

# Laws and Rules and Business of Beautification

Board of Landscape Architecture

FDOT is Provider # 0004911

Course # 0010128

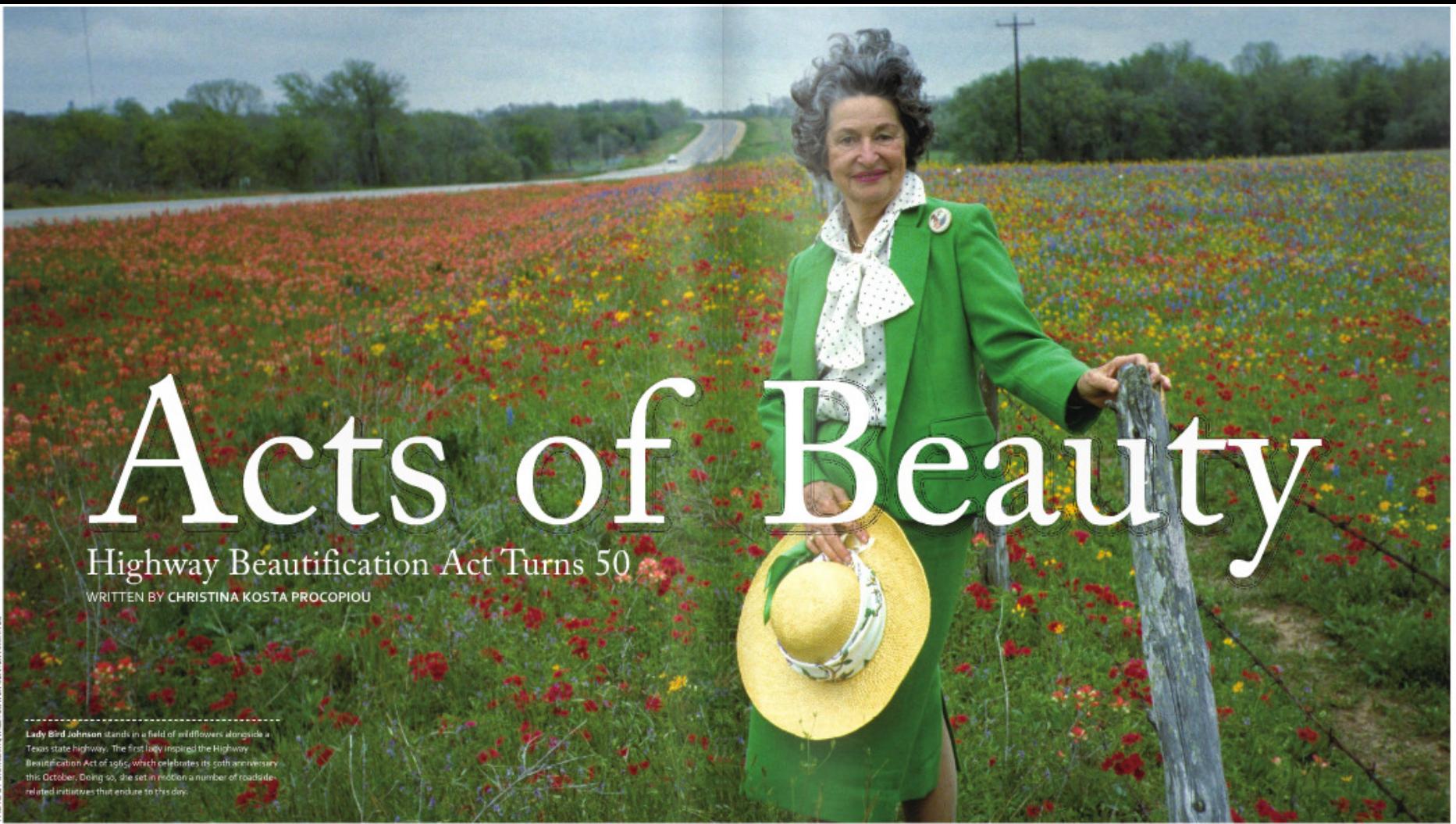
2 hours CEC for laws and rules, or optional

October 26, 2017 10:00 am – 12:00 pm

Instructor: Jeff Caster, FASLA

State Transportation Landscape Architect





# Acts of Beauty

Highway Beautification Act Turns 50

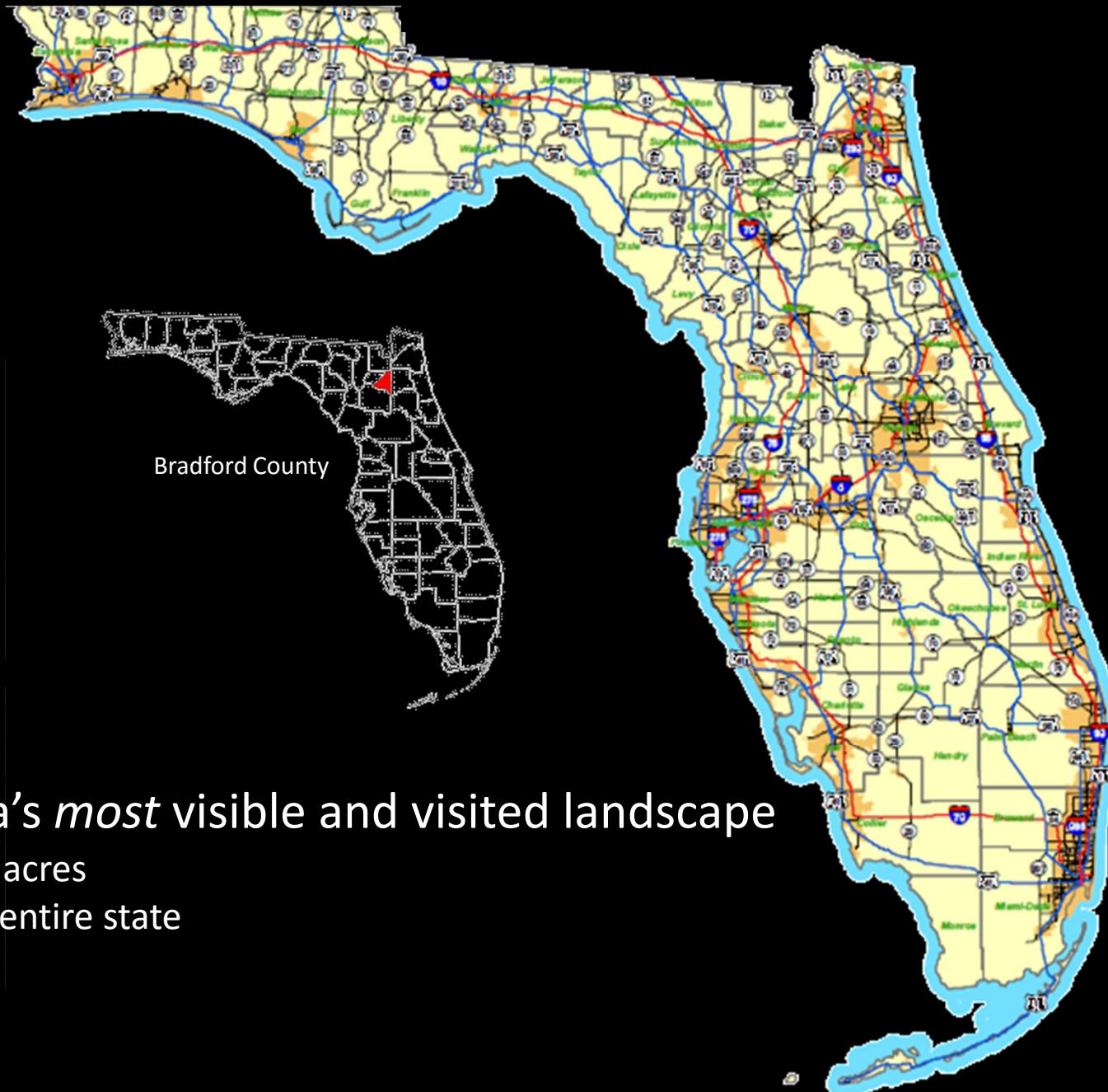
WRITTEN BY CHRISTINA KOSTA PROCOPIOU

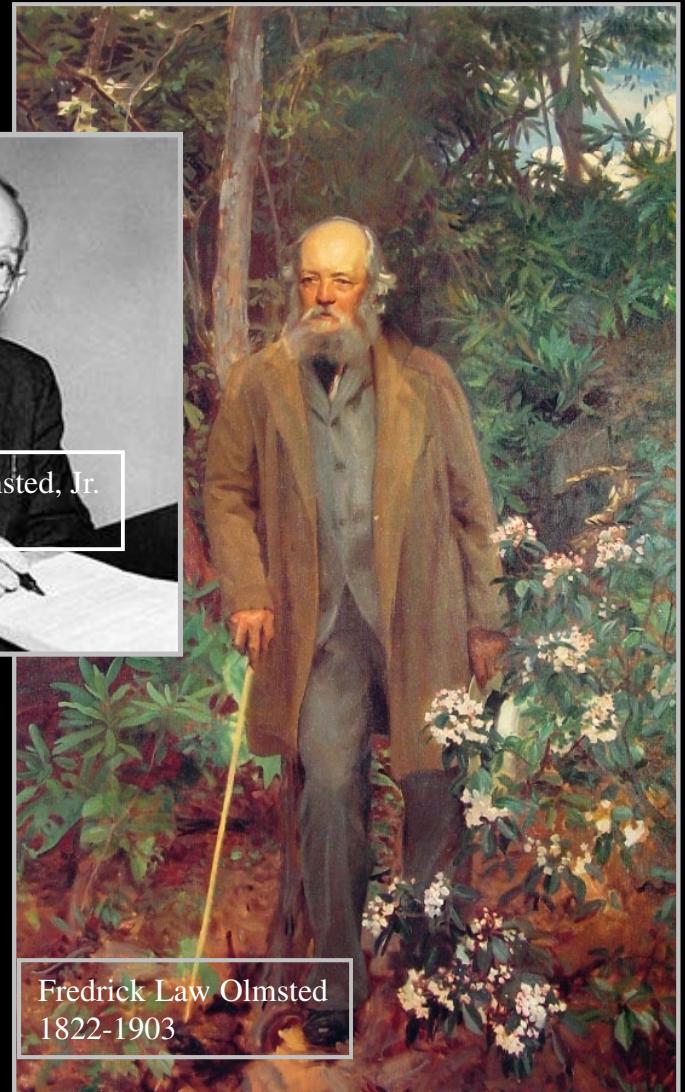
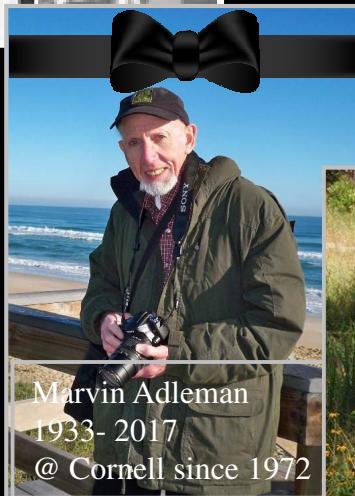
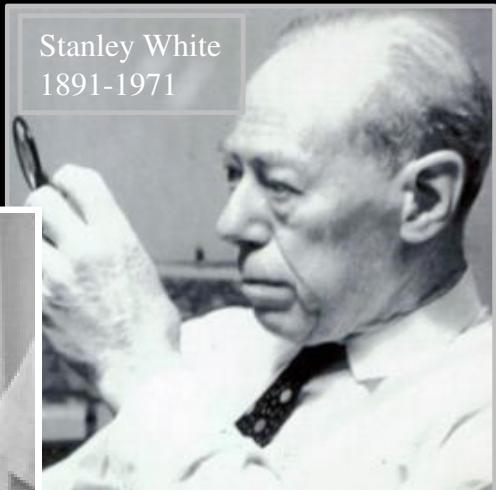
Lady Bird Johnson stands in a field of wildflowers alongside a Texas state highway. The first lady inspired the Highway Beautification Act of 1965, which celebrates its 50th anniversary this October. Being 50, she set in motion a number of roadside-related initiatives that endure to this day.

*To me...beautification means our total concern for the physical and human quality we pass on to our children and the future.*

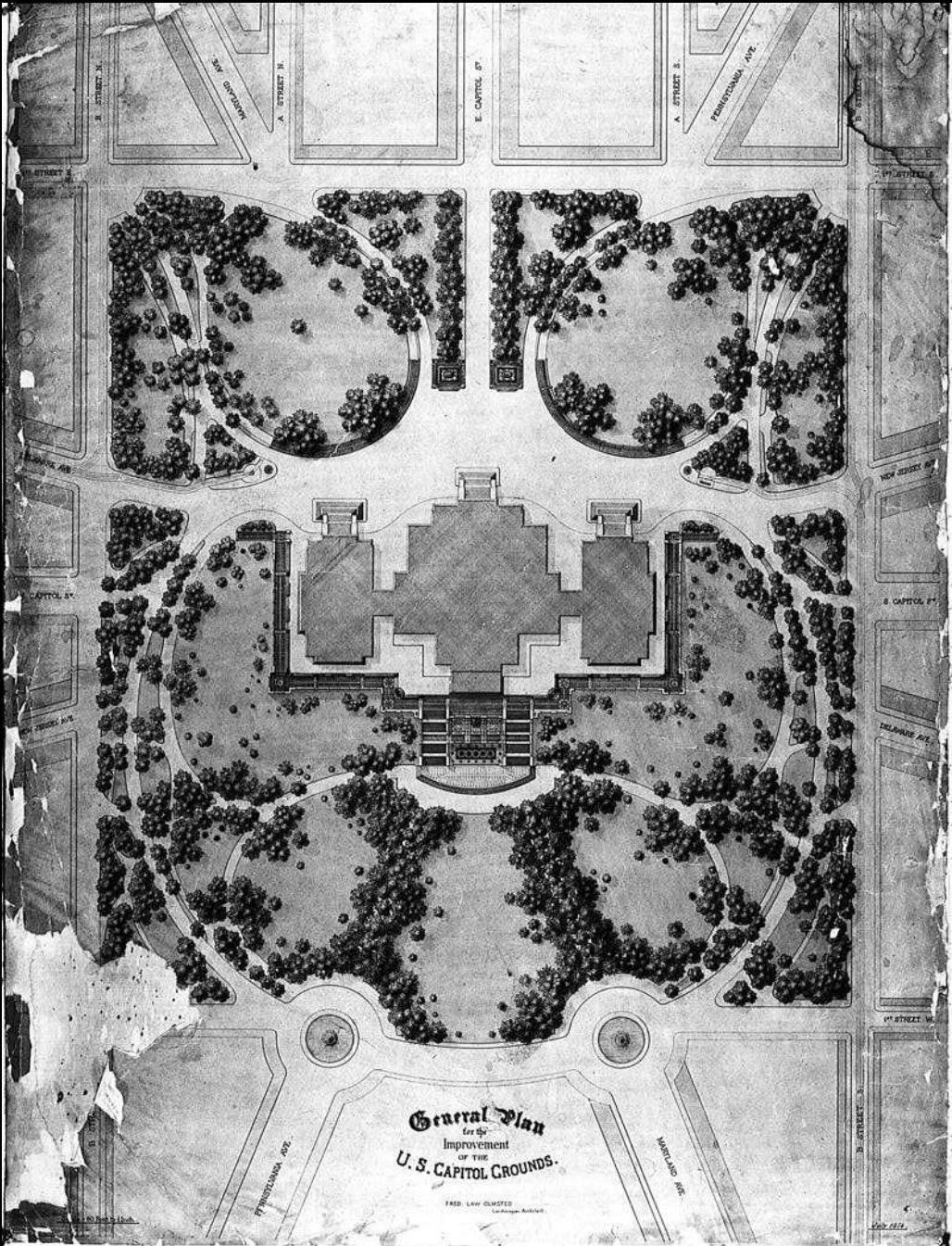


1868, 1970, 1985









# LAWS AND RULES AND BUSINESS OF BEAUTIFICATION

- US Law
- Florida Constitution
- Florida Statutes
- Florida Administrative Law
  - (Agency Rules)
- Agency Policy
- Agency Process

# Doing Business with FDOT

<http://www.fdot.gov/procurement/DoingBusiness.shtm>



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In accordance with Florida law, the Florida Department of Transportation acquires services from private suppliers using several different procurement methods, depending on the type of the service or commodity required. These are referenced in the tabs above. Please click on the tab to learn more about Commodities and Contractual Services, Professional Services, Design-Build, and Construction and Maintenance Services:

[Reference for Doing Business with FDOT](#) (PowerPoint Presentation) **NEW!**

[Reference for Doing Business with FDOT Professional Services](#) (PowerPoint Presentation) **NEW!**

# Prequalified?

<http://www.fdot.gov/procurement/Prequalification.shtm>

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[Prequalification Applications](#)  
[Rule 14-75 Administrative Code](#)  
[Prequalified Consultants Report](#)  
[Name Changes, Mergers and Acquisitions to Professional Services Firms](#)  
[Sample Resumes](#)

**Standard Work Types**

All consultants competing for contracts in the standard types of work must qualify with the Department in the applicable work types. Qualification is not required for professional services contracts outside of the standard work types. Sub-consultants performing services in any of the standard types of work must also be qualified with the Department.

**Levels of Qualification**

There are two levels of Qualification.

**Unlimited** - This level of qualification allows consultants to compete for any projects for which they are technically qualified with the Department. Continued qualification at this level requires annual submittal of a qualification application along with proof of insurance, an overhead audit prepared by an independent CPA, a signed Contractor Cost Certification

**Minor Projects Only** - This level of qualification allows consultants to compete for minor projects with fees estimated below \$500,000. Contract advertisements identify whether a contract is a minor project or a major project. Continued qualification at the minor project level requires annual submittal of a qualification form along with proof of insurance. A self-certified overhead report and statement describing the firm's accounting system is ultimately required for contracting with the Department.

# Rule Chapter 14-75 FDOT

## Prequalification

### CHAPTER 14-75

#### QUALIFICATION, SELECTION AND PERFORMANCE EVALUATION REQUIREMENTS FOR PROFESSIONAL CONSULTANTS TO PERFORM WORK FOR DOT

- 14-75.0022 Consultant Qualification Process
- 14-75.003 Minimum Technical Qualification Standards by Type of Work
- 14-75.004 Consultant Competitive Selection Process
- 14-75.0051 Revocation, Denial, or Suspension of Qualification
- 14-75.0052 Professional Consultant Work Performance Evaluation System

##### **14-75.0022 Consultant Qualification Process.**

(1) This rule chapter establishes minimum qualification standards by type of work for consultants, the consultant competitive selection process, and the work performance evaluation system for professional consultants who seek to provide professional services to the Department pursuant to Sections 287.055, 337.107 and 337.1075, F.S.

(m) Group 15: Landscape Architect.

1. Type of Work. This type of work is defined as the rendering of services in connection with the design and construction of landscape projects. These services include planning; site planning; providing preliminary study designs, drawings, and specifications; landscape architectural supervision; job-site inspection; and administration of construction contracts.

2. Qualification Requirements. This type of work requires at least one landscape architect, registered with the Florida State Board of Landscape Architecture, with at least five years of post-registration experience in landscape architecture projects.

# Rule Chapter 14-75 FDOT

## Prequalification

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**E. Type of Work 13.6: Land Planning/Engineering.** This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of three years of experience in comprehensive planning or areas directly related to assessing impacts to private property; or at least one professional engineer, registered with the Florida State Board of Professional Engineers, with at least one employed planner having a minimum of three years of experience in comprehensive planning or areas directly related to assessing impacts to private property; or at least one landscape architect registered with the Florida State Board of Landscape Architecture, having training and experience in areas directly related to assessing impacts to private property, or at least one planner, certified with the American Institute of Certified Planners, with a minimum of three years of experience in comprehensive planning or areas directly related to assessing impacts to private property.

RICK SCOTT  
GOVERNOR



*Florida Department of Transportation*

605 Suwannee Street  
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.  
SECRETARY

September 23, 2014

Thank you for the meeting and discussion on 9/11/14. After reviewing your request, the Department proposes to allow landscape architects who are able to demonstrate the requisite planning experience to apply for qualification in FDOT Standard Work Types 13.4 Systems Planning and 13.5 Subarea/Corridor Planning.



Specifically, Landscape Architects registered with the Florida State Board of Landscape Architecture and possessing five (5) years of training and experience in areas directly related to Systems Planning will be afforded consideration by FDOT to qualify for Standard Work Type 13.4 Systems Planning.

Additionally, Landscape Architects registered with the Florida State Board of Landscape Architecture and possessing one (1) year of training and experience in areas directly related to Subarea/Corridor Planning will be afforded consideration by FDOT to qualify for Standard Work Type 13.5 Subarea/Corridor Planning.

Type 13.5 Subarea/Corridor Planning.

Please note that Landscape Architects may currently qualify for Standard Work Type 13.6 Land Planning.

The Department proposes to revise Section 14-75.003 of Rule Chapter 14-75, Florida Administrative Code, *Minimum Technical Qualification Standards by Type of Work*, to incorporate the following revisions (in red) to Section 14-75.003(5)(k), Group 13 Planning:

# Rule Chapter 14-75 FDOT

## Prequalification

d. Type of Work 13.4: Systems Planning. This type of work deals with planning for entire systems (one or several modes) of transportation covering an entire geographic area such as the development of long range transportation plans for an MPO, county, or region; or the development of an ITS Strategic Plan for a region. Included in this sub-category are activities involving the systematic analysis of future demand for transportation facilities and services, leading to recommendations for addressing that demand. Typical activities include: data collection and analysis, including analysis of transportation/land use relationships; estimation, forecasting, and assignment of travel demand, including modeling the characteristics and use of transportation systems; mode split and multimodal tradeoff analysis; development of ITS strategies; impact analysis; evaluation and decision making; cost analysis and financial feasibility; and modal coordination and management. Although recommendations as to the type, number, and approximate location of transportation facilities are to be made, this sub-category does not include determination of the precise location or design of facilities or systems.

e. Type of Work 13.5: Subarea/Corridor Planning. This type of work deals with planning for entire systems or portions of systems (one or several modes) of transportation covering a smaller geographic area than Systems Planning or for a specific transportation corridor. Included in this sub-category are activities involving the systematic analysis of future demand for transportation facilities and services, leading to recommendations for addressing that demand. Typical activities, usually performed at a more detailed level than with systems planning, include data collection and analysis, as well as: analysis of transportation/land use relationships; estimation, forecasting, and assignment of travel demand, including modeling the characteristics and use of transportation systems; mode split and multimodal tradeoff analysis; development of ITS strategies to maximize the operation of the corridor; impact analysis; evaluation and decision making; cost analysis; and financial feasibility; and modal coordination and management. Although recommendations as to the type, number, and approximate location of transportation facilities are to be made, this sub-category does not include determination of the precise location or design of facilities or systems.



Sun 6/11/2017 8:41 PM

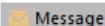
Perry, Carla M.

RE: Trail Project Test projects for 15.0

To Issue, Allan

Cc Blanchard, Brian; Wood, Jim M. (CO); Carpenter, Amanda; Lattner, Tim; Caster, Jeff; E.J. Bolduc III (ejb3@bda-la.net); Elisabeth Manley; Bruce Reed (breed@ksfia.com); Crawley, David; Diana Ferguson

 You forwarded this message on 6/12/2017 10:12 AM.

 Message

 Projects to be advertised with both Design and Landscape Architecture Work Types.docx (285 KB)

 Additional Questions from DCPMEs and DDEs.docx (18 KB)

Mr. Issue,

Thank you for the meeting held on 3/07/17 between the Department and members of the Florida Chapter of ASLA- Transportation Subcommittee to discuss trail projects at FL DOT, and the role of the landscape architect. Also, thank you for

*“... trail projects ... advertised with both Roadway Design and Landscape Architecture as the major work types. ... either a Roadway Design Firm or a Landscape Architect Firm, or a Firm qualified in both work types could propose as the lead/prime consultant.*

*If the Landscape Architect is leading the project as the prime, they would need to bring on a Roadway Design Firm as a sub, or vice versa ....”*

Additionally, District 4 is presenting two projects in FY 19, for the design of the Savannahs State Park, and for design of the Historic Highwayman golf course trail:

- I. Savannahs State Preserve trail project with phase 32 in FY 19, Financial Project Number 439999-1-32-01.
- II. Highwayman is currently set up as a JPA with locals.

I have attached additional information regarding the referenced projects for your use. Also, Department design staff have posed additional questions, as a follow up. They are also attached.

Please let me know if you have any additional questions.

Thanks,

Carla M. Perry, P.E.  
Procurement Manager  
Florida Department of Transportation  
605 Suwannee Street, MS 20  
Tallahassee, FL 32399  
850-414-4484  
carla.perry@dot.state.fl.us



## Florida's Highway Beautification Programs

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Fax: 850.414.5201

**Ashley Hagan Binder**

Landscape Architect  
*Production Support Office*  
Tel: 850.414.4561

**Additional Contacts**

[District Contacts](#)



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**News**

**[Business of Beautification 2016](#)**

*Posted: December 28, 2015*

**[Economic Impact of Ecosystem Services Provided by Ecologically Sustainable Roadside Right of Way Vegetation Management Practices](#)**

*Posted: January 13, 2015*

A FDOT study valuing Florida's roadside ecosystem services at over 1/2 billion dollars.



*Every living person and thing responds to beauty. We all thirst for it. We receive strength and renewal by seeing stirring and satisfying sites.* Mrs. Lyndon Johnson

# 1965

- The **Highway Beautification Act**, was signed by the President on October 22, 1965. This created "23 USC 131" or **Section 131 of Title 23**, United States Code (1965), commonly referred to as "Title I of the Highway Beautification Act of 1965"
  - control of **outdoor advertising**, including removal of certain types of signs
  - required certain junkyards to be removed or screened and encouraged scenic enhancement and roadside development.



October 22, 1965

*"I want to make sure that the America we see from these major highways is a beautiful America." LBJ*

*... along the George Washington Memorial Parkway*

*"I saw Nature at its purest. The dogwoods had turned red. The maple leaves were scarlet and gold . . . Well, doctors could prescribe no better medicine for me." He added:*

*"In our eagerness to expand and improve, we have relegated nature to a weekend role, banishing it from our daily lives. I think we are a poorer nation as a result. I do not choose to preside over the destiny of this country and to hide from view what God has gladly given. Beauty belongs to all the people."*



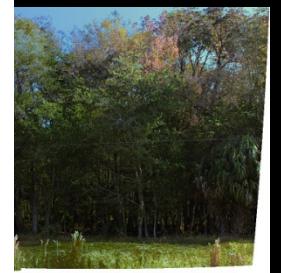
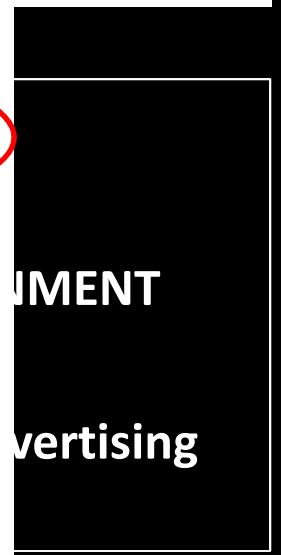
Photo: LBJ Library Photo: by Frank Wolfe

**1973****CFR- Title 2****PART 750—**  
**Subpart A—**  
**Adjacent to**

## § 750.101 Purpose.

(a) In section 12 of the Federal-Aid Highway Act of 1958, Pub. L. 85-381, 72 Stat. 95, hereinafter called the *act*, the Congress declared that:

(1) To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, hereinafter called the *Interstate System*, it is in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to such system by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system.



1978

**§ 752.2 Policy.**

(a) Highway esthetics is a most important consideration in the Federal aid highway program. Highways must not only blend with our natural social, and cultural environment, but also provide pleasure and satisfaction in their use.

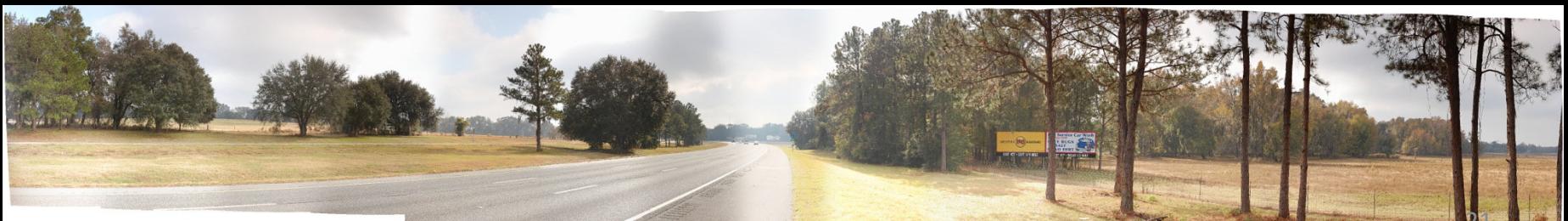
(c) The development of the roadside to include landscape development, safety rest areas, and the preservation of valuable adjacent scenic lands is a necessary component of highway development. Planning and development of the roadside should be concurrent with or closely follow that of the highway.





## § 752.2 Policy

(e) *Landscape project.* Any action taken as part of a highway construction project or as a separate action to enhance the esthetics of a highway through the placement of plant materials consistent with a landscape design plan. Seeding undertaken for erosion control and planting vegetation for screening purposes shall not constitute a landscaping project.



## § 752.4 Landscape development

(d) In rural areas new and major reconstructed highways should be landscaped as appropriate for the adjacent environment. Planning should include the opportunity for natural regeneration of native growth and the management of that growth.

(e) Landscaping projects shall include the planting of native wildflower seeds or seedlings or both, unless a waiver is granted as provided in § 752.11(b).





## OSCEOLA NATIONAL FOREST

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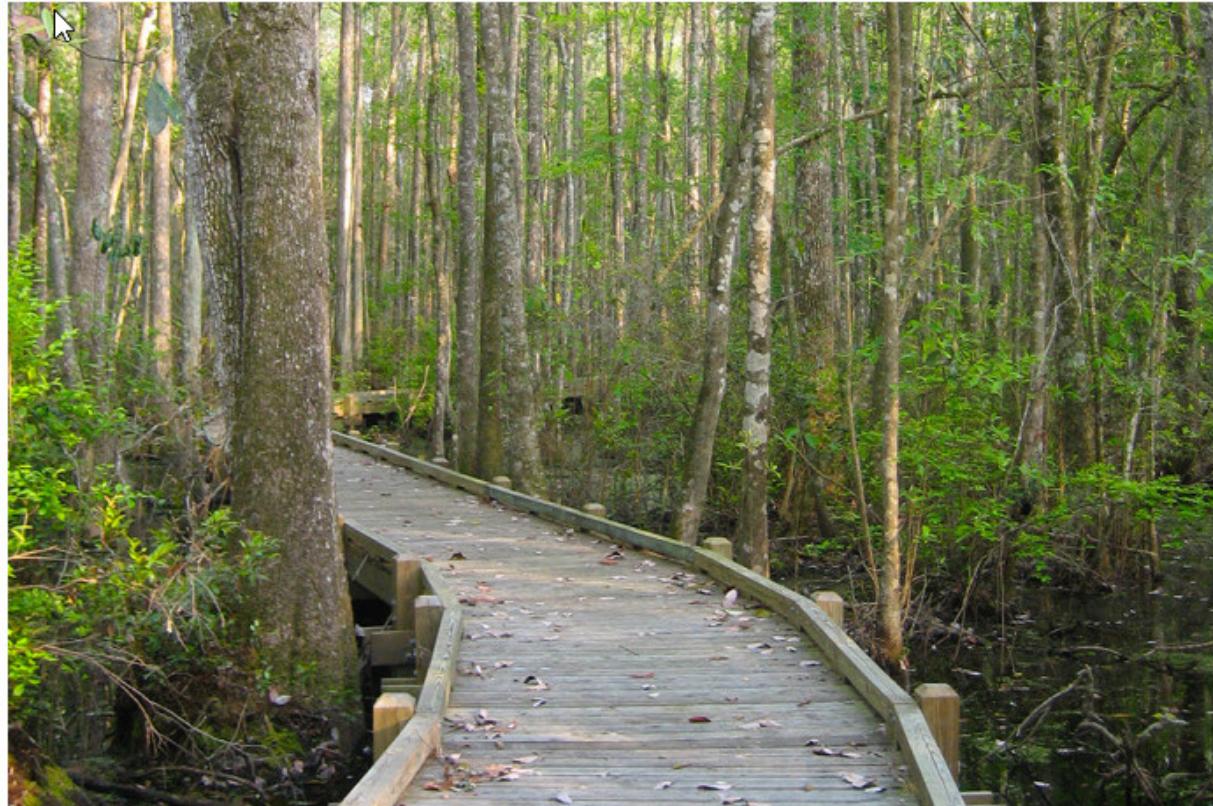
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23

Tweet

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**Boardwalk into the cypress swamp**



If you're driving along I-10 from Jacksonville to Lake City and want to take a break by taking a hike, this interpretive trail in the Osceola National Forest provides an interesting spot to stretch your legs – the trailhead is at the Sanderson Rest Area westbound. This walk boasts colorful and detailed signage to orient you to the habitats of the forest, including the pine woods, seepage bogs, floodplain forest, and cypress domes.



1998 - Transportation Equity Act for the 21<sup>st</sup> Century TEA-21

2005 – Safe, Accountable, Flexible, Efficient Transportation Equity Act SAFETEA-LU



## MAP-21 2012 The Moving Ahead for Progress in the 21st Century Act (MAP-21)

[Summary](#)[Q & A](#)[Fact Sheets](#)[Cross Reference](#)[Reports/Publications](#)[Presentations](#)[Legislation](#)[Funding Tables](#)

### Transportation Alternatives Program (TAP)

Year	2013	2014
Authorization	\$ 809 M	\$ 820 M

#### Program purpose

MAP-21 establishes a new program to provide for a variety of alternative transportation projects, including many that were previously eligible activities under separately funded programs. The TAP replaces the funding from pre-MAP-21 programs including Transportation Enhancements, Recreational Trails, Safe Routes to School, and several other discretionary programs, wrapping them into a single funding source.

- Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation.
- Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
- Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.
- Construction of turnouts, overlooks, and viewing areas.
- Community improvement activities, including
  - inventory, control, or removal of outdoor advertising;
  - historic preservation and rehabilitation of historic transportation facilities;
  - vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
  - archaeological activities relating to impacts from implementation of a transportation project eligible under 23 USC.
- Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to—
  - address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff; or
  - reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

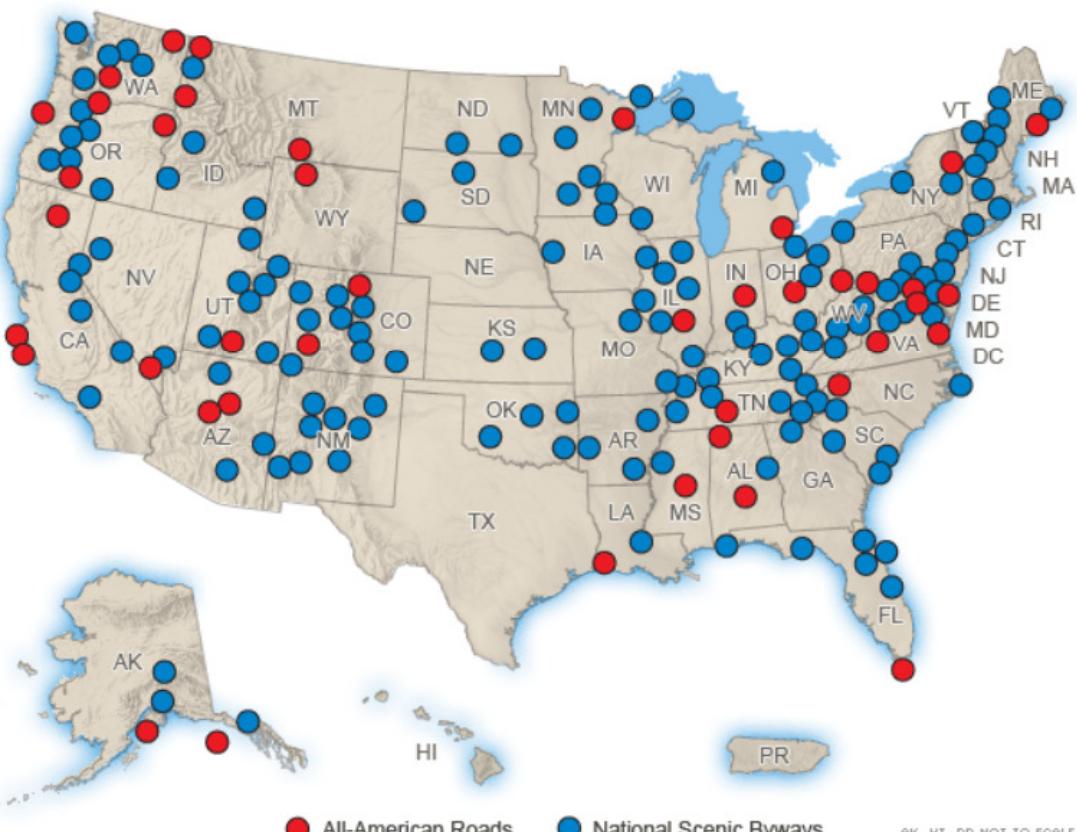





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J.S. Department of Transportation  
Federal Highway Administration



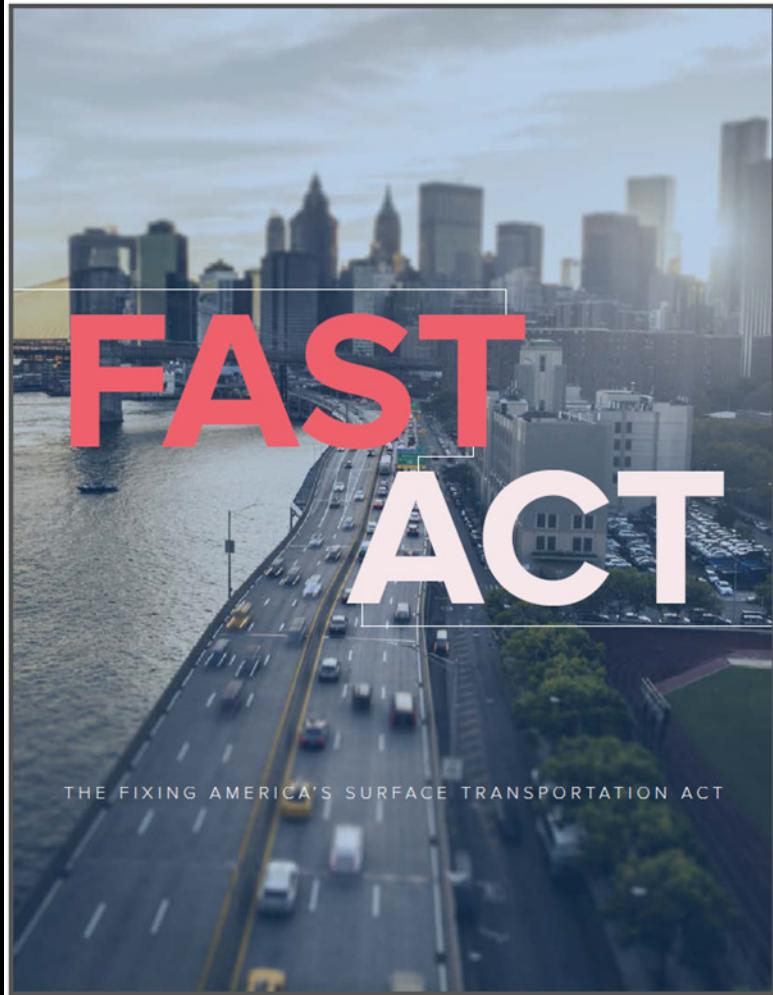
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## Fixing America's Surface Transportation Act or "FAST Act"



- December 4, 2015, President Obama signed into law
- Funds surface transportation programs—including, but not limited to, Federal-aid highways—at over \$305 billion for fiscal years (FY) 2016 through 2020.
- Intended to
  - improve safety
  - maintain infrastructure condition
  - reduce traffic congestion
  - improve efficiency of the system and freight movement
  - protect the environment
  - reduce delays in project delivery.

## Fixing America's Surface Transportation Act or "FAST Act"

### FAST Act

Eliminates the MAP-21 Transportation Alternatives Program (TAP) and replaces it with a set-aside of STBG funding for transportation alternatives.

Includes all projects and activities that were previously eligible under TAP.  
transportation projects such as

- pedestrian and bicycle facilities
- recreational trails
- safe routes to school projects
- community improvements such as historic preservation and vegetation management
- and environmental mitigation related to stormwater and habitat connectivity

The FAST Act sets aside an average of \$844 million per year for TA. Unless a State opts out, it must use a specified portion of its TA funds for recreational trails projects. About 0.27%



## Fixing America's Surface Transportation Act or "FAST Act"

- **States and MPOs for urbanized areas - competitive application process**
- **eligible applicants include tribal governments, local governments, transit agencies, school districts, and a new eligibility for nonprofit organizations responsible for local transportation safety programs.**





## How does this impact Highway Beautification in Florida?

### The 2017 Florida Statutes



[Title XXVI](#)

[Chapter 334](#)

[View Entire Chapter](#)

PUBLIC TRANSPORTATION

TRANSPORTATION ADMINISTRATION

**334.044 Powers and duties of the department.**—The department shall have the following general powers and duties:

No less than 1.5% of the amount contracted for construction projects shall be allocated by the department on a statewide basis for the purchase of plant materials.



## Fixing America's Surface Transportation Act or "FAST Act"

### *Work Program Instructions*

*Tentative Work Program – FY 18/19 - 22/23*

*September 8, 2017*

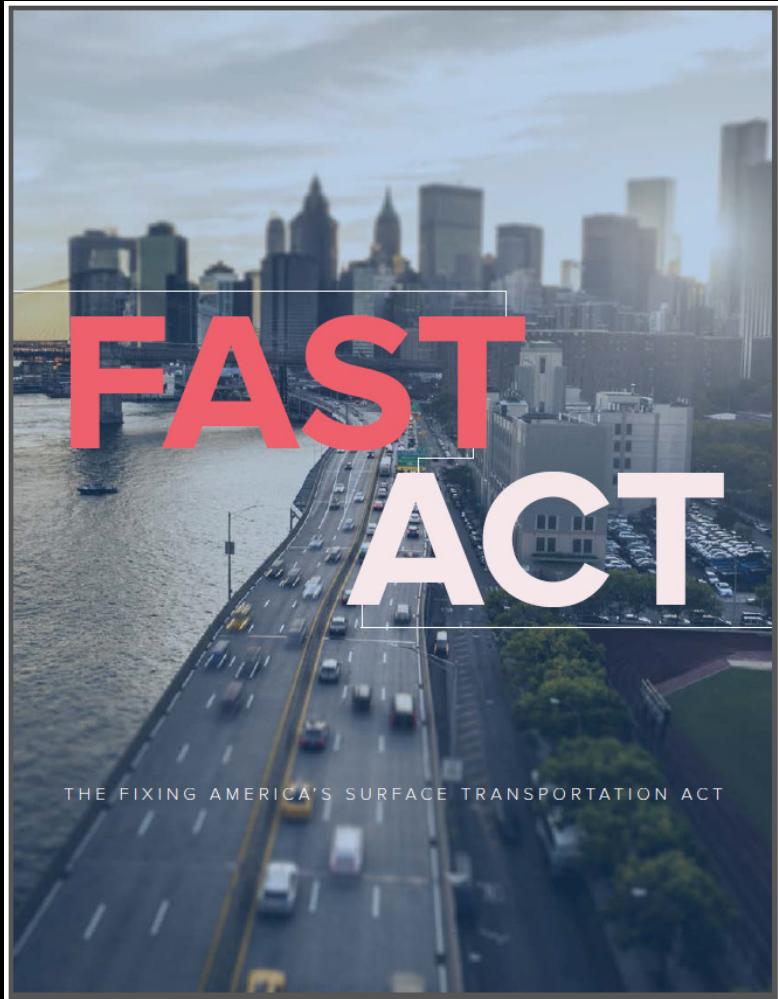
## PART III - CHAPTER 16: LANDSCAPE INSTALLATION

FHWA will participate in landscape installations when the work is part of a federal-aid project for new and major reconstructed highway projects.

The landscape installation project must be programmed so the Notice to Proceed (NTP) is **no later than six months** following the acceptance of the highway construction contract to maintain eligibility for federal funding of the landscape as dependent on the highway construction project.



FHWA establishes Federal policy, provides guidance, and assures that states comply



2015

**Pollinator Protection Act (Highways BEE Act)**



[Home](#) / [FAST Act](#) / [Summary](#)

## Fixing America's Surface Transportation Act or "FAST Act"

Section 319 of title 23, US Code Landscaping and Scenic Enhancement (as amended, December 2015)

.... improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty including the enhancement of habitat and forage for pollinators adjacent to such highways.

(1) encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and

(2) encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native milkweed species that can serve as migratory way stations for butterflies and facilitate migrations of other pollinators.



U.S. CONGRESSMAN  
**ALCEE L. HASTINGS**  
PROUDLY SERVING FLORIDA'S 20TH DISTRICT





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## Fixing America's Surface Transportation Act or "FAST Act"

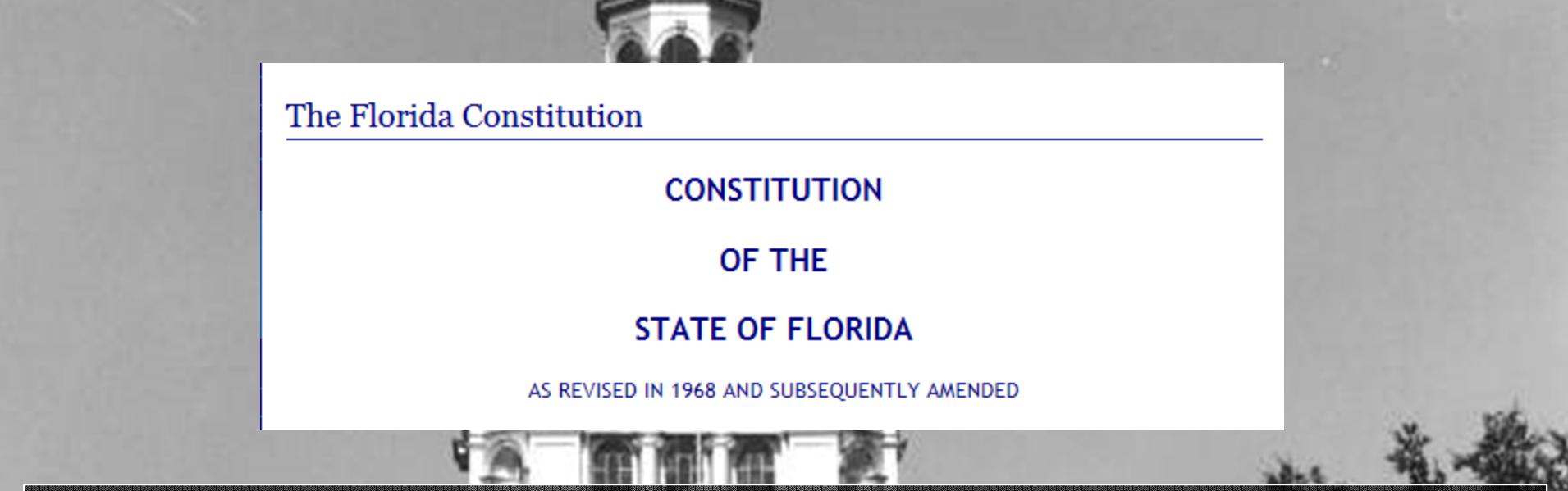
funds ... may be used for the following activities if such activities are related to transportation projects funded under this title:

Establishment of plants selected by State and local transportation authorities to perform one or more of the following functions: abatement of stormwater runoff, stabilization of soil, provision of habitat, forage, and migratory way stations for Monarch butterflies, other native pollinators, and honey bees, and aesthetic enhancement.



U.S. CONGRESSMAN  
**ALCEE L. HASTINGS**  
PROUDLY SERVING FLORIDA'S 20TH DISTRICT





## The Florida Constitution

# CONSTITUTION OF THE STATE OF FLORIDA

AS REVISED IN 1968 AND SUBSEQUENTLY AMENDED

Article II, SECTION 7. Natural resources and scenic beauty.—(a) It shall be the policy of the state to conserve and protect its natural resources and scenic beauty.

Article IV, SECTION 6. Executive departments.—All functions of the executive branch of state government shall be allotted among not more than twenty-five departments..... The administration of each department.... shall be placed by law under the direct supervision of the governor, the lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor.....



# The 2017 Florida Statutes

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[Title IV](#)[EXECUTIVE BRANCH](#)[Chapter 20](#)[ORGANIZATIONAL STRUCTURE](#)[View Entire Chapter](#)

**20.23 Department of Transportation.**—There is created a Department of Transportation which shall be a decentralized agency.

(7) The department is authorized to contract with local governmental entities and with the private sector if the department first determines that:

- (a) Consultants can do the work at less cost than state employees;
- (b) State employees can do the work at less cost, but sufficient positions have not been approved by the Legislature as requested in the department's most recent legislative budget request;
- (c) The work requires specialized expertise, and it would not be economical for the state to acquire, and then maintain, the expertise after the work is done;
- (d) The workload is at a peak level, and it would not be economical to acquire, and then keep, extra personnel after the workload decreases; or
- (e) The use of such entities is clearly in the public's best interest.

Such contracts shall require compliance with applicable federal and state laws, and clearly specify the product or service to be provided.

# The 2017 Florida Statutes

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[Title XXVI](#)

[Chapter 334](#)

[View Entire Chapter](#)

PUBLIC TRANSPORTATION   TRANSPORTATION ADMINISTRATION

334.044   Department; powers and duties.—The department shall have the following general

## **(7) To enter into contracts and agreements.**

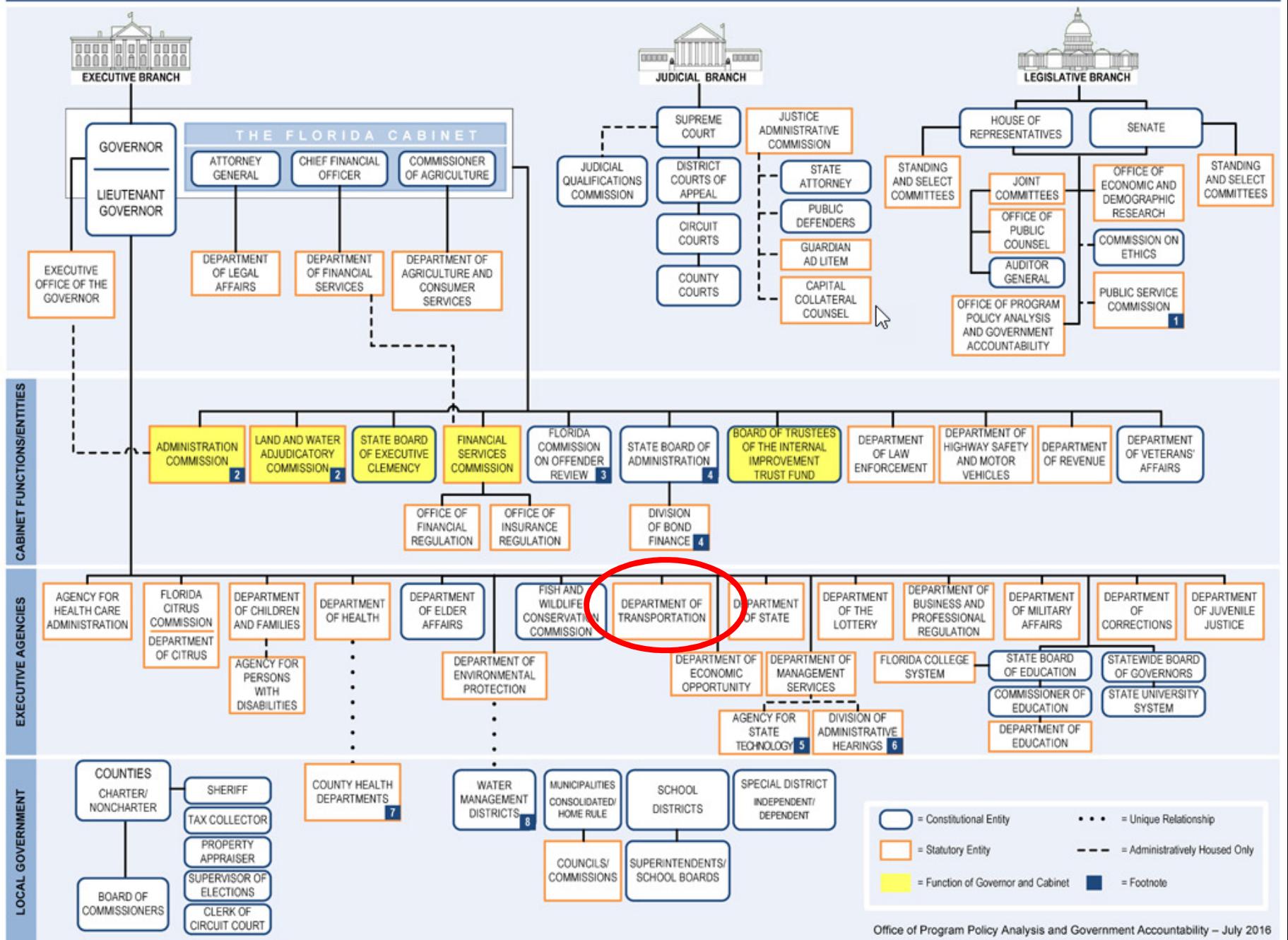
offices at such places within the state as it may designate, and to purchase, build, or lease suitable buildings for such uses.

(5) To purchase, lease, or otherwise acquire property and materials, including the purchase of promotional items as part of public information and education campaigns for the promotion of scenic highways, traffic and train safety awareness, alternatives to single-occupant vehicle travel, and commercial motor vehicle safety; to purchase, lease, or otherwise acquire equipment and supplies; and to sell, exchange, or otherwise dispose of any property that is no longer needed by the department.

(6) To acquire, by the exercise of the power of eminent domain as provided by law, all property or property rights, whether public or private, which it may determine are necessary to the performance of its duties and the execution of its powers.

(7) To enter into contracts and agreements.

# THE FLORIDA ELECTORATE





# FLORIDA TRANSPORTATION COMMISSION

**Jay Trumbull, Chairman  
Teddi Pitts, Executive Director**

[Home](#) [About FTC](#) [Members](#) [Contact Us](#) [Reports](#) [Meetings](#) [Presentations](#)

## Contact the Commission

605 Suwannee Street

## Summary of Organization and Responsibilities

The Florida Transportation Commission was created in 1987, under Section 20.23, Florida Statutes, to serve as a citizen's oversight board for the Florida Department of Transportation. This oversight has since been expanded to include Florida's expressway authorities and regional transportation authorities. The Commission is assigned to the Department for administrative and fiscal purposes; otherwise, it functions independently of the control and direction of the Department. The Commission is composed of nine Commissioners appointed by the Governor and confirmed by the Florida Senate for four-year terms. The Commission is required to meet at least four times per year; though it usually meets more frequently in locations throughout the state in order to receive local input.

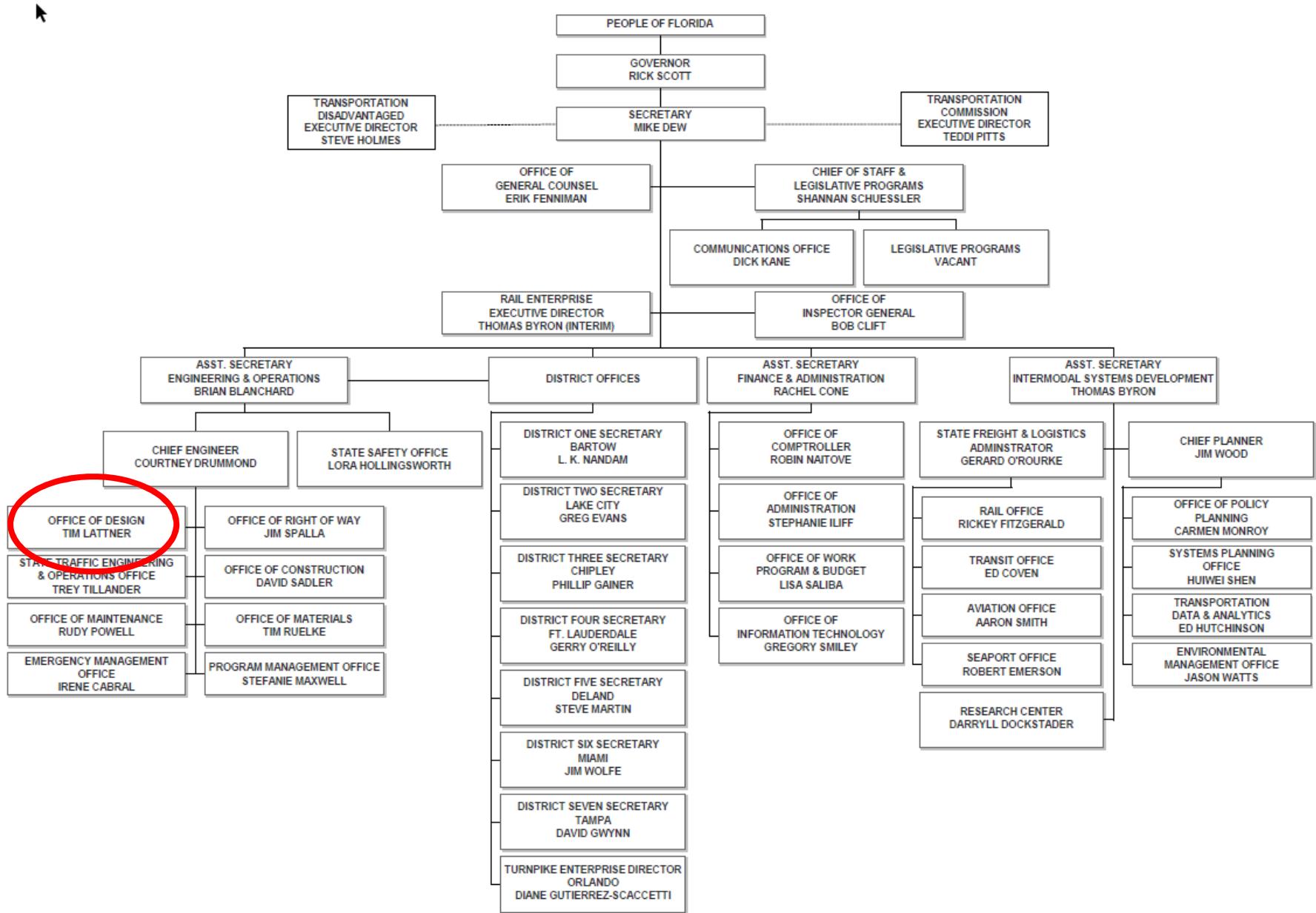


## FTC Authority

Roles and Responsibilities

## Welcome to the Florida Transportation Commission

FLORIDA DEPARTMENT OF TRANSPORTATION  
ORGANIZATION CHART  
OCTOBER 2017



## Office of Design

Office of Design / Office Staff

### Office Staff



### Office Staff Directory

The Office of Design leads, guides and supports the design community to deliver innovative transportation solutions. Our Offices deliver specific products, publications and services to further aid our customers. Click on the links provided to reach our individual Staff site information.

#### **Production Support Office**

Provides leadership, guidance and support for managing and delivering the design phase of projects. Assists designers, project managers, consultants and FDOT employees in meeting production schedules and delivering a quality design product

#### **Roadway Design Office**

Provides development, support to disseminate policies, procedures, manuals, handbooks, guides, training, criteria and standards for the design of Florida roadways

#### **Structures Design Office**

Provides design guidance and technical assistance for structural, geotechnical, mechanical and electrical issues related to structural design and construction

# Chapter 120, Florida Statutes

## Administrative Procedures Act

### **120.52 Definitions.--As used in this act**

(16) "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency

**OFFICIAL RULES**

# Chapter 120 of the Florida Statutes Administrative Procedures Act

## **120.536 Rulemaking authority; repeal; challenge.-**

- (1) A grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a specific law to be implemented is also required.
- (2) ... any substantially affected person may petition an agency to repeal any rule, or portion thereof, because it exceeds the rulemaking authority permitted by this section.



# The 2017 Florida Statutes

---

[Title XXVI](#)[Chapter 334](#)[View Entire Chapter](#)

PUBLIC TRANSPORTATION    TRANSPORTATION ADMINISTRATION

**334.044 Powers and duties of the department.**—The department shall have the following general powers and duties:

- (1) To assume the responsibility for coordinating the planning of a safe, viable, and balanced state transportation system serving all regions of the state, and to assure the compatibility of all components, including multimodal facilities.
- (2) To adopt rules pursuant to ss. 20.536(1) and 120.54 to implement the provisions of law conferring duties upon it.
- (3) To adopt an official seal.
- (4) To maintain its headquarters in Tallahassee and its district offices and necessary field offices at such places within the state as it may designate, and to purchase, build, or lease suitable buildings for such uses.





Circa 1970



October 23, 2017

# Chapter 120, Florida Statutes

## Administrative Procedures Act

- (3) adoption procedures
  - (a) 1. Prior to the adoption, amendment, or repeal of any rule ... an agency, ... shall give notice of its intended action...
  - (c) 1. ... the agency shall, on the request of any affected person ... give affected persons an opportunity to present evidence and argument on all issues under consideration.



## Florida Administrative Law: Administrative Procedure Act

Search this Guide

Search

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[Administrative Procedure Act](#)

[Rule-making](#)

[Using the FAC/FAR Website](#)

[Rule Interpretation and Enforcement](#)

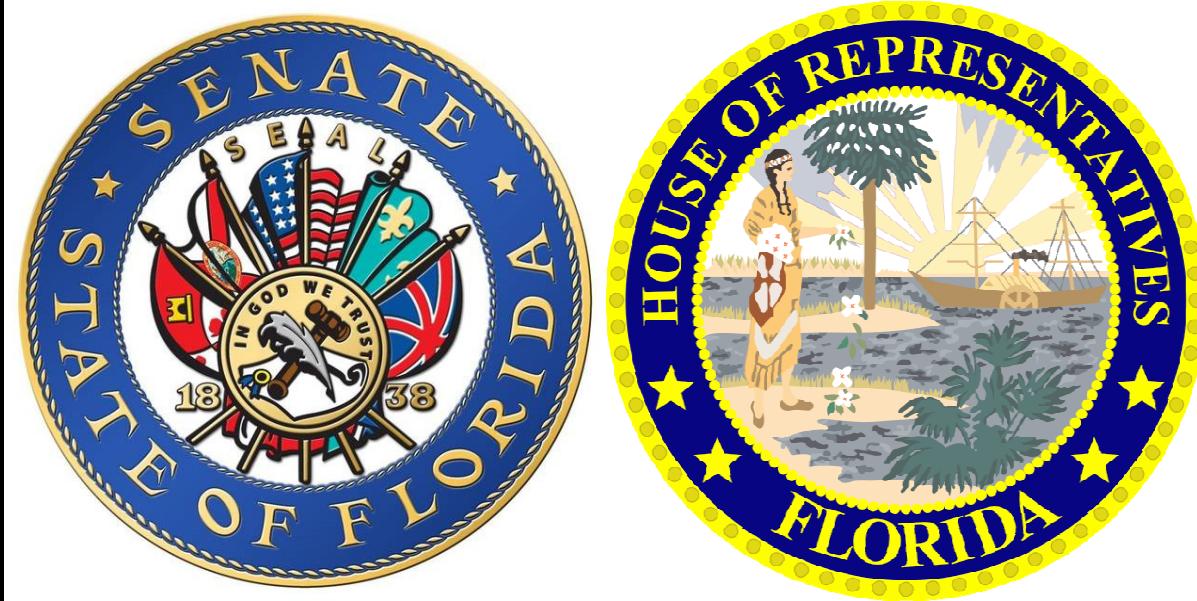
### Florida's APA

**Fla. Stat. Ch. 120** is the Florida's Administrative Procedure Act. The APA describes the rule-making and decision-making processes for Florida's agencies. It also describes the manner in which agency rules and decisions must be published. **See Rule-making.**

If an agency takes action or promulgates a rule in a manner which is not in accordance with the APA, it will have acted outside of the authority delegated to it by the legislature, and its action may be challenged. **See Rule Interpretation and Enforcement.**



**A Pocket Guide  
to Florida's  
Administrative  
Procedure Act**



## Members

### Senators

- [Senator Kevin Rader \(D\)](#), Alternating Chair
- [Senator Daphne Campbell \(D\)](#)
- [Senator George B. Gainer \(R\)](#)
- [Senator Keith Perry \(R\)](#)

### Representatives

- [Representative George R. Moraitis, Jr. \(R\)](#), Alternating Chair
- [Representative Jason Fischer \(R\)](#)
- [Representative Michael Grant \(R\)](#)
- [Representative Sam H. Killebrew \(R\)](#)
- [Representative Amy Mercado \(D\)](#)
- [Representative Barrington A. "Barry" Russell \(D\)](#)

## Joint Administrative Procedures Committee

The Joint Administrative Procedures Committee conducts continuous oversight of executive branch actions implementing legislatively delegated powers, ensuring that each action has an adequate statutory basis, that all applicable procedures are followed, and that no illegal rules are imposed on the people of Florida.

## Florida Department of State

All Florida residents are touched in some way by the programs, services and activities of the Department of State.



- 14 DOT
- 40 WMDs
- 61 DBPR
- 62 DEP
- 73 DEO

Secretary of State  
Ken Detzner  
850 245 6524



A screenshot of the Florida Department of State website. The header features the Great Seal of the State of Florida on the left and the text "Florida Department of State" in the center. The main title "FLORIDA ADMINISTRATIVE CODE &amp; FLORIDA ADMINISTRATIVE REGISTER" is prominently displayed in the center. A red oval highlights the word "REGISTER". The footer contains links for "About Us", "Contact Us", "Help", "Agency Login", "Home", "Advanced Search", "MyFLRules", and "Rules Open for Comments". To the right of the title, there is a decorative illustration of a heron standing near books and a small table.

<https://www.flrules.org/>

# Chapter 287 Part I

## COMMODITIES, INSURANCE, AND CONTRACTUAL SERVICES

### **287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services...**

(1) SHORT TITLE.--This section shall be known as the "Consultants' Competitive Negotiation Act."



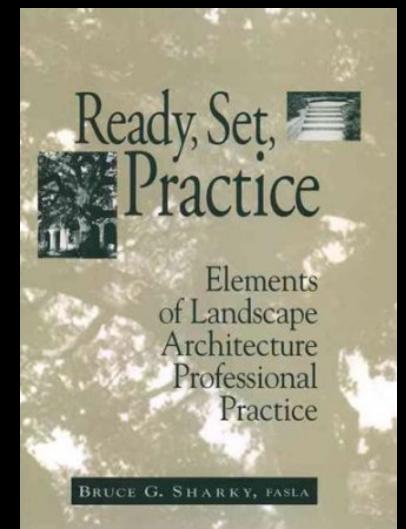
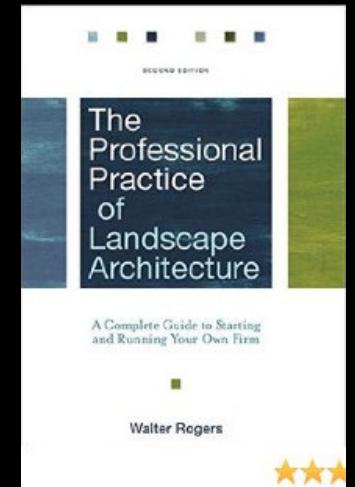
# Chapter 287 Part I

## COMMODITIES, INSURANCE, AND CONTRACTUAL SERVICES

(2) DEFINITIONS.--For purposes of this section:

(a) "Professional services" means those services within the scope of the practice of architecture, professional engineering, **landscape architecture**, or registered surveying and mapping...

(b) "Agency" means the state, a state agency, a municipality, a political subdivision, a school district, or a school board.



# Chapter 287 Part I

## COMMODITIES, INSURANCE, AND CONTRACTUAL SERVICES

(c) Any firm or individual desiring to provide professional services to the agency must first be certified by the agency as qualified pursuant to law and the regulations of the agency.

*Get prequalified!*



*....more on this later*

# Chapter 287 Part I

## COMMODITIES, INSURANCE, AND CONTRACTUAL SERVICES

### (4) COMPETITIVE SELECTION.--

(a) For each proposed project, the agency shall evaluate current statements of qualifications and performance ... and shall conduct discussions with, ... no fewer than three firms regarding their qualifications, approach to the project, and ability to furnish the required services.

(b) **The agency shall select ... the most highly qualified to perform the required services.**



# Chapter 287 Part I

## COMMODITIES, INSURANCE, AND CONTRACTUAL SERVICES

### (5) COMPETITIVE NEGOTIATION.--

(a) The agency shall negotiate a contract with the most qualified firm for professional services at compensation which the agency determines is fair, competitive, and reasonable.



# 1999

1.5% for purchase of plants  
UNANIMOUS in the House and Senate

(26) To provide for the conservation of natural roadside growth and scenery and for the implementation and maintenance of roadside beautification programs. To accomplish this, for fiscal years 1999-2000, 2000-2001, and 2001-2002 no less than 1 percent, and for subsequent fiscal years no less than 1.5 percent of the amount contracted for construction projects shall be allocated by the department to beautification programs. Except where prohibited by federal law or federal regulation and to the extent practical, a minimum of 50 percent of these funds shall be used to purchase large plant materials with the remaining funds for other plant materials and these materials shall be purchased from Florida-based nurseryman stock on a uniform competitive bid basis.

# 1999

## 1.5% for purchase of plants

### UNANIMOUS in the House and Senate



**Florida Senate Website Archive**  
archive.flsenate.gov

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July 09, 2013

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Session: 1999 Bill #:  Search Bill Text

Chamber: Senate  Search Statutes

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Print This Page

Select Year: 1999 Select Chamber: Senate Go

Jump To: Bill Text (4) | Amendments (8) | Staff Analysis (3) | Vote History (3) | Citations

◀ Previous Senate Bill Next Senate Bill ▶

Senate 1446: Relating to Roadside Beautification/DOT

**S 1446 GENERAL BILL/2ND ENG** by Jones (Compare 3RD ENG/[H 0591](#), CS/H 1147, [H 1719](#), CS/CS/S [0972](#), CS/1ST ENG/S [1306](#))  
Roadside Beautification/DOT: provides for allocation of certain percentage of each project for roadside beautification by DOT; modifies date on which jurisdiction & responsibility for public roads is determined. Amends 334.044, 335.0415. EFFECTIVE DATE: 07/01/1999. 02/22/99 SENATE Prefiled 03/02/99 SENATE Introduced, referred to Transportation; Fiscal Policy -SJ 00096 03/18/99 SENATE On Committee agenda-- Transportation, 03/22/99 Room-309C 03/23/99 SENATE Comm. Action: Favorable with 1 amendment(-SJ 00352) 03/24/99 SENATE Now in Fiscal Policy -SJ 00352 04/09/99 SENATE On Committee agenda-- Fiscal Policy, 04/14/99 Room-212K 04/14/99 SENATE Comm. Action:-Favorable with 1 amendment(-SJ 00575) 04/15/99 SENATE Placed on Calendar -SJ 00575 04/23/99 SENATE Placed on Special Order Calendar -SJ 00792; P- Calendar -SJ 00792; Read second time -SJ 00788; Amendment(s) failed -SJ 00788; Amendment(s) adopted -SJ 00788; Read third time -SJ 00788; Passed as amended; YEAS 37 NAYS 0 -SJ 00788; Immediately certified -SJ 00788 04/23/99 HOUSE In Messages 04/29/99 HOUSE Received -HJ 01873; Read second time -HJ 01873; Amendment(s) adopted -HJ 01873; Read third time -HJ 01873; Passed as amended; YEAS 109 NAYS 0 -HJ 01873



**Daryl Jones**



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July 09, 2013

Home Session Committee Publications Historical Information Laws

Jump To Bill

Session: 1999 Bill #:  Search Bill Text

Chamber: Senate  Search Statutes

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Select Year: 1999 Select Chamber: House Go

Jump To: Bill Text (1) | Amendments (0) | Staff Analysis (3) | Vote History (0) | Citations

◀ Previous House Bill Next House Bill ▶

House 1719: Relating to Transportation

**H 1719 GENERAL BILL** by Putnam; (CO-SPONSORS) Murman; Starks; Kelly (Compare 2ND ENG/[S 1446](#))  
Transportation: provides for allocation of certain percentage of road projects for roadside beautification by DOT; provides for administration. Amends 334.044. EFFECTIVE DATE: 07/01/1999. 03/10/99 HOUSE Filed; Introduced -HJ 00283 03/16/99 HOUSE Referred to Transportation (EDC); Transportation & Economic Development Appropriations (FRC) -HJ 00312 03/25/99 HOUSE On Committee agenda-- Transportation (EDC), 03/29/99, 1:45 pm, 317C 03/29/99 HOUSE Comm. Action: Unanimously Favorable with Transportation (EDC) -HJ 00479 03/30/99 HOUSE Now in Transportation & Economic Development Appropriations (FRC) -HJ 00479 04/30/99 HOUSE Died in Committee on Transportation & Economic Development Appropriations (FRC), Iden./Sim./Compare Bill(s); refer to SB 1446 (Ch. 99-250)



**Adam H. Putnam**  
COMMISSIONER

**Bills**  
Version: H 1719 Posted: 08/28/2000 Format: [Web Page](#) | !

**Amendments**  
NO AMENDMENTS AVAILABLE

**Bill Analyses**

# 2009

## 1.5% for purchase of plants

(26) To provide for the enhancement of environmental benefits, including air and water quality; to prevent roadside erosion; to conserve the natural roadside growth and scenery; and to provide for the implementation and maintenance of roadside conservation, enhancement, and stabilization programs. At least 1.5 percent of the amount contracted for construction projects shall be allocated by the department on a statewide basis for the purchase of plant materials.



Department Powers and Duties  
Section 334.044(26)  
2012

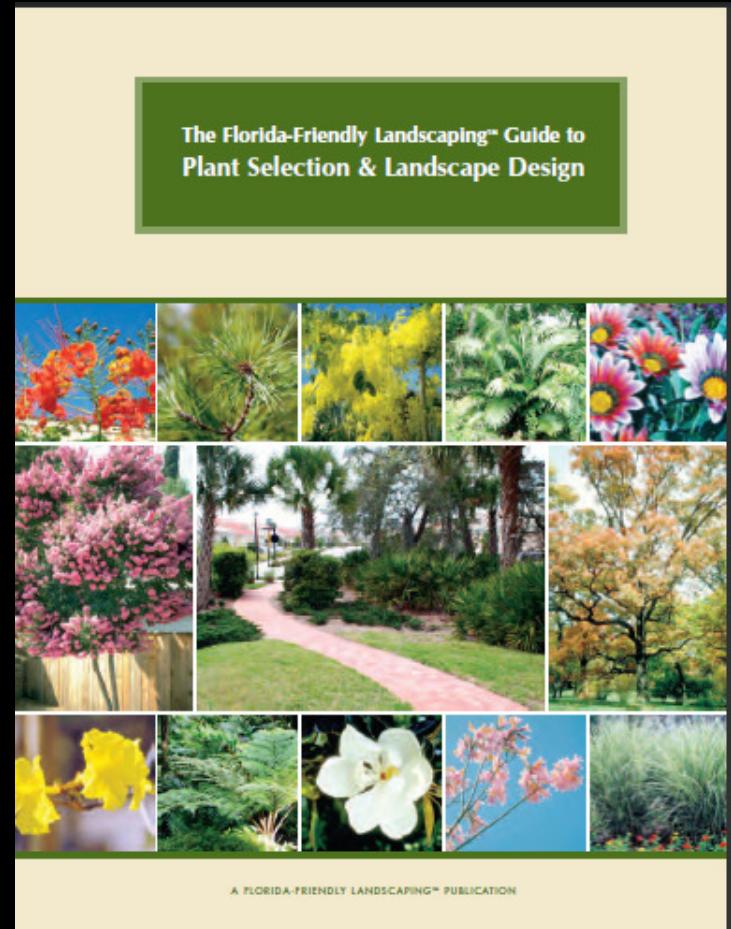
Department districts may not expend funds for landscaping in connection with any project that is limited to resurfacing existing lanes unless the expenditure has been approved by the department's secretary or the secretary's designee.



# Florida Friendly Landscaping in Rights of Way

Section 335.167, Florida Statutes

The department  
shall use and  
require the use  
of Florida-  
friendly  
landscaping  
practices ...



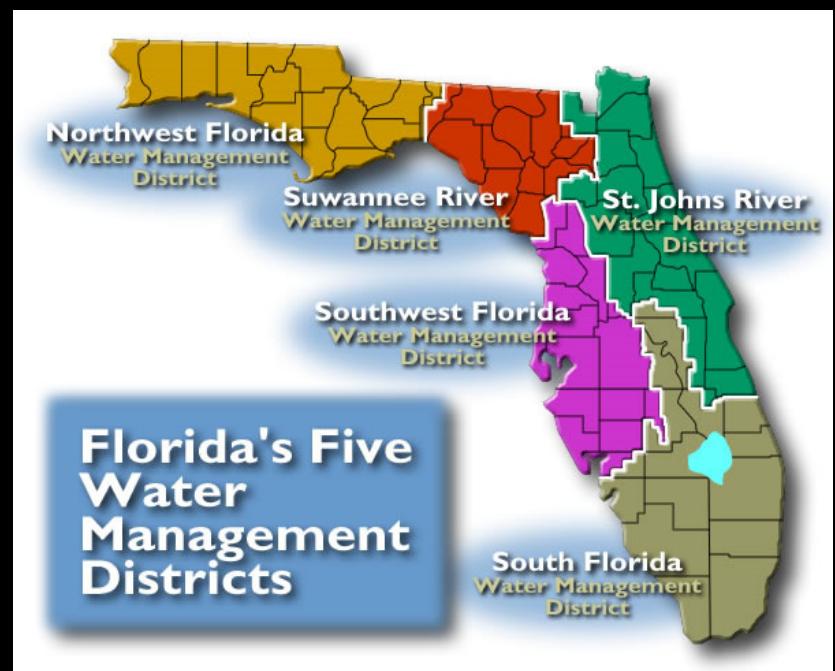
# Florida Friendly; *more than Xeriscape*

The principles of such landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components include practices such as landscape planning and design, soil analysis, the appropriate use of solid waste compost, minimizing the use of irrigation, and proper maintenance.

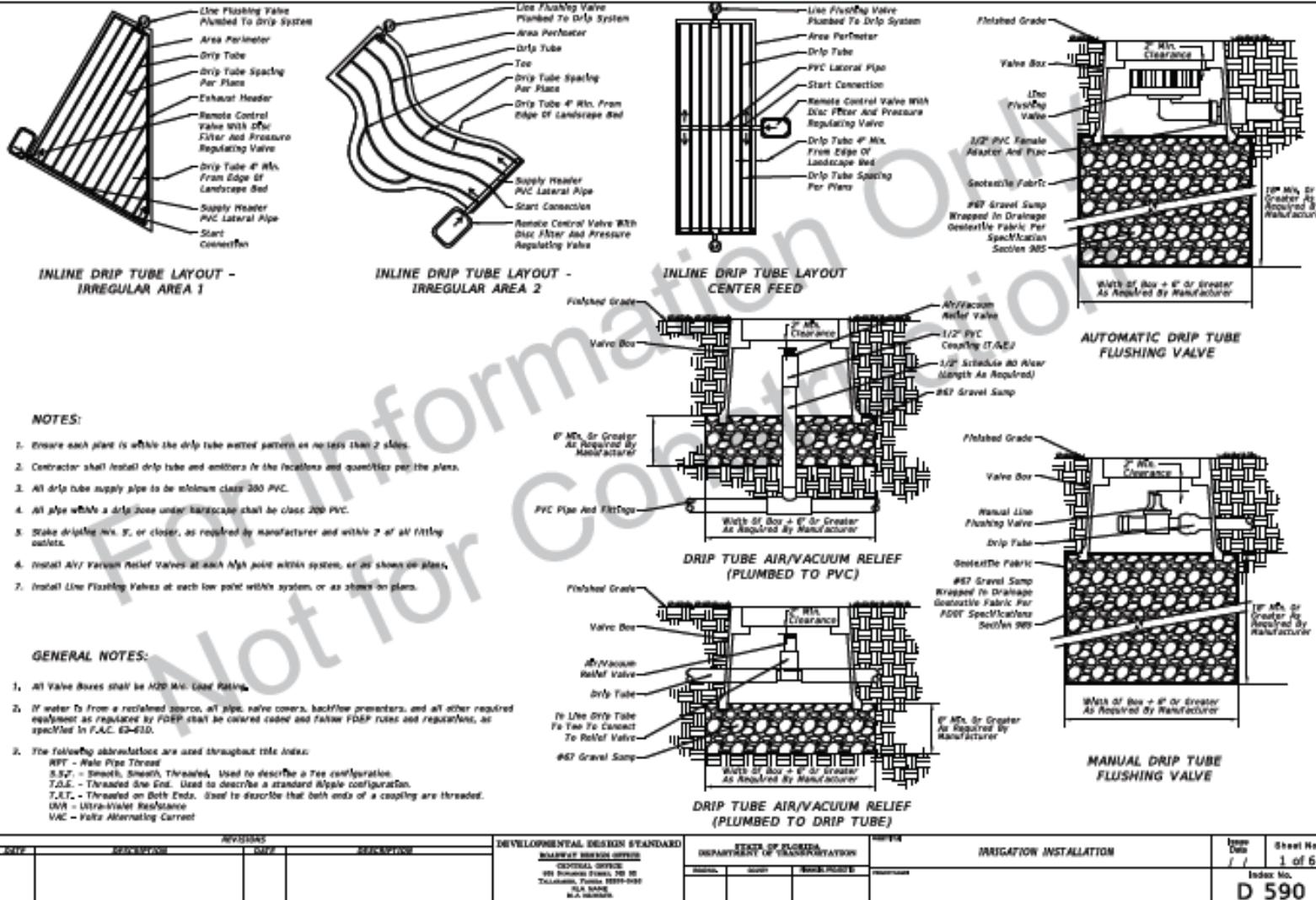
# Section 373.250, Florida Statutes...2004

## Reuse of Reclaimed Water

A water management district may require the use of reclaimed water...when environmentally, economically, and technically feasible...



# Section 373.228, Florida Statutes







# The 2017 Florida Statutes

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Title XXXII  
**REGULATION OF PROFESSIONS AND  
OCCUPATIONS**

Chapter 479  
**OUTDOOR  
ADVERTISING**

View Entire  
Chapter

**479.015 Legislative intent with respect to regulation of signs in areas adjacent to state highways.**—The control of signs in areas adjacent to the highways of this state is declared to be necessary to protect the public investment in the state highways; to attract visitors to this state by conserving the natural beauty of the state; to preserve and promote the recreational value of public travel; to assure that information in the specific interest of the traveling public is presented safely and aesthetically; to enhance the economic well-being of the state by promoting tourist-oriented businesses, such as public accommodations, vehicle services, attractions, campgrounds, parks, and recreational areas; and to promote points of scenic, historic, cultural, and educational interest.

# The 2017 Florida Statutes

---

[Title XXXII](#)  
**REGULATION OF PROFESSIONS AND  
OCCUPATIONS**

[Chapter 479](#)  
**OUTDOOR  
ADVERTISING**

[View Entire  
Chapter](#)

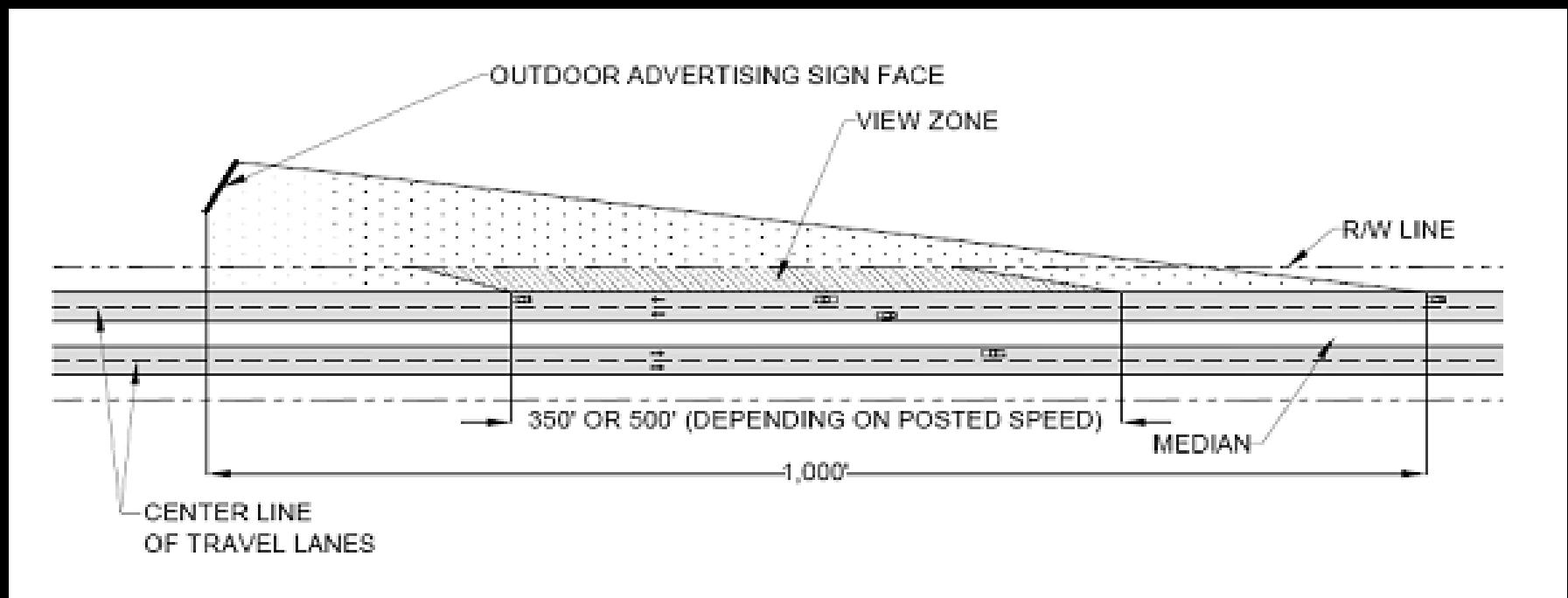
## **479.106 Vegetation management.—**

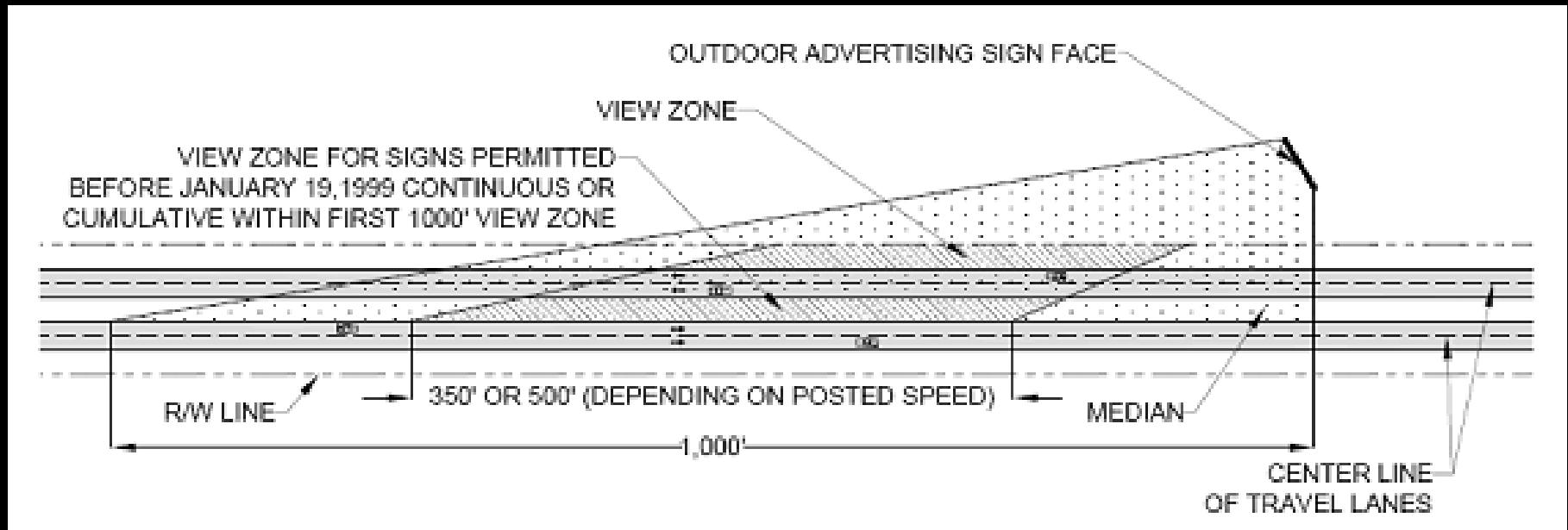
(6) Beautification projects, trees, or other vegetation shall not be planted or located in the view zone of legally erected and permitted outdoor advertising signs which have been permitted prior to the date of the beautification project or other planting, where such planting will, at the time of planting or after future growth, screen such sign from view.

(a) View zones are established along the public rights-of-way of interstate highways, expressways, federal-aid primary highways, and the State Highway System in the state, excluding privately or other publicly owned property, as follows:

1. A view zone of 350 feet for posted speed limits of 35 miles per hour or less.
2. A view zone of 500 feet for posted speed limits of over 35 miles per hour.

(b) The established view zone shall be within the first 1,000 feet measured along the edge of the pavement in the direction of approaching traffic from a point on the edge of the pavement perpendicular to the edge of the sign facing nearest the highway and shall be continuous unless interrupted by existing, naturally occurring vegetation. The department and the sign owner may enter into an agreement identifying the specific location of the view zone for each sign facing. In the absence of such agreement, the established view zone shall be measured from the sign along the edge of the pavement in the direction of approaching traffic as provided in this subsection.





## 228.5      Outdoor Advertising Signs

When a legally erected and permitted outdoor advertising sign view zone is within the project limits, the landscape architect will notify the sign owner (permittee) in writing that a highway landscape project is proposed. In accordance with Chapter 479, F.S., the default view zone will be within an area beginning at a point on the edge of pavement perpendicular to the edge of the sign facing nearest the highway and continuing in the direction of approaching traffic for a distance of:

- 350 feet for posted speed limits of 35 mph,
- 500 feet for posted speed limits over 35 mph.
- Through approval of an agreement or an [Application to Permit Vegetation Management at Outdoor Advertising Sign](#), (Form Number 650-050-06) an alternate view zone may exist. Contact the State Outdoor Advertising Administrator to verify location of view zones within the project limits.
- At any time, the Department District can request an alternate view zone. An alternate view zone can be established by agreement of both parties; the sign owner and the District Office (most likely the District Maintenance Engineer or designee). Using a letter of agreement, Department Districts may agree to alternate view zones when the alternate is in the best interest of the people of Florida, and when the alternate will not interfere with or prevent the Department from achieving transportation design, construction or operational objectives.
- Information for permitted signs may be obtained by contacting the State Outdoor Advertising Administrator, Florida Department of Transportation, 605 Suwannee Street, MS 22, Tallahassee, FL 32399-0450

## DRAFT - Alternate View Zone Agreement for Outdoor Advertising Signs

For the purpose of establishing a view zone other than the one provided for absent an agreement pursuant to Section 479.106 (6), Florida Statutes, (Alternate View Zone), the Department and \_\_\_\_\_ (Sign Owner) agree to identify the specific location of the view zone for the sign assigned tag number(s) \_\_\_\_\_, (Sign), subject to the agreed terms below:

The alternate view zone may not be any larger than what is allowed by law pursuant to Section 479.106(6), Florida Statutes, and is defined and established as: *RCI Section xxxxxxxx @ Mile Post xx,xxx, xxxx Side, starting xxx feet from the nearest edge of right of way perpendicular to the sign, in the direction of oncoming traffic for xxx feet*, as shown in the attached sketch.

The permit holder must notify and send a copy of this agreement to the Outdoor Advertising Control Office. The Sign will be updated in the Department's database to reflect the alternate view zone. Execution of this agreement does not authorize the cutting, trimming, or removal of vegetation within the right of way. Sign owner must apply for a vegetation management permit to request cutting, trimming, or removal within the alternate view zone should he or she desire.

By the signing of this agreement, the Department does not waive any rights to issue a violation subsequent to this agreement should one occur.

This agreement will remain in effect until amended by both parties.

---

District Maintenance Engineer or Designee (Signature)

---

Date

---

District Maintenance Engineer or Designee (Printed)

---

Permit Holder Representative (Signature)

---

Date

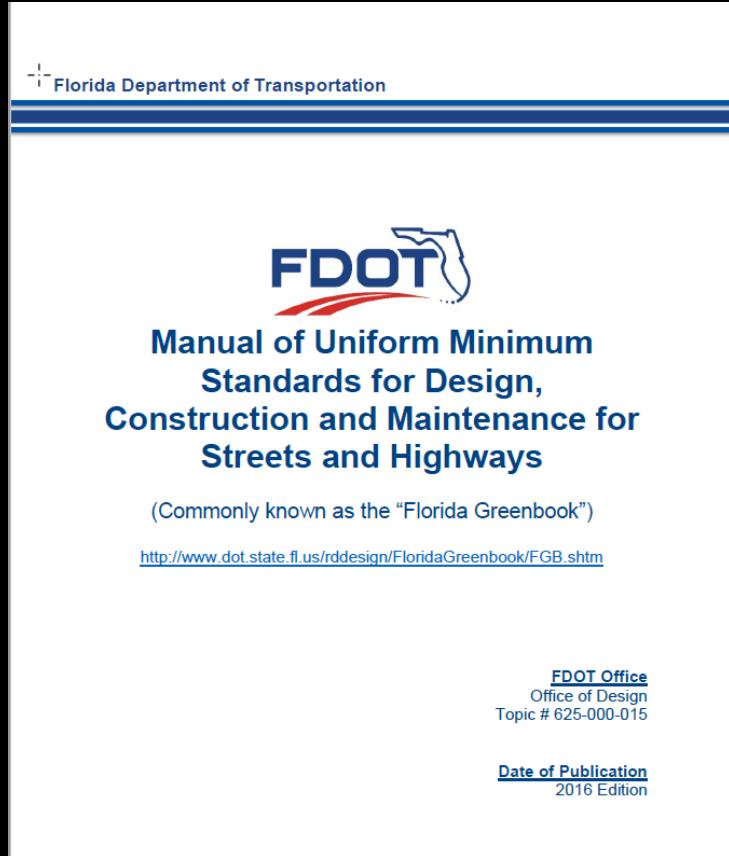
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Permit Holder Representative (Printed)

# Uniform Minimum Standards for design construction, and maintenance

## Section 336.045, Florida Statutes

### County Road Systems

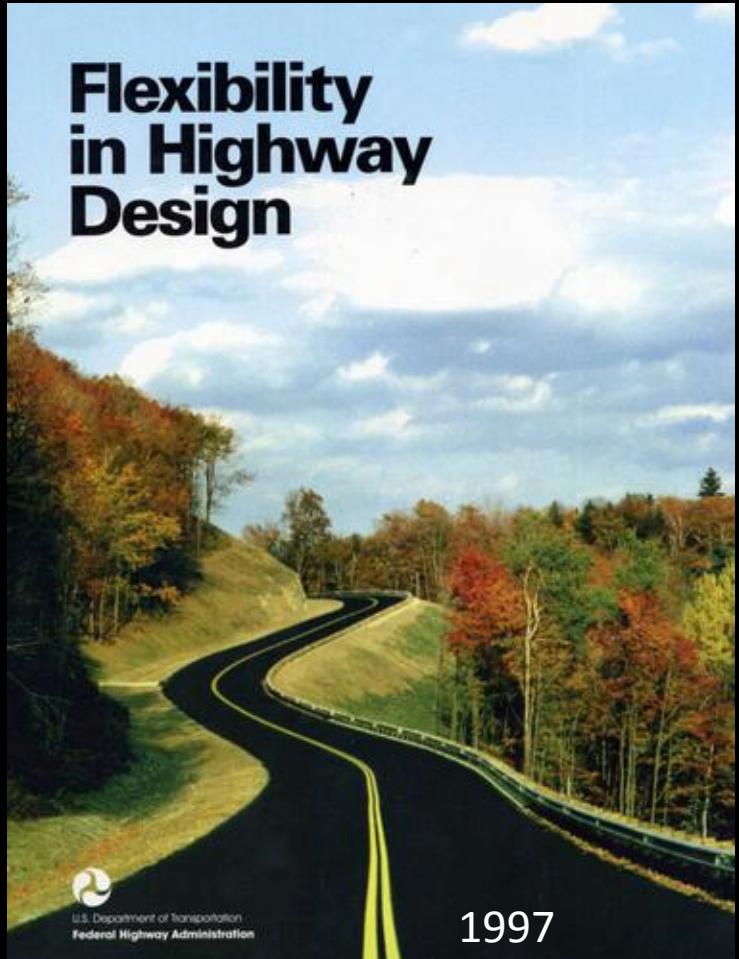


# Context Sensitive Solutions

## FDOT Policy

1998

- **use a Context Sensitive Solutions (CSS) approach** on transportation projects and activities ....
- **proactive, collaborative, interdisciplinary approach** ....
- **enhance and conserve community defining features and environmental resources**. ....
- **balance safety and mobility with local priorities**. ....
- **compatible and consistent with available resources, FDOT policies, and community visions**.





# FDOT ENVIRONMENTAL POLICY

1985, 90, 91, 92, 96, 98, 2002, 04, 05, 07, 08, 15

- protect and preserve the quality of life, and the natural, physical, social and cultural resources
- promote and preserve Florida's environmental quality, community values, and economic prosperity
- develop and implement environmental processes and procedures
- balance environmental considerations with transportation needs

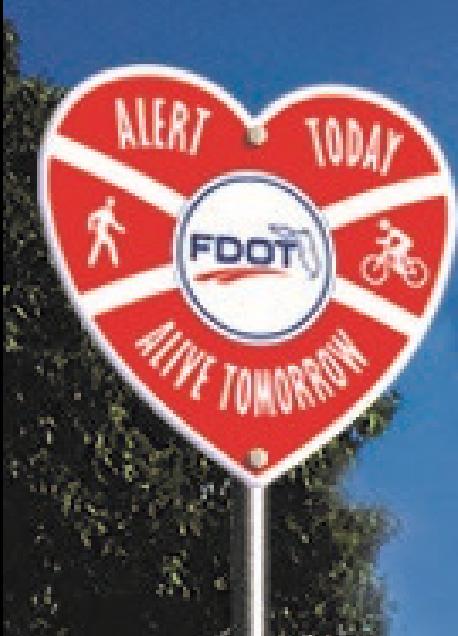
# FDOT Highway Beautification POLICY

2007, 2013, ..... 2018 Revisions??

- The nation's most beautiful highways that attract and grow business.
- Safe roadsides that are durable, and ecologically and economically sustainable.
- Measurable returns on investments that grow in value over time.







**EVERY  
BICYCLIST & PEDESTRIAN  
IS IMPORTANT TO SOMEONE**

---

*Safety Doesn't  
Happen by Accident*



## Complete Streets Implementation

Complete Streets Implementation

### Welcome



### Latest Updates

[Milestone: External Draft of FDOT Design Manual](#)

[Milestone: FDOT Context Classification Document](#)

[District Complete Streets Coordinators](#)

[Context Classification Webinar Series](#)

[Complete Streets Workshops](#)

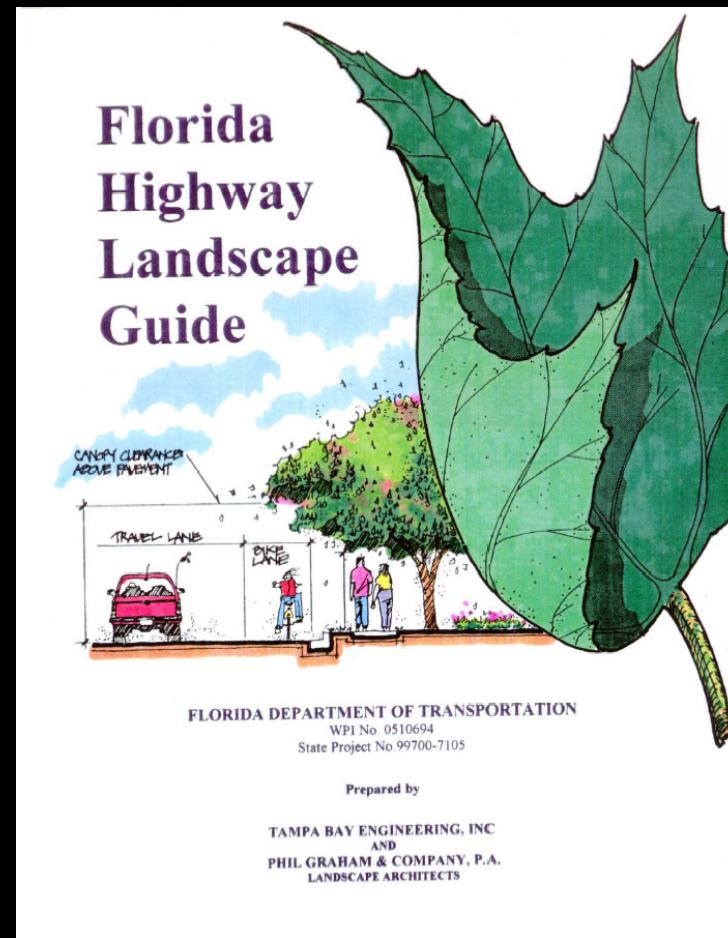
## PART III - CHAPTER 16: LANDSCAPE INSTALLATION

At their discretion, Districts may use their funds to program standalone landscape projects on the on-system portions of the SUN Trail network. So that trails accommodate the safe and sustainable placement of trees and other landscaping, trail design should be closely coordinated with the landscape design. Before landscape plans are prepared, the District should identify the non-DOT agency that will be responsible for landscape maintenance. Prior to committing any funds for landscaping, the non-DOT agency must accept responsibility and sign a written agreement for maintenance of the landscape.



# Florida Highway Landscape Guide

- April 14, 1995
- Metric
- Only a guide
- No update is anticipated





# Projects Designed by local governments

## The 2017 Florida Statutes

---

### Title XXVI

PUBLIC TRANSPORTATION

### Chapter 334

TRANSPORTATION ADMINISTRATION

[View Entire Chapter](#)

**334.044 Powers and duties of the department.**—The department shall have the following general powers and duties:

- (1) To assume the responsibility for coordinating the planning of a safe, viable, and balanced state transportation system serving all regions of the state, and to assure the compatibility of all components, including multimodal facilities.
- (2) To adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it.

# Rule Chapter 14-40 Part I

## General Provisions

**~~Highway~~ Landscape Project**” means any planned or actual landscape or landscaping on Department right of way, including construction or installation, planning, beautification, and maintenance thereof, by a local government entity, non governmental entity, or abutting private property owner.

“Landscape” or “Landscaping” means any vegetation, mulches, irrigation systems, and ~~any site amenities other landscape components~~, such as, street furniture, ~~decorative specialty~~ paving, tree grates, walls, planters, fountains, fences, and lighting (excluding public utility street and area lighting).

As proposed

# Rule Chapter 14-40

## Part I - Approval Criteria

- Based on review of a complete set of landscape plans, specs, details
  - Plans prepared by or for Department highway landscape projects must meet the requirements of Chapter 481, Part II, F.S.
- Maintenance plan
- Screening of Outdoor Advertising Signs is prohibited
- Maintenance agreement



# Rule Chapter 14-40 Part I Approval

## Criteria *continued*

- Construction and Maintenance Agreements
  - Exhibit A landscape plan
  - Exhibit B maintenance plan
- When executed, notice to proceed is issued
- Nongovernmental entities...resolution by local government is required
- Abutting private property owners...Permit for Landscaping on State Road Right of Way



# Rule Chapter 14-40 Part II



Wilbur Jones, Chairman  
4/17/1912 – 8/7/2016

Approved:

Effective: October 18, 2017

Review: August 25, 2017

Office: Production Support

Topic No.: 650-050-001-f



Department of Transportation

## LANDSCAPE, BEAUTIFICATION, AND PLAN REVIEW

### **PURPOSE:**

To implement the Highway Beautification Policy. To provide safe, aesthetic, sustainable, cost effective, and manageable transportation corridors. To establish a uniform statewide process for the review of landscape plans, when part of an agreement with a local government for landscape funding, construction, and/or maintenance. For administration of the Beautification Grant Program. Establishment of the process for agreements between the Department and Outdoor Advertising Companies for Alternate View Zones.

# Projects Designed by FDOT Consulting Landscape Architects



Florida Department of  
**TRANSPORTATION**

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PPM - Volume 1, Chapter 9 Landscape and Community Features

PPM - Volume 2, Chapter 26 Landscape Plans

FDM – Chapter 105 Aesthetics

FDM – Chapter 228 Landscape Design

FDM – Chapter 329 Landscape Plans

<a href="#">Roadway Design <i>(Link)</i></a>	
Publication	Description
<a href="#">FDOT Design Manual</a>	This web page contains the new FDOT Design Manual (FDM)
<a href="#">Plans Preparation Manual</a>	This web page contains the current Plans Preparation Manual (PPM) and all prior versions dating back to 1995

# Signed and Sealed by Landscape Architect

## The 2017 Florida Statutes

---

[Title XXVI](#)

[Chapter 334](#)

[View Entire Chapter](#)

PUBLIC TRANSPORTATION   TRANSPORTATION ADMINISTRATION

**334.175   Certification of project design plans and surveys.**—All design plans and surveys prepared by or for the department shall be signed, sealed, and certified by the professional engineer or surveyor or architect or landscape architect in responsible charge of the project work. Such professional engineer, surveyor, architect, or landscape architect must be duly registered in this state.

**History.**—s. 20, ch. 84-309; s. 77, ch. 2002-20.



# Projects Constructed by FDOT



**Florida Department of  
TRANSPORTATION**

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**Construction**

Office of Construction

**Construction Project Administration Manual  
CPAM - 700-000-000**

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**CONSTRUCTION  
PROJECT ADMINISTRATION  
MANUAL**



Florida Department of Transportation  
State Construction Office

# Projects Constructed by FDOT

**CEI SENIOR LANDSCAPE INSPECTOR**- High School Graduate or equivalent plus eight (8) years of roadway or commercial landscape construction experience, or a Bachelor degree in Horticulture, Urban Forestry, Landscape Architecture plus three (3) years of roadway or commercial landscape construction experience. The individual must be skilled at plant identification, classification, and grades and standards for nursery plants as established by the manual “Grades and Standards for Nursery Plants” by the Florida Department of Agriculture and Consumer Services. The individual must be knowledgeable of current Florida Department of Transportation methods for landscape and irrigation installation. The individual must have the ability to read and interpret contract documents. For standalone landscape projects, required certification and training includes FDOT Intermediate MOT, FDEP Stormwater Erosion and Sedimentation Control Inspector, and Florida Licensed Landscape Architect or Florida Nursery Growers and Landscape Association (FNGLA) Certified Landscape Contractor. Desired certification and training includes, International Society of Arboriculture (ISA) Certified Arborist, University of Florida Landscape Palm Management Training, and International Society of Arboriculture Advanced Pruning.

**CEI LANDSCAPE INSPECTOR**- High School Graduate or equivalent plus three (3) years of roadway or commercial landscape construction and/or maintenance experience, or Florida Nursery Growers and Landscape Association (FNGLA) Landscape Technician Certification; plus one (1) year of roadway or commercial landscape construction and/or maintenance experience, or a degree in a related field; plus one (1) year of roadway landscape construction and/or maintenance experience. The individual must be skilled at plant identification, classification, and grades and standards for nursery plants as established by the manual “Grades and Standards for Nursery Plants” by the Florida Department of Agriculture and Consumer Services. The individual must be knowledgeable of current Florida Department of Transportation methods for landscape and irrigation installation. The individual must have the ability to read and interpret contract documents. The individual will receive general supervision from the Senior Landscape Inspector who reviews work while in progress. For standalone landscape projects, required certification and training includes FDOT Intermediate MOT, and FDEP Stormwater Erosion and Sedimentation Control Inspector.

# Projects Constructed by FDOT

SS5800000SA

Use Maintenance Landscaping Stand Alone Projects with Two Year Establishment Period.

**580 LANDSCAPING.**  
**(REV 8-4-17) (1-18)**

The following new Section is added at the end of Section 571:

**SECTION 580**  
**LANDSCAPING**

**580.5.2 Inspection and Reporting Requirements:** During the establishment period, inspect and certify monthly on the Department's "Landscape Monthly Inspection Form" that the landscaping is being established per the Contract Documents.

In addition, at quarterly intervals, beginning within 90 days of the establishment period start date, provide a Registered Landscape Architect to perform inspections of the landscaping and document the findings in a signed and sealed report.

# Water.... The New Look for 2017



# Drainage Manual, Effective January 2015

## **Subsection 5.4.4.2 Detention and Retention Ponds**

...consistent with the Highway Beautification Policy

... integrated with existing and proposed landscaping, and adjoining land uses.

...aesthetic improvements shall be designed by an interdisciplinary team consisting of the Landscape Architect, Drainage Engineer, and local maintenance office.

... aesthetics design approach shall be developed early enough ... to be included in the determination of pond right-of-way acquisition needs.

# Drainage Manual, Effective January 2015

## **Subsection 5.4.4.2 Detention and Retention Ponds**

Fences ... only when a documented maintenance need for restricted access has been demonstrated.

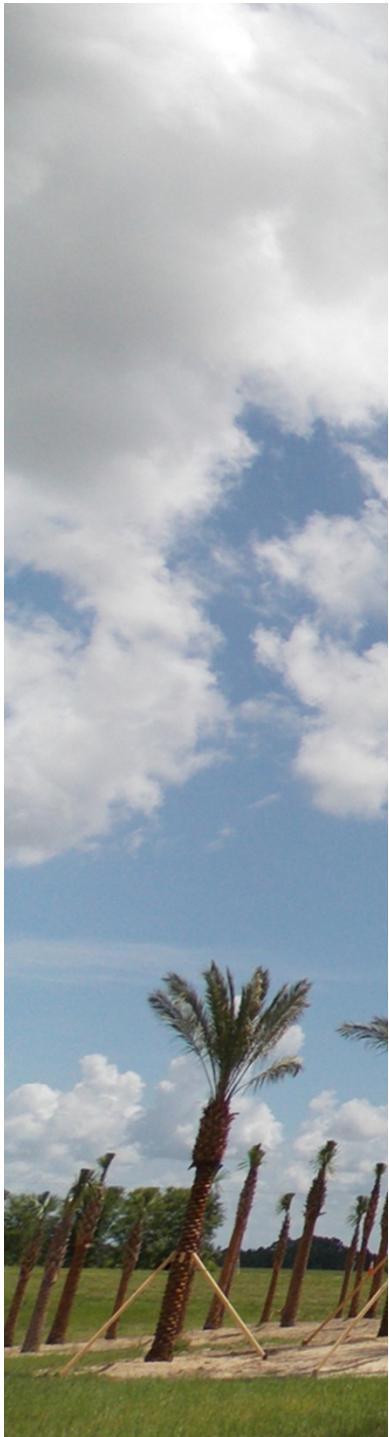
.... requires a Design Variation approved by the State Roadway Design Engineer. Where approved, fences selected should be context sensitive, and not detract from the appearance of the ponds or adjoining property.

# Default Ponds – Bottom Line

- Default ponds can be rectangular, but they cannot be ugly.
- Eliminating the fence, presence of trees, and good maintenance are significant to making ponds attractive.
- Anyone responsible for designing an ugly pond should be prepared to justify the ugly.
- Department's expectation is to make ponds attractive with the time, space and money available.
- Adjacent property should not be devalued by the department's facility.
- Additional time, space, or money should not be necessary in most situations.



*Remember BOLD?  
What about BOLD Landscaping?*



## Business of Beautification

Florida Department of Transportation  
2016

*To me, in sum, beautification means our total concern for the physical and human quality we pass on to our children and the future. Mrs. Lyndon Johnson, 1993*

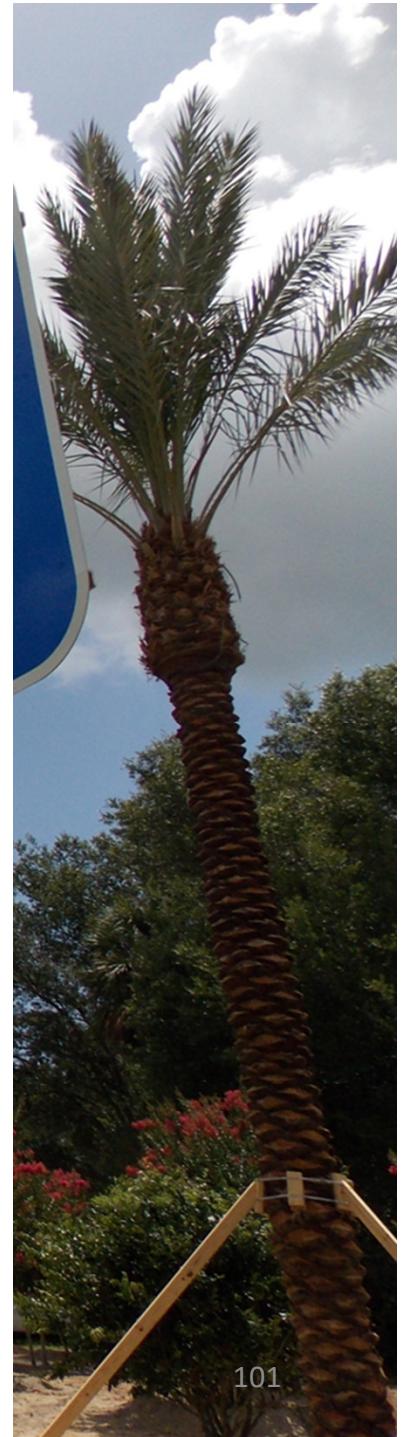
### ***To make Florida the most attractive place to do business***

**to do business**, to attract visitors and businesses to invest more time and money in Florida, the Department will invest a portion of the statewide landscape budget to implement **bold** roadside beautification projects. With thoughtful site specific design, this *Consistent, Predictable, and Repeatable* approach produces the highest visual impact and distinctive sense of place at the lowest design, construction, and maintenance cost. As part of these **bold** landscapes, large palms and trees generously and safely placed at the most highly traveled interchanges and gateways into and throughout our state (Florida's most visible landscapes) instantly create welcoming and enjoyable experiences. These are often the first and lasting impressions of our state and our communities. As our state's signature trees, palms are what residents, visitors, and job-generating business investors expect to see.

In conjunction with other agencies, each District identifies and programs high priority roadside landscapes (e.g., state line, seaports, airports, rail stations, scenic highways, beaches, historic sites, resorts, REDI communities, national parks and forests) where **bold** landscapes are most able to help attract and grow business and reinforce Florida's distinctive sense of place. Decisions about the roadway landscapes, including the selection, placement, and care of trees, can continue to be made with full participation of the local governments and maintaining agencies. Where appropriate and necessary to fully implement high priority projects, the Department budgets and accepts responsibility for landscape maintenance.



**Beautification, public safety and environmental benefits** are routinely integrated into the design, installation and maintenance of high priority roadside landscapes to accommodate **bold** performing landscapes that enhance private enterprise. Roadside landscape projects can mimic natural processes to help manage stormwater, filter air, abate noise, shade pedestrians, conserve energy, provide habitat, and be beautiful. **Bold** leadership at all levels within the Department makes it possible to create and sustain memorable landscapes that contribute to Florida's overall well-being. Not all Department landscape projects are required to be bold. Emphasis can be expanded to include the conservation and management of existing trees, as well as planting roadsides with small trees which grow large. Smaller trees and tree seedlings can grow quickly to provide beautification and reforestation along many urban, suburban, and rural roadsides. Planting and managing diverse communities of Florida-friendly™ native and non-native tree species reinforces the **bold** landscapes already in place -- and helps overcome other design, construction, and maintenance challenges. This simple and sound investment approach grows in value and pays meaningful and indefinite environmental and economic dividends, unimpeded by economic conditions.



Biscayne Blvd. and Bayfront Park, Miami, Fla.

431



c. 1929

102



Tallahassee, 2013



## Florida Department of Transportation

KICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

MIKE DEW  
SECRETARY

### POLICY

Effective: May 15, 2013  
Office: Production Support  
Topic No.: 000-650-011-ed

### LANDSCAPE HIGHWAY BEAUTIFICATION and CONSERVATION

It is the policy of the Florida Department of Transportation to ~~conserve, protect, restore, and enhance Florida's natural resources and scenic beauty~~ provide for the enhancement of environmental benefits, including air and water quality; to prevent erosion; to conserve the natural landscape and scenery; and to provide for the implementation and maintenance of landscape conservation, enhancement, and stabilization programs when constructing and maintaining the State Highway Transportation System. Under this policy, Florida can have:

- The nation's most beautiful transportation highways facilities that attract and grow business.
- Safe transportation roadsides facilities that are durable, and ecologically and economically sustainable.
- Measurable returns on investments that grow in value over time.

In carrying out this policy, the Department will:

- Make landscape highway beautification and conservation everyone's business.
- Accommodate existing and proposed trees and other long lived plants by consistently integrating landscape beautification and conservation and highway beautification into the processes that are used to plan, design, construct, and maintain roadwaytransportation facilities.
- Utilize design strategies that enhance Florida's distinctive sense of place, create lasting curb appeal, and minimize the cost to conserve and maintain high quality landscapes.
- Accept responsibility for maintenance of the state's highest priority landscapes, as established by the Department, when necessary to implement this policy.
- Develop and implement a system to track costs and accomplishments of programs contributing to highwaylandscape beautification and conservation.









There is no prohibition on the use of shrubs and ground covers

Streetscapes

1936

# ROADSIDES

THE FRONT YARD  
OF THE NATION

What is really desired, however, is attractive and useful roadsides which can be obtained by preserving or creating a natural or an approach to a natural condition in keeping with the adjacent or surrounding country. And the significant thing about this is that to follow a natural development is outright economy in road maintenance. Such a procedure produces the most attractive and the most useful results.

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