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Scenic Watch is a free bi-monthly publication of Citizens for a Scenic Florida, Inc., dedicated to the preservation, protection and enhancement of Florida's scenic heritage. Individuals, organizations and government agencies are welcome as members. [Join Scenic Florida now](#) to protect our scenic qualities.

National News:

Presenting: A Visual Essay on Urban Advertising



Scenic America is pleased to present our first in a series of visual essays in which we will examine a wide variety of scenic issues. In this episode we take a look at the encroachment of advertising on our urban places, and ask what this growing threat means for our historic cities and their residents. Choose an option below to watch the essay, and be sure your volume is up!

[Click here](#) to watch the [Flash](#) version. For any of the options below, you can **right click and "save target as"** to save the file to your computer.

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If you have a comment about the presentation or have ideas for issues you would like to see addressed in future essays, please [email us](#).

Billboards

[Owner of electronic-billboard trucks sues state, sheriff](#)

Mobile ads run into legal trouble

Palm Tree Mobile Billboards

Don Dunavent (left) and Armand Dauplaise of Palm Tree Mobile Billboards in Oviedo display a billboard truck that broadcasts ever-changing ads on 3 sides with more than 500,000 LED lights. A company driver has been ticketed. (SARA A. FAJARDO, ORLANDO SENTINEL / January 11, 2008)

Sandra Pedicini | Sentinel Staff Writer
February 13, 2008

Advertisers like Palm Tree Mobile Billboards.

The Oviedo company displays electronic ads on trucks that roam Central Florida's roads. The signs can change images every few seconds, grabbing potential customers' attention.

Problem is, they grab law enforcement's attention, too. Palm Tree Mobile Billboards has filed one lawsuit against Orange County Sheriff Kevin Beary and another against the head of Florida's Department of Highway Safety and Motor Vehicles in response to traffic tickets written because of lights on the company's trucks.

Florida Highway Patrol and Orange County sheriff's officials said they would not comment on the pending lawsuits.

A Palm Tree truck driver was cited on two occasions under a state statute that forbids flashing and blue lights on vehicles under many circumstances.

Palm Tree says it's being discriminated against and is asking for a judge to clarify that the state statute does not apply to its vehicles.

A hearing on the Orange County case is scheduled for Thursday. Palm Tree officials say the 1971 statute, written long before LED technology came on the scene, was meant to crack down on drivers impersonating police officers, not on moving high-tech billboards.

There is also confusion about whether local city ordinances banning electronic signs extend to the trucks.

"The technology has leapt ahead of the regulations," said Kevin Fry, president of a national nonprofit advocacy group called Scenic America. "I think very few communities, probably, have sign ordinances that specifically address giant television screens rolling around on trucks."

Mobile advertising has become big business, but some drivers consider it distracting and ugly. Environmentalists don't like that gallons of fuel are burned by trucks that are only carrying advertising.

Some governments have banned mobile advertising or are considering doing so. Hawaii, which prohibits traditional billboards throughout the state, passed a law in 2006 extending its ban to vehicles used primarily to display paid advertisements.

Electronic ads on wheels have even more potential to distract drivers, critics say.

"We think these things are extraordinarily dangerous," Fry said. "What could be more distracting than a digital billboard driving right next to your car?"

Doug Jones disagrees.

"It's something you glance at as you're driving. I'm not sure I consider it a big distraction," said Jones, an Altamonte Springs resident who has seen the mobile ads on the road.

While Palm Tree officials say they have a patent pending for their particular brand of technology, some companies across the country also advertise LED billboards and video on vehicles.

Paul Rosarius, chief executive officer of Palm Tree Computer Systems in Oviedo, started his mobile-advertising venture just last year. Palm Tree Mobile Billboards has two trucks with LED billboards that drive around Central Florida, often spending time in front of businesses at busy intersections and visiting special events.

The company also has trucks in the Atlanta area and is preparing to do business in Las Vegas, chief operating officer Armand Dauplaise said.

Palm Tree driver Anthony Williams received a ticket near Casselberry in September when an FHP trooper cited him under a state statute that prohibits flashing lights on vehicles that aren't used for public safety. Palm Tree said in its lawsuit that its trucks do not have flashing lights.

Williams got another ticket in December, this one from an Orange County sheriff's deputy on the University of Central Florida campus. The deputy said the truck violated a portion of the statute forbidding blue lights on most vehicles. Williams also got a citation for sound coming from the truck that was deemed too loud. Dauplaise said Palm Tree's trucks use sound only when they are not moving.

Dauplaise said until the legal issues are resolved, Palm Tree's Central Florida trucks are operating under a new policy when driving: Screens on the back either are blank or don't display changing images.

Palm Tree officials note its trucks drive only on roads with a 45 mph or lower speed limit. At night and in the rain, they say, the lighting is dimmed. "We want to be viewed as good guys in the community," Dauplaise said.

Officials in Central Florida cities that restrict electronic signs have different opinions about whether advertising trucks are included.

Officials in Casselberry said they don't think their city's temporary ban on electronic signs, enacted last year, would apply to the trucks. But officials in Orlando and Lake Mary said they think their cities' rules would prohibit such signs on trucks.

Writing citations could be difficult because the trucks are often on the move, said Mike Rhodes, Orlando's division manager for code enforcement.

Dauplaise said Palm Tree just wants to clarify that it has a right to use its technology on the road.

"We simply want the statute to be made right."

No billboards on Narcoossee, county says

February 14, 2008

OSCEOLA COUNTY - County commissioners said Monday they don't want billboards to clutter Narcoossee Road when it becomes a booming corridor.

Construction is scheduled to begin late this year on a \$58 million project to widen the two-lane road, from U.S. Highway 192 to the Orange-Osceola line. Funded with developer fees and a state grant, the project is expected to take between two years and 30 months.

Across the county line near Lake Nona, Narcoossee Road is poised to become a biomedical hub, with

the expected 2009 opening of the Burnham Institute for Medical Research, University of Central Florida's College of Medicine and its Burnett College of Biomedical Sciences. Osceola officials hope to reap the benefits of the county's proximity.

The commissioners asked the staff to review the sign regulations for the whole county as part of their overhaul of the land-development code.

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Land Use & Smart Growth

Water managers want new homes rejected

BY CHARLES RABIN AND CURTIS MORGAN

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Regional water managers say Miami-Dade County doesn't have enough water to support new homes, offices and a big-box hardware store proposed at the county's western fringes.

The South Florida Water Management District, citing an "inadequate" supply that won't be bolstered for years by planned new alternative sources, wants state regulators to reject three projects proposed beyond the Urban Development Boundary -- the imaginary line limiting westward suburban sprawl to protect farmland, the Everglades and other sensitive open lands.

"If you move the UDB, you're creating a new population area," said Eric Buermann, chair of the district's governing board. ``What you're really doing is taking water supplies away from other infill areas in the county."

Only three months ago, water managers granted Miami-Dade a permit intended to meet water needs over the next two decades -- but Buermann said moving the line was never discussed or contemplated during years of negotiations with the county.

"Maybe we were somewhat naive politically," said Buermann, a Miami attorney. ``It really never came up."

But Miami-Dade Commissioner Joe Martinez, who backed one project in his district outside the UDB, said the complex agreement giving the county a 20-year permit critical to future growth doesn't put any restriction on where that growth can be.

"It shouldn't matter whether it's inside or outside as far as approving it," said Martinez, one of nine commissioners who voted to override Mayor Carlos Alvarez' veto of the projects -- one month after the county secured the water permit.

Richard Perez, an attorney representing Lowe's Home Centers -- which is taking a third shot at siting a store in far west Miami-Dade -- echoed Martinez. The district's consumptive-use water permit to Lowe's includes an unprecedented 58 conditions, Perez said, with ``not a single reference to the UDB."

"The bottom line is, their analysis makes zero sense," he said.

Water managers' analysis carried significant weight two years ago with the Florida Department of Community Affairs, which reviews land-use changes for compliance with state growth management laws.

District concerns about where Miami-Dade was going to get its water were integral in derailing a push for multiple projects outside the UDB.

To get the long-term permit, Miami-Dade committed to a \$1.6 billion overhaul of a water supply system that has largely relied for decades on the cheap, clean Biscayne Aquifer. Under the district permit, Miami-Dade can pump up to 60 million more gallons a day by 2027 -- but most of the additional water must come from "alternative" sources, meaning recycled wastewater and deeper underground aquifers.

In a Jan. 25 letter, water managers asked the DCA to reject all three projects outside the line -- the Lowe's store proposed at Southwest 138th Avenue and Eighth Street, and an office-business complex and mixed-use office-residential development in west Kendall.

The letter argues that only "limited" new water -- largely from conservation programs and fixing leaks -- will be available to Miami-Dade until at least 2012, when the first alternative water sources come on line. In the meantime, the letter says, increased groundwater withdrawals could hurt regional supplies and violate Everglades protection rules.

"In summary, the district is especially concerned about the timing of any proposed new development within or outside of the Urban Development Boundary until significant progress can be made constructing the extensive new infrastructure," wrote Chip Merriam, the district's deputy executive director.

The district isn't the only agency with objections. Commissioners went against county planning staff, which recommended against changing land use for the projects outside the UDB, citing impacts on schools, roads and the water supply. The Florida Department of Transportation also has filed objections, saying all three projects would worsen traffic. The DOT also questioned one study suggesting traffic volume would decline on Kendall Drive by 2016, which is counterintuitive given the tremendous projected population growth in the same period.

But water is clearly the biggest hurdle.

Sara Fain, Everglades restoration program manager for the National Parks Conservation Association, praised the district's stance, saying state growth laws and an "epic drought" that has forced severe, once-weekly watering restrictions across the region, argue against opening new areas to development.

"We know the water issue is a huge problem," Fain said. "To say we're going to put an extra strain on it is inconceivable."

Joe Ruiz, deputy director of Miami-Dade's Water and Sewer Department, said the county is ahead of schedule on projects and can meet the projected demands. The UDB issue never came up, he said, because "where those people live is not really something we put into our calculations."

Perez, the attorney for Lowe's, sent a letter Tuesday asking the district to reconsider its stance, arguing water managers were viewing commercial projects, which use less water, as they would housing developments and applying water availability rules too early in the process.

Commissioner Martinez agreed. "Commercial [projects] aren't an issue at all," he said, adding that developer David Brown plans to build a \$5 million road to help alleviate traffic, and that Lowe's plans a bridge to improve traffic along Southwest 139th Avenue.

The DCA is expected to issue its recommendations at month's end. The county commission is expected to make a final vote on the projects in April.

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Scenic Highways & Trails

DEP celebrates February as Florida Hiking Trails month

4,000 miles of trails statewide offer scenic route to a healthy lifestyle

Article published on Thursday, Feb. 14, 2008

TALLAHASSEE – Recognizing February as Florida Hiking Trails Month, the Florida Department of Environmental Protection is joining the Florida Trail Association to encourage Floridians to take advantage of Florida's extensive trail system and celebrate the 40th anniversary of the National Trails System Act.

"February is a great time for Floridians to promote environmental stewardship and adopt a healthy lifestyle by exploring the more than 4,000 miles of trails Florida has to offer," said DEP's Office of Greenways & Trails Director Jena B. Brooks. "We are proud to celebrate Florida's Hiking Trails Month and the 40th anniversary of an important milestone in the preservation of natural lands and resources."

The National Trails System Act was first signed into law by President Lyndon Johnson in 1968 to promote preservation of the Nation's open-air, outdoor and historic resources for public enjoyment. The idea was to create scenic, historic and recreation trails that would share the experiences of the Nation's native people and pioneers and prevent history from being paved over.

Today, the National Trail System boasts more than 40,000 miles of trails, including the Florida National Scenic Trail, one of eight congressionally-designated scenic trails in the United States.

"This legislation created the pathway for the national trails program which now consists of eight National Scenic Trails, 13 National Historic Trails and approximately one-thousand National Recreational Trails," explained Florida Trail Association Executive Director Deborah Stewart-Kent. "This year we also celebrate the 25th anniversary of the Florida Trail's designation as a National Scenic Trail."

The Florida National Scenic Trail is the largest in the state and will ultimately extend 1,400 miles from the Gulf Islands National Seashore in the Panhandle to the Florida Keys. This national treasure includes loop and linear trails on public lands throughout Florida. The sections are built and maintained by volunteers from the Florida Trail Association, in cooperation with the U.S. Forest Service, and include state greenways and trails such as the Cross Florida Greenway and the Lake Okeechobee Scenic Trail.

Initiated by the Florida Trail Association, Florida Hiking Trails Month emphasizes fun and fitness along scenic and diverse trails, including paved rail-trails, urban trails through cityscapes and wilderness trails through Florida's award-winning state parks. Florida's trails are a match for any fitness plan and are perfect for walking, biking, hiking or riding.

The Office of Greenways & Trails manages eight state trails, including the Marjorie Harris Carr Cross Florida Greenway, Florida's longest green corridor stretching 110 miles from the St. Johns River near Palatka to the Gulf of Mexico. DEP, through OGT, also maintains five rail-trails, which are railroad tracks restored and converted to recreational trails for hiking, biking and skating. Through Florida Forever, the state's premier land acquisition program, \$4.5 million dollars is spent annually to purchase land for future trail areas and build and maintain Florida's greenways and trails.

For more information about Florida trails and events, visit www.floridagreenwaysandtrails.com or call 1-877-822-5208. For information about the Florida National Scenic Trail and the Florida Trail Association, visit www.florida-trail.org.

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Other Scenic News

Editorial: Conserving land: Rich get richer?

A proposed tax exemption could open the door for big landholders to profit at public expense

Thursday, February 14, 2008

Floridians may save a couple hundred dollars on their property taxes as a result of Amendment 1, which voters approved last month. Another constitutional question heading to the ballot could mean really big bucks for a few of Florida's largest landholders.

As beleaguered homeowners were voting to give themselves a modest tax break on their residences, the state's Budget and Taxation Reform Commission voted to exempt "conservation" lands from property taxes altogether. The proposal, which failed a decade ago, is now scheduled to appear on the November ballot.

In concept, waiving taxes on pristine, environmentally sensitive tracts is not a bad idea. There's far more property than the state could ever hope to purchase under its Florida Forever program, which expends about \$300 million a year. So a tax incentive may help save more property from the bulldozers.

But, as always, the devil is in the details. And the commission, which has the power to put its ideas directly to the voters, has produced virtually no specifics.

Officials say only that conservation must be "in perpetuity," which appears to allay concerns that landowners could simply park their property under a conservation easement, and then pull it out when the real-estate market picks up. But what, really, is the definition of "conservation"?

Maggy Hurchalla, a former Martin County commissioner and longtime advocate for conservation and land preservation, says the proposal opens the barn door to all manner of mischief.

"Are you saving open space? Habitat? Agricultural? Anything non-residential? If it's habitat, then simply saving it without restoration and maintenance can be a problem. If it's 'open space,' it's meaningless because no one knows what open space is. If it's ag, what ag did you want to save — rock mining, which is allowed in most ag land use?"

Answers have not been forthcoming. But there are a couple of big red flags.

First, the initiator of the conservation tax break is Commissioner Brian Yablonski, a vice president of the St. Joe Co., which happens to be the state's largest private landholder. Yablonski did not return our phone calls.

Second, supporters of the proposal, including the Audubon Society, have suggested it could clear the way for an even sweeter deal — the state's purchase of "development rights." This has been done in Indian River County, where two ranchers received \$25 million in taxpayer conservation money — and kept their acreage.

Tallahassee has not participated in such schemes. The designation of private conservation easements could blow the vault wide open.

"Development rights," as Hurchalla notes, are particularly slippery.

"There's no appraisal system in place to protect the public. It leads to all sorts of corruption."

The Budget and Taxation Reform Commission must address these concerns directly and comprehensively before sending its proposal to the voters. Tightly crafted tax exemptions may be justified for altruistic and environmentally minded landowners. The same can't be said for government giveaways that allow private concerns to parlay profits at public expense.

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Wilton Rooks

Scenic Watch Editor

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