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Department of Transportation

MONUMENTS AND MEMORIALS AT DEPARTMENT OF TRANSPORTATION REST AREAS

AUTHORITY:

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

REFERENCES:

Sections 337.111 and 337.25(5), F.S.
23 Code of Federal Regulations (C.F.R.) 710.405
26 United States Code (U.S.C.) 501(c)

PURPOSE:

The purpose of this procedure is to provide guidance to Florida Department of Transportation (Department) staff regarding actions required for not-for-profit organizations to erect monuments or memorials honoring Florida's military veterans at State of Florida Department Rest Areas.

SCOPE:

Section 337.111, F.S., authorizes the Department to enter into agreements with any qualifying not-for-profit group or organization ("Qualifying Organization") for the installation of monuments and memorials honoring Florida's military veterans at highway rest areas around the state.

The Office of Maintenance will primarily be responsible for coordination of the process in conjunction with the local District Maintenance Office; Right of Way, Office of General Counsel, Public Information Office, the Federal Highway Administration, and the Florida Department of Veterans Affairs will also be involved in the process.

1. PRELIMINARY PROPOSAL SUBMITTAL AND REVIEW

1.1 Preliminary Proposal Submittal and Documentation

Proposals shall be submitted to the Department of Transportation, Office of Maintenance, 605 Suwannee St. MS 52, Tallahassee, FL 32399-0450.

The Department will review the proposal package, which must include the following documentation:

- a. A brief description of how the monument or memorial honors Florida's military veterans.
- b. A proposed site plan, identifying the selected rest area location and illustrating how the monument or memorial will be placed.
- c. A brief description of the approximate dimensions, including but not limited to, height, weight, land area square footage required, whether any modification or connection to existing buildings is required, and whether any permits will be needed.
- d. Financial statement to demonstrate that the not-for-profit organization has the financial wherewithal to undertake the construction, installation, and maintenance of the monument.
- e. Documentation and evidence that the not-for-profit organization is a Qualifying Organization*
- f. Other matters agreed upon by the parties.

*Qualifying Organizations shall consist of C-3, and C-19 registered entities, as defined in Subsection 501(c) of the Internal Revenue Code (26 U.S.C. § 501(c)), that have been so registered for a minimum of two years. Complete and current documentation of required registration is the responsibility of the Qualifying Organization. Proposals will not be reviewed or considered by the Department without receipt of complete documentation.

Within one month of receiving the completed package, the Office of Maintenance will provide written notification of the proposal status.

1.2 Preliminary Proposal Review

1.2.1 Department's Office of Maintenance

The proposal will be reviewed by the Department's Office of Maintenance and the appropriate District Maintenance Office. Upon review, the Department may suggest or require modifications to the proposal. Preliminary proposals conceptually acceptable to the Department of Transportation will be submitted to the Review Committee.

1.2.2 Review Committee

1.2.2.1 Committee Members

As outlined in section 337.111, F.S., proposals for monuments and memorials must be approved by the Review Committee consisting of:

- a. The Secretary of Transportation or his/her designee.
- b. The Executive Director of the Department of Veterans' Affairs or his/her designee.
- c. Three members of the Board of Directors of the Direct Support Organization established by the Florida Department of Veterans' Affairs.

1.2.2.2 Committee Meetings

Committee meetings will be scheduled in conjunction with quarterly Florida Commission of Veterans' Affairs meetings. The proposal will be reviewed by the Review Committee. The Review Committee may suggest or require modifications to the proposal.

2. OFFICIAL REQUEST SUBMITTAL AND REVIEW

When a proposal has met all preliminary review requirements and has been approved by the Review Committee, the Qualifying Organization may submit an official request for the installation of the monument or memorial.

The request shall be submitted to the Office of Maintenance at the same address used for the preliminary review of the proposal. The official request shall include a completed ***Request for Monument or Memorial at a Department of Transportation Rest Area; Form No. 850-045-05***. This form is available at the Department's Policy & Process Management internet site.

The following items must be included in the official request:

- a. A statement of how the monument or memorial will honor Florida's military veterans.
- b. A thorough description of the proposed monument or memorial with plans, diagrams, photographs or other graphic media, as needed. This includes any plans showing required structural supports prepared by the engineer for the Qualifying Organization.
- c. A statement of how the monument or memorial will be accessed by the public, and a certification that it will meet **ADA** requirements. The statement will include a thorough description of the location and design of the viewing area, with details on sidewalks, handrails, fences and any other public safety features.
- d. A complete and detailed site plan with a survey or other graphic aids that clearly shows the placement of the monument or memorial within the rest area.
- e. Written confirmation of the Qualifying Organization's ability to secure an annually renewable bond, an irrevocable letter of credit, or another form of security for the

- purpose of securing the cost of removal of the monument and any modifications made to the site as part of the placement of the monument. A cost estimate for removal of the monument if deemed necessary shall be included.
- f. A written statement detailing how the Qualifying Organization will provide utility services if applicable.
 - g. A detailed submittal of financial statement to demonstrate that the Qualifying Organization has the financial resources to construct, install and place the monument or memorial. The financial statement shall also demonstrate the financial resources required to maintain the monument or memorial, including electrical services for lighting if applicable.
 - h. A copy of any applicable permit approvals.
 - i. Other matters agreed upon by the parties.

If deemed appropriate, the Office of Maintenance will coordinate with the Office of Right of Way for informational and/or consulting purposes. The Office of Right of Way may assist in submitting the request to the Federal Highway Administration, Florida Division Office for review and approval.

3. USE AND OCCUPANCY AGREEMENT

Upon approval of the official request, the respective District Maintenance Office will enter into an agreement with the Qualifying Organization to convey leasehold of the property for the purpose of construction, installation, placement, maintenance and subsequent removal of the monument or memorial at the end of the contract duration. The agreement will be executed using the **Use and Occupancy Agreement, Form No. 575-060-32**.

The Use and Occupancy Agreement should include:

- a. A statement that requires the Qualifying Organization's contractor adheres to the Department's standards and procedures for all contracted work.
- b. A requirement that the Qualifying Organization provide material testing results and required certifications to the local District Maintenance Office when work has been completed.
- c. A requirement that all construction, installation, placement and maintenance work shall be performed by appropriately licensed contractors.
- d. Details regarding possible modifications and/or removal or relocation of the monument or memorial if desired or required during the agreement duration.
- e. A statement that electrical service, if required, shall be metered independently from the rest area.
- f. A statement that the Qualifying Organization will be responsible for maintenance or repair costs incurred by the Department, if the Qualifying Organization has been notified and fails to resolve the safety or maintenance concerns of the monument or memorial.

The first year's bond, irrevocable letter of credit or other form of security approved by the Department's Comptroller will be required at the time the Use and Occupancy Agreement is executed.

4. INSTALLATION

All costs for the installation of the monument or memorial are the responsibility of the Qualifying Organization.

The District Maintenance Office will provide the name and contact information for the Department's project manager to the Qualifying Organization. The Qualifying Organization will maintain contact with the project manager, notifying the project manager of the proposed begin work date and work schedule.

Construction activities should be scheduled such that the impact to Florida's traveling public is minimized. This includes completing the project in a timely manner with minimal interference with the normal operation of the rest area.

Upon completion of the construction, the project manager will provide email notification to the District Maintenance Engineer, the Public Information Office and the Office of Maintenance, so appropriate announcements and dedication activities can be coordinated with the Qualifying Organization.

5. MONUMENT OR MEMORIAL PRESERVATION

The respective District Maintenance Office will monitor the monument or memorial, receive and maintain on file the current annually renewable bond, and notify the organization of any concerns regarding the monument or memorial's condition.

If concerns are identified and the organization fails to improve the condition of the monument or memorial, or if modifications, removal or relocation of the monument or memorial is desired, the respective District Maintenance Office will notify the Office of Maintenance so the issue can be addressed by the Review Committee.

Once the Review Committee has determined the appropriate course of action, the Office of Maintenance will coordinate efforts between the District Maintenance Office and the organization to modify, relocate or remove the monument or memorial as approved. Whenever a monument or memorial is removed, the site will be restored to its original condition by the organization.

6. TRAINING

No training is required.

7. FORMS

Form No. 850-045-05, Request for Monument or Memorial at a Department of Transportation Rest Area

Form No. 575-060-32, Use and Occupancy Agreement