payment benefits available under the Relocation Assistance Program. You may have additional questions regarding the program and your eligibility. You are advised to read this brochure carefully and make note of those points you will wish to discuss with your relocation specialist.

SOME IMPORTANT DEFINITIONS.....

Department:

The Department is the Florida Department of Transportation.

Business:

The term “business” means any lawful activity, except a farm operation, that is conducted:

1. Primarily for the purchase, sale, lease and/or rental of personal and/or real property; and/or
2. Primarily for the manufacture, processing or marketing of products, commodities or any other personal property; and/or
3. Primarily for the sale of services to the public; and/or
4. By a non-profit organization that has established its non-profit status under applicable Federal and State law.

Small Business:

The term “small business” means a business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of re-establishment expenses outlined under 49 Code of Federal Regulations, Part 24.304.

Farm Operation:

The term “farm operation” means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, or sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator’s support.

Non-Profit Organization:

The term "non-profit organization" means a corporation duly registered with the Florida Secretary of State as a Corporation Not for Profit and exempt from paying federal income taxes under Section 501 of the Internal Revenue Code (26 U.S.C. 501).

Eligibility Conditions:

Anyone who must move their business, farm operation, non-profit organization or any personal property from the real property that is acquired by the Department may be eligible for reimbursement of actual moving expenses. Also, payments received under the relocation assistance program are not considered as income under the Internal Revenue Code.

Except, in accordance with Public Law 105-117, enacted on November 21, 1997, any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child, as defined in 49 CFR Part 24.208(h).

MOVING COST REIMBURSEMENT BUSINESSES, FARMS, AND NON-PROFIT ORGANIZATIONS

Owners or tenants may choose to be reimbursed on the basis of actual, reasonable, moving costs and related expenses; or, under certain circumstances, a fixed payment in lieu of actual moving expenses;

- A. Actual, reasonable, moving expenses may be paid when the move is performed by a commercial mover or if you elect to move yourself. In some cases two move cost estimates maybe necessary to establish reasonable costs.
- B. Related expenses, such as personal property losses, expenses in locating a replacement site, and certain re-establishment costs may also be reimbursable.
- C. You may be eligible to receive a fixed payment "in lieu of moving expenses", based on the average annual net earnings of your operation (the payment may not exceed \$40,000, nor be less than \$1,000). To qualify for this payment, the business must vacate or relocate from its displacement site.

TWO WAYS TO MOVE

To assure eligibility and prompt payment for moving expenses, displaced businesses, farm operations or non-profit organizations must contact the Department prior to the move.

COMMERCIAL MOVES

You may be paid the actual, reasonable costs of your move provided through the services of a commercial mover. For moves exceeding \$10,000, two estimates are required and reimbursement will be limited to the lower estimated amount. All expenses

must be supported by receipted bills in order to ensure prompt payment of your moving costs claim.

SELF-MOVE

If **you** decide to move yourself and the estimated cost exceeds \$10,000, reimbursement cannot exceed the lower of two move cost proposals prepared by qualified move estimators. Reimbursement for moves estimated under \$10,000 may be based on a single estimate prepared by a qualified move estimator or by a Department employee. Whether you choose the "commercial move" method or the "self-move" method, the displacing agency must be allowed to monitor the move in accordance with governing federal regulations and Departmental rule. Monitoring is also necessary to ensure the moving expenses claimed are reasonable and necessary.

You may choose a combination of the commercial and self move option to best fit your business needs. As an example, you may want a commercial mover to handle the relocation of any large or special equipment, but you may wish to move your office (file cabinets, desk, etc.) yourself. When this combination is used, the requirements and provisions of each type of move will apply.

RE-ESTABLISHMENT EXPENSES

A small business, farm or non-profit organization may be eligible to receive a payment not to exceed \$25,000 for expenses actually incurred in re-establishing the business at the replacement site. These expenses must be reasonable and necessary as determined by the Department. They include, but are not limited to:

- repairs or improvements to the replacement real property as required by federal, state or local authorities;
- modifications to the property which are necessary to accommodate your business;
- construction and installation costs;
- redcoration or replacement of soiled or worn surfaces at the replacement site such as paint, paneling or carpeting;
- advertisement of replacement location;
- estimated increased cost of operation during the first two years at the replacement site such as:
 - (I) lease or rental charges,
 - (II) Personal or real property taxes,
 - (III) Insurance premiums, and
 - (IV) Utility charge, excluding impact fees.

Please keep in mind that the reimbursement for re-establishment expenses cannot exceed \$25,000 and you will be required to document the actual amount of your expenses.

The following is a non-exclusive listing of re-establishment 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, supplies or inventory or other items used in the normal course of the business operation;
3. Interest on money borrowed to make the move or purchase the replacement property;
4. Payment to a part-time home business which makes no material contribution to the household income.

SEARCH EXPENSES FOR REPLACEMENT PROPERTY

Displaced businesses, farms and non-profit organizations may be reimbursed for actual, reasonable expenses related to the search for a replacement property, not to exceed \$2,500. Expenses may include costs such as transportation, meals, lodging when away from home, and the reasonable value of time actually spent in searching for a replacement site. All expenses must be supported by receipted bills, except the value of time spent in the search.

Payment for time actually spent in searching shall be based on the applicable reasonable hourly wage for the person conducting the search. A certified statement of the time, dates, and places spent searching and hourly wage rates must accompany the claim for reimbursement. Discuss with your agent before incurring these costs.

TYPES OF PAYMENT:

Actual, Reasonable		Fixed Payment (In Lieu of)
Actual, Reasonable Move Costs Plus Reimbursement of: *Search Costs *Re-establishment Expenses	OR	\$1,000 to \$40,000; equal to the average annual net earnings for a business or farm; \$1,000 to \$40,000; equal to average annual gross revenue less administrative expenses for non-profit organizations.

FIXED PAYMENTS

Displaced businesses, farm operations and non-profit organizations may be eligible for a fixed payment in lieu of actual moving expenses, searching expenses, re-establishment expenses, and actual direct loss payments for tangible personal property. Such payment shall not be less than \$1,000 or more than \$40,000.

For the owner of a business or non-profit organization to be eligible for this payment, the business must incur expenses for either moving personal property from the site or relocate from its displacement site. The Department must determine that the business or non-profit organization cannot be relocated without a substantial loss of its existing patronage and is not part of an enterprise with more than three similar establishments not being acquired by the Department.

For the owner of a farm operation to be eligible for a fixed payment, the Department must determine that the acquisition caused a substantial change in the nature of the operation.

A part-time individual or family occupation in the home which does not contribute materially to the income of the displaced owner is not eligible for a fixed payment.

NOTE: Landlord businesses are NOT eligible for this entitlement.

FIXED PAYMENT COMPUTATION.....

For businesses and farm operations, the computation of the fixed payment is usually based upon the average annual net earnings for the two taxable years immediately preceding the taxable year during which the enterprise is displaced. For non-profit organizations the payment is based on the average annual gross revenue less administrative expenses for the same period of time.

BUSINESS OR FARM EXAMPLE

<u>2012</u> Annual Net Earnings \$39,000	<u>2013</u> Annual Net Earnings of \$50,500	<u>2014</u> Year of Relocation	You must provide information to the Department to support your net earnings (i.e., tax returns)
AMOUNT OF FIXED PAYMENT=\$40,000 (Average of two taxable years prior to relocation \$44,750)			

NON-PROFIT ORGANIZATION EXAMPLE

<u>2012</u> *Annual Net Earnings \$36,000	<u>2013</u> *Annual Net Earnings of \$37,500	<u>2014</u> Year of Relocation	You must provide information to the Department to support your net earnings (i.e., tax returns)
AMOUNT OF FIXED PAYMENT = \$36,750 (Average of two taxable years prior to relocation) *Less Administrative Expenses			

Remember, a Fixed Payment is paid in lieu of any actual, reasonable moving expenses, search expenses, or re-establishment expenses.

DOCUMENTED SELF-MOVE

This method also allows you to receive payment for the actual, reasonable costs of performing the move yourself. However, you must provide documentation of the actual costs associated with the move. Examples of the documentation would be receipts for equipment rentals, fuel, labor, etc. Equipment rental fees should be based on the actual cost of renting the equipment, but cannot exceed the cost charged by a commercial mover.

Labor documentation should reflect the persons involved in the move, type of work performed, hourly wage and time period of actual work must also be documented. The hourly wage paid cannot exceed the cost charged by a commercial mover.

REIMBURSABLE EXPENSES

These expenses are usually reimbursable as actual, reasonable moving expenses (for commercial or self-moves). They must be actually incurred documented expenses. Talk to your agent if you have any questions. This is not an all inclusive list:

1. Expenses (up to \$2500) in searching for a replacement site;
2. Moving of personal property to a replacement site within a 50 mile radius of the present location;
3. Insurance premiums covering the reasonable replacement value of personal property against loss and damage while in transit;
4. Packing, crating unpacking and uncrating of the personal property;
5. Telephone re-installation;
6. Replacement cost of stationary, if determined necessary by the Department;
7. Re-installation of certain fixtures; (like for like system)
8. Repainting of firm name and address on vehicles;
9. Storage of personal property for up to twelve (12) months at the Department's discretion, if immediate occupancy of the replacement site is not possible through no fault of the displaced business owner or tenant;
10. Consultant fees in planning the move and/or designing your plant layout, if you relocate to an existing structure;
11. Actual direct losses of tangible personal property if the business is discontinued or if an item of personal property will not be used or will be replaced at the new site.

RELATED NON-RESIDENTIAL ELIGIBLE EXPENSES

1. Connection to available nearby utilities from the right of way to improvements at the replacement site;
2. 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). A reasonable pre-approved hourly rate may be established;
3. Impact fees or one time assessments for anticipated heavy utility usage, as determined necessary by the Department.

NON-REIMBURSABLE EXPENSES

The following expenses are usually ineligible for reimbursement as "actual moving expenses" (not an all inclusive list):

1. Additional expenses incurred because of moving to a new location, such as increased rent, mortgage payments, or utility costs, except as provided under Re-establishment Expenses;
2. Cost of moving structures, improvements or other real property in which the displaced person reserved ownership;
3. Interest on loans to cover moving expenses;
4. Loss of goodwill;
5. Loss of trained employees;
6. Loss of business and/or profits;
7. Personal injury;
8. Any legal fee or other cost for preparing a claim for relocation payment or for representing the claimant before the Department;
9. Cost of moving personal property to location other than the actual replacement site;
10. Overtime pay to employees working on the move, unless prior approval is given by the Department;
11. Capital improvements to the replacement site or structure, except as provided under re-establishment expenses;
12. Costs of storage of personal property on real property already owned or leased by the displaced person;
13. Any expense already paid through a business damage claims, settlements and awards.



PRE-MOVE and POST-MOVE INVENTORIES

When the "commercial" or "self-move" option is selected, a pre-move inventory of personal property to be moved is required prior to the actual date of the move. Inventories may be prepared by business personnel with or without assistance from a Department specialist; however, verification by the Department is required prior to the move. Following the move, a post-move inventory of the items actually moved must also be submitted and verified by your relocation specialist. If the items on this follow-up inventory differ from the pre-move inventory, the amount of the estimate may be appropriately adjusted prior to payment of the claim.

ACTUAL DIRECT LOSSES OF TANGIBLE PERSONAL PROPERTY

Payment for losses of tangible personal property may be made when you decide not to move such property. A payment of this type will be allowed only after you have made a bona fide effort to sell the item(s) unless the Department waives this requirement. You will be reimbursed for the reasonable expenses incurred as a result of conducting the sale.

The payment for direct losses of tangible personal property cannot exceed the estimated cost of moving such personal property.
Your relocation specialist will explain this procedure in detail as it applies to you.

SEE YOUR RELOCATION SPECIALIST FOR DETAILS.....





HAZARDOUS SUBSTANCES AND HAZARDOUS WASTE

If you must relocate a business, farm operation or non-profit organization that generates stores or uses hazardous materials or hazardous wastes, the Department will reimburse you for the moving or disposal of these substances under the following conditions:

1. If you choose to dispose of the hazardous materials, you will be reimbursed for its disposal or the actual, reasonable cost of moving it whichever is less. You will not be reimbursed for the disposal of such materials if its disposal is a normal part of your business operation.
2. If you choose to move the hazardous materials, you will be reimbursed for the actual, reasonable and necessary cost of this move.

All hazardous substances which are not hazardous wastes must be disposed of or moved to the replacement site and all hazardous wastes must be disposed of in accordance with all applicable laws, regulations and ordinances.

Your relocation specialist can answer your questions and provide necessary and important information regarding the moving or disposal of these materials.

Remember... HAZARDOUS SUBSTANCES AND HAZARDOUS WASTES MUST NOT be abandoned!!!!

A RELOCATION SPECIALIST WILL CONTACT YOU....

A relocation specialist from the Department will contact you personally to explain the relocation assistance advisory services and payment benefits available to you in accordance with your eligibility. During the initial contact interview, the specialist will work with you to determine your replacement needs and desires, as well as your need for advisory services.

The specialist can be of help to you during this period of transition, so please do not hesitate to accept this offer of assistance. The relocation specialist can provide current listings of replacement sites available to you on the open market, assistance in completing application and claim forms for payment, financial information concerning replacement sites, and other assistance that will enable you to relocate to your replacement site with a minimum of difficulty.

RELOCATION ASSISTANCE SERVICES

Any business, farm operation or non-profit organization displaced by the Department for a highway program shall be offered relocation assistance services for the purpose of locating a suitable replacement property, as well as reimbursement of eligible moving costs and other advisory services. These services are provided by qualified personnel employed by the Department. It is their goal to assist in any way possible to assure your successful relocation. Your relocation specialist is also familiar with the services provided by other public and private agencies in your community, such as:

Small Business Administration

Utility Companies

Local Planning and Zoning Authorities

Commercial Movers

Realtors

If you require additional assistance, your Specialist will make every effort to secure the services of those organizations which are professionally equipped to help you.

IN ADDITION TO PERSONAL CONTACT....

In addition to personal contacts by your relocation specialist, you will usually find a relocation office on or near a project where a considerable number of people are to be relocated. Project relocation offices are open during hours convenient to the people they serve, including evening hours when necessary. The relocation office can provide lists of replacement sites, information on building codes, and data for taxes and various other subjects.

The address of the relocation office nearest you and the name of your relocation specialist may be found in the back of this brochure.

The complete Federal and State regulations under which the Department's Relocation Assistance Program is administered can be reviewed at:

<http://www.dot.state.fl.us/rightofway/Relocationinformation.shtml>, and are on file and available for your review during regular business hours at the office listed on the back of this brochure or at:

**Florida Department of Transportation
Office of Right of Way
Haydon Burns Building
605 Suwannee Street, M.S. 22
Tallahassee, Florida 32399-0450**

Remember! The Department's relocation personnel are here to help and advise you. Be sure to make full use of their services. Do not hesitate to ask questions! We want you to fully understand your rights and the relocation services available to you.



YOUR RIGHT OF APPEAL

IF YOU DO NOT AGREE WITH THE TYPE OR AMOUNT OF PAYMENT THE DEPARTMENT DETERMINES YOU ARE ELIGIBLE FOR, FEDERAL LAW PROVIDES AN APPEAL PROCESS FOR REVIEW OF YOUR CASE. THE DEPARTMENT WILL PROVIDE THE NECESSARY FORMS FOR YOU TO BEGIN THE APPEAL PROCESS. YOU WILL BE GIVEN A FULL OPPORTUNITY TO BE HEARD. THE DEPARTMENT WILL PROMPTLY REVIEW YOUR APPEAL AND NOTIFY YOU OF ITS DECISION. A FINAL APPEAL MAY BE SENT TO:

**Florida Department of Transportation
Office of Right of Way
Haydon Burns Building
605 Suwannee Street, M.S. 22
Tallahassee, Florida 32399-0450**



CONTACT INFORMATION:

Your nearest Relocation Office is located at:

Your Telephone Number: _____

Date of First Written Offer: _____

When contacting the Department, please provide the following reference numbers:

Item/Segment No: _____ Parcel No: _____

County: _____ Managing District: _____

F.A.P. _____ State Road No: _____

Please Note: On some projects the Department may contract with a company qualified to represent the Department who will assist you in your relocation. If this is such a project, the Company's name will appear below. Even if the project is under contract, you may still contact the Department of Transportation at the above address and telephone number if you feel it is necessary.

Name of Company Representing the Department of Transportation:

Address: _____

Phone Number: _____

Name of Company Agent: _____

Phone Number: _____

MISSION STATEMENT

The Department will provide a safe transportation system that ensures the mobility of people and goods enhances economic prosperity and preserves the quality of our environment and communities.

