

# Scenic Watch

Citizens for a Scenic Florida



February 2013

Special Edition:

"State Illegally Gave Away \$2M in Trees, Settled for \$100,000"

**Jacksonville's Florida Times Union Exposes A NEW Chapter In the Panhandle Tree Cutting Scandal**

February - March



Fun Festivals and Events

Central Florida

**Feb 25-26**

Art and Craft Festival, Flager Beach

**March 1-11**

Florida Strawberry Festival, Plant City

**March 3-4**

Swamp Fest, Weeki Wachee

**March 3-4**

Floral City Strawberry Festival, Floral City

**March 3-4**

Palm Harbor Art and Craft Festival, Palm Harbor

**March 6**

Moonlight Carillon Concert at Bok



Photo: FDOT featured in The Times-Union/Jacksonville.com

"This photo from the Department of Transportation shows an example of a billboard for which no mitigation fee was levied or paid in Santa Rosa County, on Interstate 10 in the Panhandle."

"Three years after what a grand jury called a flagrantly illegal \$2 million tree giveaway to a well-connected Panhandle billboard company, the Florida Department of Transportation settled for pennies on the dollar.

The state agree to accept just \$100,000, although \$90,000 of that is yet to be collected. The payments will be made interest-free over the next five years.

Despite agreeing to take just 5 percent of the value of the 2,132 state-owned trees that were illegally removed, the department says the agreement is a good deal for taxpayers.

Tower Gardens, Lake Wales

**March 9**

Moon Over the Mounds, Crystal River

**March 9-18**

Bike Week, Daytona Beach

**March 9-11**

All-Florida Championship Rodeo, Arcadia

**March 9-11**

Nature Coast Civil War Reenactment, Crystal River

**March 10-11**

The St. Augustine Celtic Music & Heritage Festival

**March 10-11**

Manatee Festival of the Arts, Apollo Beach

**March 17**

Kowtown Festival, Kissimmee

**March 22-25**

Sunnyland Antique and Classic Boat Society Show, Tavares

**March 24-25**

Downtown Sarasota Craft Festival, Sarasota

**March 24-25**

Cape Canaveral Images in Art, Cape Canaveral

**March 24-25**

Battle at Narcoossee Mill, St. Cloud

**March 25**

Chocolate Festival, Melbourne

**March 27-April 1**

Sun 'n Fun International Fly-in and Expo, Lakeland

**March 31**

Florida Black Bear Festival, Umatilla

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## South Florida

**Feb 24-26**

Everglades Bluegrass Festival, Miami Beach

**Feb 24-26**

Greek Fest, Fort Myers

**Feb 24-March 4**

Southwest Florida and Lee County Fair, North Fort Myers

**Feb 25-26**

Annual Old Island Days Art Festival, Key West

'The department analyzed all factors in the case and determined the settlement was in the best interest of the public,' wrote department spokesman Dick Kane, who ignored specific questions sent by the Times-Union.

The issue emerged after a Times-Union investigation found, among other things, Milton-based Salter Advertising received permits to cut the trees without submitting required documents to show how they would replace the trees, pay costly mitigation fees, turn over an estimated \$4 million in older, nonconforming billboards or pay fines it should have incurred after the trees were cut.

The giveaway was aided by former House member Greg Evers, R-Crestview, now a member of the state Senate, and then-Secretary of Transportation Stephanie Kopelousos, now Clay County's manager. A grand jury determined the permits were doled out 'in flagrant violation of the law.'

The Times-Union found the department withheld emails from public records requests filed by reporters and conservation groups. In addition, Salter gave the National Rifle Association a break on 32 billboards that carried Evers' image.

As part of the deal, the NRA — which considered Evers' re-election bid a 'top priority' — saved nearly \$125,000..."

**'... It happened because two sweethearts sat down in private and agreed on something to just make this all go away,' said Rip Caleen, a board member with Citizens for a Scenic Florida. "It's a drop in the bucket..."**

-- Matt Dixon, Florida Times-Union

[Expanded article on Florida Time-Union blog site here>](#)

## Scenic Florida Summary, Background and Analysis Including Detailed Legal Documents:

" On January 24, 2012, a Leon County Grand Jury presentment dated January 5, 2012 [\[click here to view document\]](#) was unsealed. The Grand Jury exposed a sorry state of affairs at the Florida Department of Transportation dating back to 2009.

The Grand Jury work followed an investigation by the Florida Department of Law Enforcement and the Leon County State Attorneys' Office. The efforts of law enforcement were the result in part of an investigation of the non-profit, non-partisan, Citizens for a Scenic Florida, Inc. ("Scenic Florida").

The scenic organization received documents from an anonymous source in the summer of 2009 that alleged illegal actions by FDOT. Initial efforts to find out the truth were stymied when FDOT failed to adequately comply with public records requests. In 2011, after renewed efforts to find documents that FDOT had in their possession, documents finally came to light that brought the attention of law enforcement.

The Grand Jury presentment [\[click here to view document\]](#) referred to FDOT's failure as a "debacle" involving a "flagrant violation" of Florida law.

On January 25, 2012, Scenic Florida issued a press release [\[click here to view document\]](#) , identified key points to the debacle, and called for action by FDOT,

**Feb 25-26**

17th Annual Upper Keys Gigantic Nautical Flea Market, Islamorada

**Feb 18-March 11**

Carnaval Miami, Miami area

**Feb 25**

Burrowing Owl Festival, Cape Coral

**March 2**

Happy 108th Birthday, Dr. Seuss, Miami

**March 1-3**

Sanibel Shell Fair and Show, Sanibel Island

**March 3**

Conch Shell Blowing Contest, Key West

**March 3-4**

16th Annual Butterfly & Garden Festival, Davie

**March 3-4**

Conquistador Cup Regatta, Punta Gorda

**March 3-4**

Swamp Buggy Spring Championship Race, Naples

**March 3-27**

Sanibel Music Festival, Sanibel Island

**March 4**

13.1 Marathon Miami, Miami Beach.

**March 9-10**

Englewood Music Festival, Englewood

**March 10-May 6**

33rd Annual Week of the Ocean Festival Sea-son, Fort Lauderdale

**March 11-13**

All-Florida Championship Rodeo, Arcadia

**March 9-11**

Fairchild's 10th Annual International Orchid Festival, Coral Gables

**March 9-18**

Firefighters' Indian River County Fair, Vero Beach

**March 10**

St. Patrick's Day Festival, Coral Gables

**March 3-11**

Fort Myers Beach Shrimp Festival and Parade, Fort Myers Beach

**March 10-11**

Original Marathon Seafood Festival,

including further investigation of a possible cover-up. On February 22, 2012, while preparing for legal action, FDOT's Assistant Secretary Brian Blanchard sent a certified letter [\[click here to view document\]](#) to Bill Salter Advertising, Inc. and made three demands.

1. Mitigation plans be submitted for sites where trees had been improperly cut down without following the law. The value of mitigation would be based upon the values of the trees cut down. The Grand Jury Report estimated the value to be between \$1 to \$4 million. There had been no appraisal submitted by the billboard company, despite a legal requirement to do so.

2. Surrender of 54 permits for nonconforming billboards as required by Florida law.

3. Payment of an administrative penalty of \$110,000.

On February 23, 2012, FDOT took steps to hire a qualified appraisal firm Wood + Partners, Inc. to place a value on the 2,000+ trees that had been cut down by the billboard company. FDOT did not wait for the company to undertake this effort, even though the duty was on the billboard company. The appraisal firm evaluated each tree cut down at each site in a detailed and exhaustive report.

On April 23, 2012, the appraisal report [\[click here to view document\]](#) was complete and disclosed that the value of trees, after a 0.65625% diminution, was \$1,915,259.05. Without any diminution, the value would have been approximately \$2.9 million. With a 70% diminution the value would be just under \$2.1 million.

FDOT never filed an administrative action against the billboard company even though it was prepared to do so in February 2012.

**FDOT simply ran away from its obligations to represent the taxpayers and the public interest, and even avoided a press release to describe the settlement. It was another shameful episode.**

On July 30, 2012, out of the spotlight, FDOT leadership signed off on a settlement [\[click here to view document\]](#) that represents an insult to all law-abiding citizens in this state. FDOT Secretary Prasad did not sign the settlement, but the same was delegated to Assistant Secretary Brian Blanchard.

1. There were no mitigation plans whatsoever required for the replacement of the 2,000+ trees cut down by the billboard company and/o its agents in "flagrant" violation of Florida law. This abject failure of any required mitigation came three months after the state received an appraisal of \$1.9 million. This was inexcusable.

2. There were 5 permits for nonconforming billboards required to be surrendered in 2012, not 54 permits. The billboard company was given 6 years to surrender an aggregate number of 35 permits, but with no minimum size requirement for the removed billboards.

3. The billboard company would pay \$10,000 in 2012, rather than the \$110,000 in administrative penalties demanded. The billboard company would have six years to pay another \$90,000. "

-- Scenic Florida

[Visit Scenic Florida website here>](#)

Marathon

**March 10-11**

Peace River Seafood Festival, Punta Gorda

**March 10-11**

23rd Annual Art Fest by the Sea, Juno Beach

**March 11**

Calle Ocho Festival, Miami

**March 17**

Fishermen's Village St. Annual Patrick's Day Celebration, Punta Gorda

**March 15-Apr.2**

Miami-Dade County Fair and Exposition, Miami

**March 16-17**

52nd Annual Historic House Tours, Key West

**March 17-18**

Peace River National Arts Festival, Punta Gorda

**March 17-18**

Coral Springs Festival of the Arts, Coral Springs

**March 17-18**

Key Biscayne Art Festival, Miami

**March 17-18**

Jazz in the Gardens Music Festival, Miami

**March 24**

Florida Wiener Dog Derby, North Fort Myers

**March 24**

Downtown Naples Festival of the Arts, Naples

**March 25**

Deering Seafood Festival on the Bay, Miami

**March 31**

Annual Spring Fine Arts Festival, Englewood

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## North Florida

**Feb 25-26**

Art and Craft Festival, Flager Beach

**March 3**

Greater Good Music, Art and Children Festival, Milton

**March 3-4**

Azalea Festival, Palatka

## South Florida Water Management Going Into Commercial Billboard Business



Photo: The Miami Herald

### Author Carl Hiaasen Speaks Out: "Call This A Sign Of Our Sleazy Times"

"Even in a state of perpetual sleaze, some dirty deals stink more than others.

The most recent is a weird little law approved last spring that allows the South Florida Water Management District to enter the commercial billboard business.

The water agency usually sticks to flood control and Everglades restoration, touting itself as a defender of imperiled wetlands. Yet in coming months, 10 large electronic billboards are due to be installed on district holdings, which are public lands, with another 20 signs to follow in 2014.

And dig this: The water agency's staff, parroting the coy language in the law, refers to these digital monstrosities as "public information systems." The term billboard is being avoided like an embarrassing disease.

How did this latest travesty occur? Palm Beach Post reporter Christine Stapleton broke the story and did a fine job connecting the dots.

The billboard provision was quietly shoehorned into a crucial bill for the water district. Oddly, the amendment had no named sponsor in the Legislature, no footprints anywhere.

Even stranger: The billboard industry's main lobby group apparently knew nothing about the proposal, including where it came from.

In time, though, the muddy waters would clear.

After the law took effect in July, the district's staff informed its governing board that the agency could now erect these "public information systems" to display important service announcements such as flood warnings, drought advisories and Amber alerts. And oh, by the way, they could sell some advertising on them, too.

Board members, who are political appointees, voted 5-3 to move ahead with contract talks. Barely a month later, a company called Florida Communication Advisors was formed by a man named Harkley Thornton.

You might not be shocked to learn that Thornton was once on the board of the water management district, or that he's a friend and former business partner of

**March 3-4**

Amelia Island Garden Show at  
Central Park, Fernandina Beach

**March 3-9**

Paddle Florida, Lee

**March 9**

Moon Over the Mounds, Crystal  
River

**March 9-11**

Amelia Island Concours d'Elegance,  
Amelia Island

**March 9-11**

Nature Coast Civil War Reenactment,  
Crystal River

**March 10**

Gate River Run, Jacksonville

**March 12-17**

Garden Week 2011 at Cummer  
Museum of Art and Gardens,  
Jacksonville

**March 16-18**

Lions Seafood Festival, St. Augustine

**March 17**

Wild Azalea Festival, White Springs

**March 22-25**

Suwannee Spring Fest, Live Oak

**March 24**

Great Atlantic Seafood Festival,  
Jacksonville Beach

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**Note from the Editor**

Suggestions for improvement are  
always welcome.

its current executive director, Melissa Meeker.

Likewise, you might not be flabbergasted to know that Thornton was also a Republican fundraiser and very tight with former House Speaker Dean Cannon, under whose reign the billboard giveaway was sneaked into law.

And finally, your jaws probably won't drop when you hear that Thornton's brand-new company, FCA, was picked over several other billboard firms to get the lucrative 10-year contract with the South Florida water district.

When one of the other companies complained, the agency backed down and gave it half the job. The digital signs will be owned by the water district, which hopes to someday make \$3 million annually from its puny share of the profits.

As the final deal was put before the board, no mention was made of Thornton's past tenure with the agency nor of his connection to Meeker.

And of course that vile word 'billboard' was never uttered.

However, Meeker's staff did finally admit that the gargantuan flashing devices mounted on conservation lands would carry public-service announcements only about 5 percent of the time, max.

The other 95 percent would be commercial advertisements, digitally rotating every six seconds. Not too distracting for motorists, right?

Once the Post got the story, all that remained was to gather the indignant denials.

Thornton, who has billboards in Louisiana and Ohio, declared he did nothing wrong — there were no secret deals, and he didn't speak to a soul at the water district before his company got the contract.

His buddy Meeker at the water agency said the same thing. Favoritism? Naw, it's just a big happy coincidence.

Former House Speaker Cannon, who now has his own "consulting" firm, says that while he's good friends with Thornton, he had nothing to do with slipping the unusual billboard provision into the funding bill.

Cannon's account is disputed by a fellow Republican, Sen. Paula Dockery, who says the then-speaker himself was behind the billboard amendment.

Still, knowing how a fix was arranged doesn't make it any less outrageous.

Unless the water district's governing board reverses itself, electrical billboards (and their power lines) will soon sprout on state environmental lands in Broward, Palm Beach, Lee, Martin, St. Lucie, Collier, Orange and other counties.

The signs are exempt from other billboard regulations, so they can be as obtrusive as the contractors want. (The city of Boca Raton has already threatened legal action).

For their part, state water managers say they'll place the ever-strobing structures along busy roadways where other billboards already exist, not in areas with sensitive ecosystems.

No matter where the signs end up, none of those flashing highway messages will say, 'SCREWED AGAIN, SUCKERS!'

Not even for six honest seconds. "

. -- Carl Hiassen, The Miami Herald

[Read entire column here >](#)