

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
April 1, 2014–8:35 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.

2. Invocation/Pledge of Allegiance to the Flag.

3. Proof of Publication.

4. Approval of Minutes.

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the March 4, 2014 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for March 2014.

C. Planning Board 6-Month Outlook for April 1, 2014.

5. Public Hearings.

A. LSA-2014-02

A Public Hearing Concerning the Review of an Ordinance Amending the 2030 Future Land Use Map

That the Board review and recommend to the Board of County Commissioners (BCC) for transmittal to the Department of Economic Opportunity, an Ordinance Amending the 2030 Future Land Use Map.

B. Five-Year-Schedule of Capital Improvements

A Public Hearing Concerning the Review of an Ordinance adopting the 2013-2017 Annual Update to the Five-Year Schedule of Capital Improvements

That the Board review and adopt an ordinance adopting the 2013-2017 Update to the Five-Year Schedule of Capital Improvements.

6. Action/Discussion/Info Items.

- A. Front Yard Fence Height, presentation by Andrew Holmer.
- B. Cinerators as an Accessory Use, presentation by Juan Lemos

Staff presented an Ordinance addressing cinerators in C-2. Staff was directed to bring more detailed information on the location, zoning and conditions of use throughout all of the existing zoning districts for the Planning Board.

- C. Planning Board Interpretation, presentation by Andrew Holmer

Are farm animals allowed with private stables approved as an conditional use?

- D. Land Development Code - Chapter 2 Question and Answer

Continue review from March 18th Planning Board Workshop of Chapter 2.

- 7. Public Forum.
- 8. Director's Review.
- 9. County Attorney's Report.
- 10. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, May 6, 2014 at 8:35 a.m.** , in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

- 11. Announcements/Communications.
- 12. Adjournment.



BOARD OF COUNTY COMMISSIONERS Escambia County, Florida

Planning Board-Regular
Meeting Date: 04/01/2014

4.

Agenda Item:

- A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the March 4, 2014 Planning Board Meeting.
- B. Planning Board Monthly Action Follow-up Report for March 2014.
- C. Planning Board 6-Month Outlook for April 1, 2014.
-

Attachments

Regular Meeting Resume
Quasi-Judicial Meeting Resume
Monthly Action Followup Report
Six Month Outlook

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD REGULAR MEETING

March 4, 2014

**CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:35 A.M. – 9:25 A.M.)
(12:18 P.M. - 12:30 P.M.)**

Present: Wayne Briske, Chairman
David Luther Woodward
Dorothy Davis
Robert V. Goodloe
Karen Sindel
Alvin Wingate
Patty Hightower, School Board (Non-Voting)
Stephanie Oram, Navy (Non-Voting)

Absent: Tim Tate, Vice Chairman

Staff Present: Ryan Ross, Assistant County Attorney
Horace Jones, Interim Director, Development Services
Andrew Holmer, Senior. Planner, Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Denise Halstead, Sr Office Assistant
Temeka Mallory, Sr. Office Assistant
Debbie Lockhart, Administrative Assistant

1. Regular Planning Board meeting started at 8:35 a.m. Small and Large Scale Amendments associated with Rezoning cases heard at Regular Planning Board meeting first, Recessed at 9:25 a.m. to return to Quasi-Judicial meeting at 9:35 a.m. Quasi-Judicial meeting ended at 12:18 p.m. return to Regular Planning Board meeting, LDC Q & A ending at 12:30 p.m.
2. Invocation was given by Alvin Wingate.
Pledge of Allegiance was given by Karen Sindel.
3. Proof of Publication was given by Board Clerk.
4. Approval of Minutes.

Motion by David Luther Woodward, Seconded by Karen Sindel
Motion was made to approve and waive the reading of the minutes from the
February 4, 2014 Planning Board Meeting.

Vote: 6 - 0 Approved

Other: Tim Tate (ABSENT)

5. Public Hearings.

A. LSA-2014-01

Motion by Robert V. Goodloe, Seconded by Alvin Wingate
Motion was made to recommend approval to the BCC and Transmittal to DEO
as presented.

Vote: 6 - 0 Approved

Other: Tim Tate (ABSENT)

B. SSA-2014-01

Motion by Karen Sindel, Seconded by Dorothy Davis
Motion was made to Recommend Approval to the BCC as presented.

Vote: 6 - 0 Approved

Other: Tim Tate (ABSENT)

6. Discussion Item.

Land Development Code - Chapter 1 Question and Answer

7. Public Forum.

8. Director's Review.

9. County Attorney's Report.

10. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, April 1, 2014
at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First
Floor, 3363 West Park Place, Pensacola, Florida.

11. Announcements/Communications.

The Planning Board Meeting scheduled for Tuesday, November 4, 2014 was moved
to Monday, November 10, 2014 due to a scheduling conflict.

12. Adjournment at 12:30 p.m.

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING

March 4, 2014

**CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(9:35 A.M. – 12:18 P.M.)**

Present: Wayne Briske, Chairman
David Luther Woodward
Dorothy Davis
Robert V. Goodloe
Karen Sindel
Alvin Wingate
Patty Hightower, School Board (Non-Voting)
Stephanie Oram, Navy (Non-Voting)

Absent: Tim Tate, Vice Chairman

Staff Present: Ryan Ross, Assistant County Attorney
Horace Jones, Interim Director, Development Services
Andrew Holmer, Senior. Planner, Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Denise Halstead, Sr Office Assistant
Temeka Mallory, Sr. Office Assistant
Debbie Lockhart, Administrative Assistant

1. Call to Order at 9:35 a.m.
2. Proof of Publication was given by Staff.

Motion by Karen Sindel, Seconded by Dorothy Davis Motion was made to accept staff findings and waive the reading of the legal advertisement.

Vote: 6 - 0 Approved

Other: Tim Tate (ABSENT)

3. Quasi-judicial Process Explanation.
4. Public Hearings.

A. Z-2013-20

Applicant: Jesse W. Rigby, Agent for
Bobby Gene and Sally Lynn
Reynolds, Owners

Address: 12511 Lillian Hwy

From: R-4, Multiple-Family District,
(cumulative) Medium High
Density (18 du/acre)

To: R-6, Neighborhood
Commercial and Residential
District, (cumulative) High
Density (25 du/acre)

Alvin Wingate and Robert V. Goodloe acknowledged visiting the site.

No planning board member acknowledged any ex parte communication regarding this item

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by David Luther Woodward, Seconded by Dorothy Davis
Motion was made to waive the reading of the findings by staff.

Vote: 6 - 0 Approved

Other: Tim Tate (ABSENT)

Motion by Karen Sindel, Seconded by David Luther Woodward
Motion was made to accept Reynolds- Exhibit "1", Reynolds- Exhibit "2" and
Reynolds- Exhibit "3" as official records.

Vote: 6 - 0 Approved

Other: Tim Tate (ABSENT)

Motion by David Luther Woodward, Seconded by Robert V. Goodloe
Motion was made to approve R-6 and to amend the findings of fact for Criterion 2
by staff, that it is consistent with the LDC.

Vote: 4 - 2 Approved

Voted No: Dorothy Davis
Karen Sindel

Other: Tim Tate (ABSENT)

B. Z-2014-03

Applicant: Bill Newlon, Agent for Black
Gold of Northwest Florida,
LLC, Owner

Address: Stone Blvd

From: ID-CP, Commerce Park
District (cumulative)

To: ID-2, General Industrial
District (noncumulative)

Alvin Wingate acknowledged visiting the site.

No planning board member acknowledged any ex parte communications.

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by Alvin Wingate, Seconded by Karen Sindel
Motion was made to adopt Staff's findings of fact and recommend approval to the BCC.

Vote: 6 - 0 Approved

Other: Tim Tate (ABSENT)

C. Z-2014-04

Applicant: Ronald D. Bailey, Trustee for
Ronald D. Bailey
Trust

Address: 12501 Lillian Hwy

From: R-4, Multiple-Family District,
(cumulative) Medium High
Density (18 du/acre)

To: R-6, Neighborhood
Commercial and Residential
District, (cumulative) High
Density (25 du/acre)

* Karen Sindel Left at 11:40 a.m.

Alvin Wingate and Robert V. Goodloe acknowledged visiting the site.

No planning board member acknowledged any ex parte communications.

No planning board member refrained from voting on this matter due to any conflict of interest.

Limited power of Attorney accepted for Ken Ellzey to speak on behalf of Ronald D. Bailey

Limited power of Attorney accepted for Peggy Bailey to speak on behalf of Ronald D. Bailey.

Motion by David Luther Woodward, Seconded by Alvin Wingate
Motion was made to approve R-6 and to amend the findings of fact for Criterion 2 by staff, that it is consistent with the LDC.

Vote: 5 - 0 Approved

Other: Tim Tate (ABSENT)
Karen Sindel (ABSENT)

D. Z-2014-05

Applicant: T. Heath Jenkins, Agent for
Rodney Sutton, Owner

Address: 6841 Kemp Rd

From: R-5, Urban
Residential/Limited Office
District, (cumulative) High
Density (20 du/acre)

To: C-2, General Commercial and
Light Manufacturing District
(cumulative) (25 du/acre)

Alvin Wingate acknowledged visiting the site.

No planning board member acknowledged any ex parte communication regarding this item.

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by David Luther Woodward, Seconded by Robert V. Goodloe
Motion was made to accept Exhibit "1", Exhibit "2" and Exhibit "3" From citizen-
Mr. Allauddin Hill AL- Ansar
Exhibit "1"- Letter to BCC
Exhibit "2"- Letter to Sheriff
Exhibit "3"- Letter from Commissioner May

Vote: 5 - 0 Approved

Other: Tim Tate (ABSENT)
Karen Sindel (ABSENT)

Motion by Dorothy Davis, Seconded by David Luther Woodward
Motion was made to adopt Staff's Findings of fact and recommend approval to the
BCC.

Vote: 4 - 1 Approved

Voted No: Alvin Wingate
Other: Tim Tate (ABSENT)
Karen Sindel (ABSENT)

5. Adjournment at 12:18 p.m.



BOARD OF COUNTY COMMISSIONERS ESCAMBIA COUNTY, FLORIDA

DEVELOPMENT SERVICES DEPARTMENT
3363 WEST PARK PLACE
PENSACOLA, FLORIDA 32505
PHONE: 850-595-3475
FAX: 850-595-3481
www.myescambia.com

Memorandum

TO: Planning Board
FROM: Temeka Mallory, Board Clerk
DATE: March 21, 2014
RE: Monthly Action Follow-Up Report for March 2014

Following is a status report of Planning Board (PB) agenda items for the prior month of **March**. Some items include information from previous months in cases where final disposition has not yet been determined. Post-monthly actions are included (when known) as of report preparation date. Items are listed in chronological order, beginning with the PB initial hearing on the topic.

PROJECTS, PLANS, & PROGRAMS

COMMITTEES & WORKING GROUP MEETINGS

COMPREHENSIVE PLAN AMENDMENTS

- **Text Amendments:**
- **Map Amendments:**

LSA-2014-01

3/4/14 PB recommended approval
4/3/14 BCC Meeting

SSA-2014-01

3/4/14 PB recommended approval
4/3/14 BCC Meeting

LAND DEVELOPMENT CODE ORDINANCES

REZONING CASES

1. **Rezoning Case Z-2013-20**
3/4/14 PB recommended approval
4/3/14 BCC Meeting

- 2. Rezoning Case Z-2014-03**
3/4/14 PB recommended approval
4/3/14 BCC Meeting
- 3. Rezoning Case Z-2014-04**
3/4/14 PB recommended approval
4/3/14 BCC Meeting
- 4. Rezoning Case Z-2014-05**
3/4/14 PB recommended approval
4/3/14 BCC Meeting

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR APRIL 2014

(Revised 03/21/14)

A.H. = Adoption Hearing T.H. = Transmittal Hearing P.H. = Public Hearing

* Indicates topic/date is estimated—subject to staff availability for project completion and/or citizen liaison

Meeting Date	LDC Changes and/or Public Hearings	Comprehensive Plan Amendments	Rezoning	Reports, Discussion and/or Action Items
Tuesday, April 1, 2014	<ul style="list-style-type: none"> • CIP Annual Report 	<ul style="list-style-type: none"> • LSA-2014-02 	<ul style="list-style-type: none"> • Z-2014-06 • Z-2014-07 	<ul style="list-style-type: none"> • Front Yard Fence • Allow Cinerator in C-2 • LDC Revisions Chapter 2 Q & A
Tuesday, April 8, 2014				<ul style="list-style-type: none"> • LDC Revisions Chapter 3 Maps and Zoning Designation
Tuesday, April 15, 2014				<ul style="list-style-type: none"> • LDC Revisions Chapter 3 Maps and Zoning Designation (continuation)
Tuesday, May 6, 2014	<ul style="list-style-type: none"> • (MRF) Material Recycling Facility (Solid Waste/ Recyclables) • Swimming Pools (SRIA) 			
Tuesday, June 3, 2014				
Tuesday, July 1, 2014				
Tuesday, August 5, 2014				
Tuesday, September 2, 2014				

Disclaimer: This document is provided for informational purposes only. Schedule is subject to change. Verify all topics on the current meeting agenda one week prior to the meeting date.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

5. A.

Meeting Date: 04/01/2014

Issue: LSA-2014-02

From: Horace Jones, Interim Department Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending the 2030 Future Land Use Map

That the Board review and recommend to the Board of County Commissioners (BCC) for transmittal to the Department of Economic Opportunity, an Ordinance Amending the 2030 Future Land Use Map.

BACKGROUND:

The agent requests a Future Land Use (FLU) map amendment to change the FLU category of a 93.01 (+/-) acres parcel from Mixed-Use Suburban FLU to Industrial FLU. The zoning designation for the referenced parcel is VAG-2, Village Agriculture District (non-cumulative). The applicant is aware that the current zoning and proposed FLU are not compatible. The applicant plans on submitting a rezoning request at a later time for FLU and Zoning compatibility. The applicant understands that a rezoning approval will be necessary to make the FLU compatible.

BUDGETARY IMPACT:

No budgetary impact is anticipated by the adoption of this Ordinance.

LEGAL CONSIDERATIONS/SIGN-OFF:

The attached Ordinance has been reviewed and approved for legal sufficiency by Ryan Ross, Assistant County Attorney. Any recommended legal comments are attached herein.

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

IMPLEMENTATION/COORDINATION:

Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Draft Ordinance1A

Application Package

MAPS

Staff Analysis

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: LSA-2014-02

Date: 3/10/14

Date requested back by: 3/14/14

Requested by: John Fisher/Juan Lemos

Phone Number: 595-4651



(LEGAL USE ONLY)

Legal Review by Ryan E. Ross, Asst. County Attorney

Date Received: 3/10/14

XXX Approved as to form and legal sufficiency.

 Not approved.

 Make subject to legal signoff.

Additional comments:

ORDINANCE NUMBER 2014-____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE ESCAMBIA COUNTY COMPREHENSIVE PLAN: 2030, AS AMENDED; AMENDING CHAPTER 7, "THE FUTURE LAND USE ELEMENT," PROVIDING FOR AN AMENDMENT TO THE 2030 FUTURE LAND USE MAP, CHANGING THE FUTURE LAND USE CATEGORY OF A PARCEL WITHIN SECTION 34, TOWNSHIP 1N, RANGE 31W, PARCEL NUMBER 2101-000-001, TOTALING 93.01 ACRES, LOCATED OFF 100 BLOCK OF ISAAC'S LANE SOUTH OF INTERSTATE 10 AND NORTH OF NINE MILE ROAD, FROM MIXED USE-SUBURBAN (MU-S) TO INDUSTRIAL (I); PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, Escambia County adopted its Comprehensive Plan on January 20, 2011; and

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Escambia County, Florida to prepare, amend and enforce comprehensive plans for the development of the County; and

WHEREAS, the Escambia County Planning Board conducted a public hearing and forwarded a recommendation to the Board of County Commissioners to approve changes (amendments) to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Escambia County, Florida finds that the adoption of this amendment is in the best interest of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Escambia County, Florida, as follows:

1 **Section 1. Purpose and Intent**

2
3 This Ordinance is enacted to carry out the purpose and intent of, and exercise the
4 authority set out in, the Community Planning Act, Sections 163.3161 through 163.3215,
5 Florida Statutes.
6

7
8 **Section 2. Title of Comprehensive Plan Amendment**

9
10 This Comprehensive Plan amendment shall be entitled – "Large Scale Amendment
11 2014-02."
12

13
14 **Section 3. Changes to the 2030 Future Land Use Map**

15
16 The 2030 Future Land Use Map, as adopted by reference and codified in Part II of the
17 Escambia County Code of Ordinances, the Escambia County Comprehensive Plan:
18 2030, as amended; Chapter 7, "Future Land Use Element," Policy FLU 1.1.1; and all
19 notations, references and information shown thereon, is further amended to include the
20 following future land use change:
21

22 Parcel identification number 34-1N-31-2101-000-001, totaling 93.01 acres,
23 as more particularly described by Merrill Parker Shaw, Inc., Professional
24 Engineering & Surveying Services, in the boundary survey dated March
25 26, 2007, attached as Exhibit A, from Mixed-Use Suburban (MU-S) to
26 Industrial (I).
27

28
29 **Section 4. Severability**

30
31 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
32 unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect
33 the validity of the remaining portions of this Ordinance.
34

35
36 **Section 5. Inclusion in the Code**

37
38 It is the intention of the Board of County Commissioners that the provisions of this
39 Ordinance shall be codified as required by Section 125.68, Florida Statutes, and that
40 the sections, subsections and other provisions of this Ordinance may be renumbered or
41 relettered and the word "ordinance" may be changed to "section," "article," or such other
42 appropriate word or phrase in order to accomplish such intentions.
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Section 6. Effective Date

Pursuant to Section 163.3184(3)(c) 4, Florida Statutes, this Ordinance shall not become effective until 31 days after the Department of Economic Opportunity notifies Escambia County that the plan amendment package is complete. If timely challenged, this Ordinance shall not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the Ordinance to be in compliance.

DONE AND ENACTED this _____ day of _____, 2014.

BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA

By: _____
Lumon J. May, Chairman

ATTEST: PAM CHILDERS
CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:

FUTURE LAND USE MAP AMENDMENT APPLICATION

(THIS SECTION FOR OFFICE USE ONLY):

TYPE OF REQUEST: SMALL SCALE FLU AMENDMENT _____
LARGE SCALE FLU AMENDMENT ✓

JCF
3/10/14

Current FLU: MU-5 Desired FLU: ID1 Zoning: VAG-2 Taken by: _____

Planning Board Public Hearing, date(s): PB 4/1/14

BCC Public Hearing, proposed date(s): BCC 5/1/14 transmitted

Fees Paid 3964.50 Receipt # _____ Date: 3/7/14

OWNER'S NAME AND HOME ADDRESS AS SHOWN ON PUBLIC RECORDS OF ESCAMBIA COUNTY, FL

Name: BRIAR RIDGE LLC

Address: 201 E. GOVERNMENT ST

City: PENSACOLA State: FL Zip Code: 32501

Telephone: () 232-9853

Email: lmpage1@att.net

DESCRIPTION OF PROPERTY: ISAACS

Street address: 100 BLK ISAACS LANE

Subdivision: NA

Property reference number: Section 3A Township 1N Range 31

Parcel 2501 Lot 000 Block 001

Size of Property (acres) 9.4 ±

ESCAMBIA COUNTY DEVELOPMENT SERVICES DEPARTMENT
3363 West Park Place, Pensacola, FL 32505 (850) 595-3475

AFFIDAVIT OF OWNERSHIP AND LIMITED POWER OF ATTORNEY

As owner of the property located at 100 BLK ASSIC'S LN,
Pensacola, Florida, Property Reference Number(s) 34-1N-31-2101-000-001

I hereby designate W. C. BUDDY PAGE for the sole purpose of completing this application
and making a presentation to the Planning Board, sitting as the Local Planning Agency, and the
Board of County Commissioners, to request a change in the Future Land Use on the above
referenced property.

This Limited Power of Attorney is granted on this 5 day of March, the year of
2014 and is effective until the Board of County Commissioners has rendered a decision on
this request and any appeal period has expired. The owner reserves the right to rescind this
Limited Power of Attorney at any time with a written, notarized notice to the Planning and
Engineering Department.

<u>[Signature]</u>	<u>3/5/14</u>	<u>Bolley L. Johnson</u>	<u>Briar Ridge LLC Owner + TRGR.</u>
Signature of Property Owner	Date	Printed Name of Property Owner	
<u>[Signature]</u>	<u>3/5/14</u>	<u>W. C. BUDDY PAGE</u>	
Signature of Agent	Date	Printed Name of Agent	

STATE OF FL
COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 5th day of March, year of
2014, by Bolley Johnson who did () did not take an
oath.

He/she is personally known to me, () produced current Florida/Other driver's license,
and/or () produced current _____ as
identification.

<u>[Signature]</u>	<u>3-5-14</u>	<u>Kristina Trail</u>
Signature of Notary Public	Date	Printed Name of Notary Public

Commission Number July 19, 2014 My Commission Expires EE 009861

(Notary seal must be affixed)





P.O. Box 15311 • 9255 Sturdevant Street
Pensacola, Florida 32514-0311
ph: 850 476-5110 • fax: 850 969-3308

February 26, 2014

Mr. Buddy Page
5337 Hamilton Lane
Pace, FL 32571

Re: Parcel 34-1N-31-2101-000-001, Beulah, FL 32526

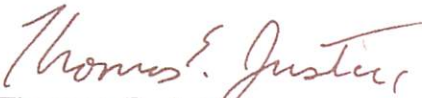
Dear Mr. Page:

In response to your request, this letter will confirm that the Emerald Coast Utilities Authority does own, operate, and maintain a potable water distribution system and a sanitary sewer collection system to serve the above referenced parcel.

ECUA also has the capacity to provide solid waste disposal service to this location.

If you should have any questions or need any further information, please feel free to call me at 969-6562.

Sincerely,


Thomas E. Justice
Engineering Mapping Coordinator

TEJ/VF

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isaac ln.doc

Vicki Campbell
District One

Lois Benson
District Two

Elvin McCorvey
District Three

Dale Perkins
District Four

Larry Walker
District Five

**AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION FOR
FUTURE LAND USE CHANGE REQUEST**

By my signature, I hereby certify that:

- 1) I am duly qualified as owner or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand there are no guarantees as to the outcome of this request, the application fee is non-refundable; and
- 4) The signatory below will be held responsible for the balance of any advertising fees associated with required public hearings for this amendment request (Payment due within 90 days of invoice date) or future planning and zoning applications will not be accepted; and
- 5) I authorize County Staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection; and
- 6) I authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County Staff.

X [Signature] Bolley L. Johnson, ^{Owner} Mgr. 3/5/14
Signature (Property Owner) Printed Name Briar Ridge LLC Date

[Signature] WILEY C PAGE 3/5/14
Signature (Agent's Name (or owner if representing oneself)) Printed Name Date

Address: 5337 HAMILTON LN

City: PAGE State: FL Zip: 32571

Telephone () 232-9853 Fax # () _____

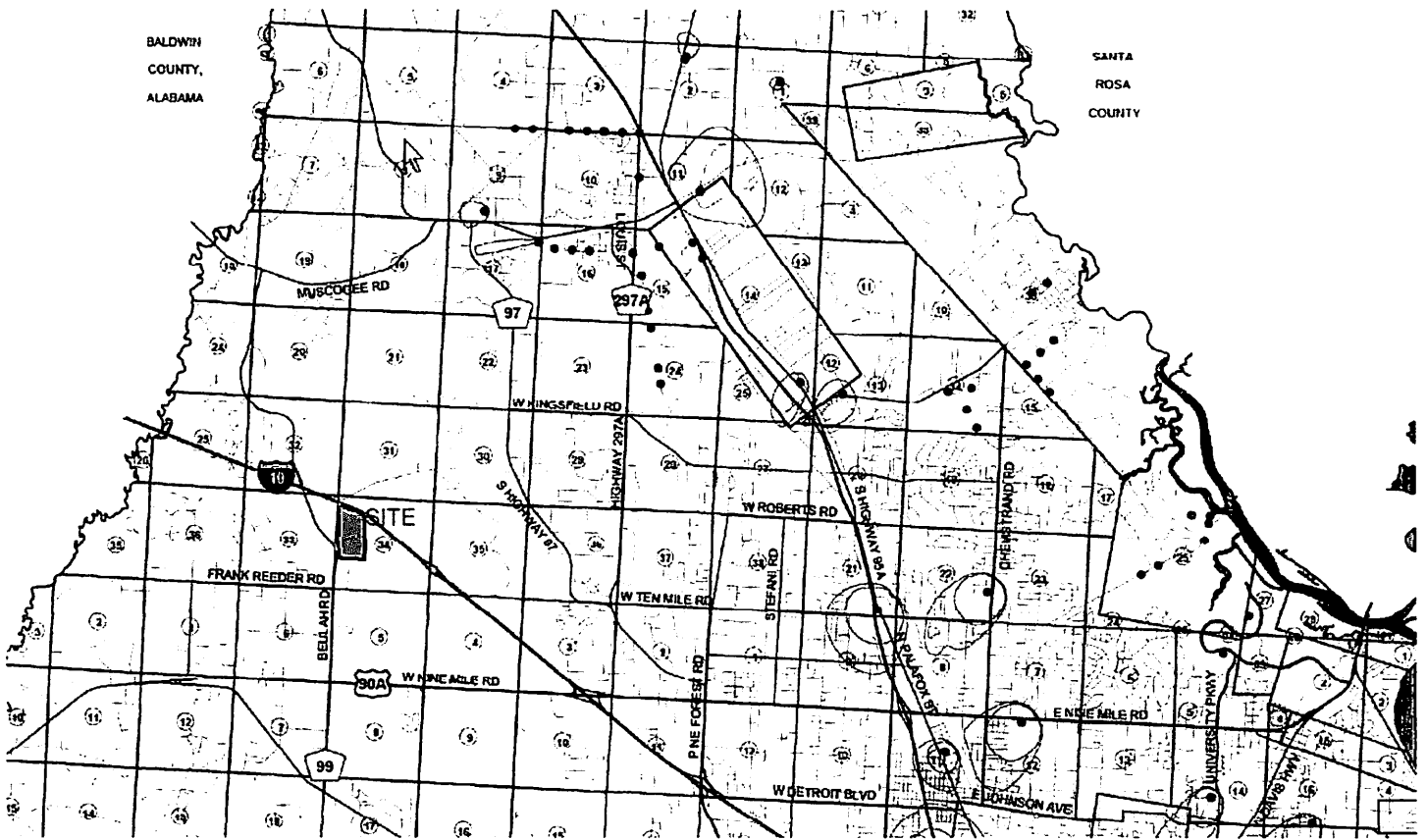
Email: wpage1@att.net

STATE OF FL
COUNTY OF Escambia

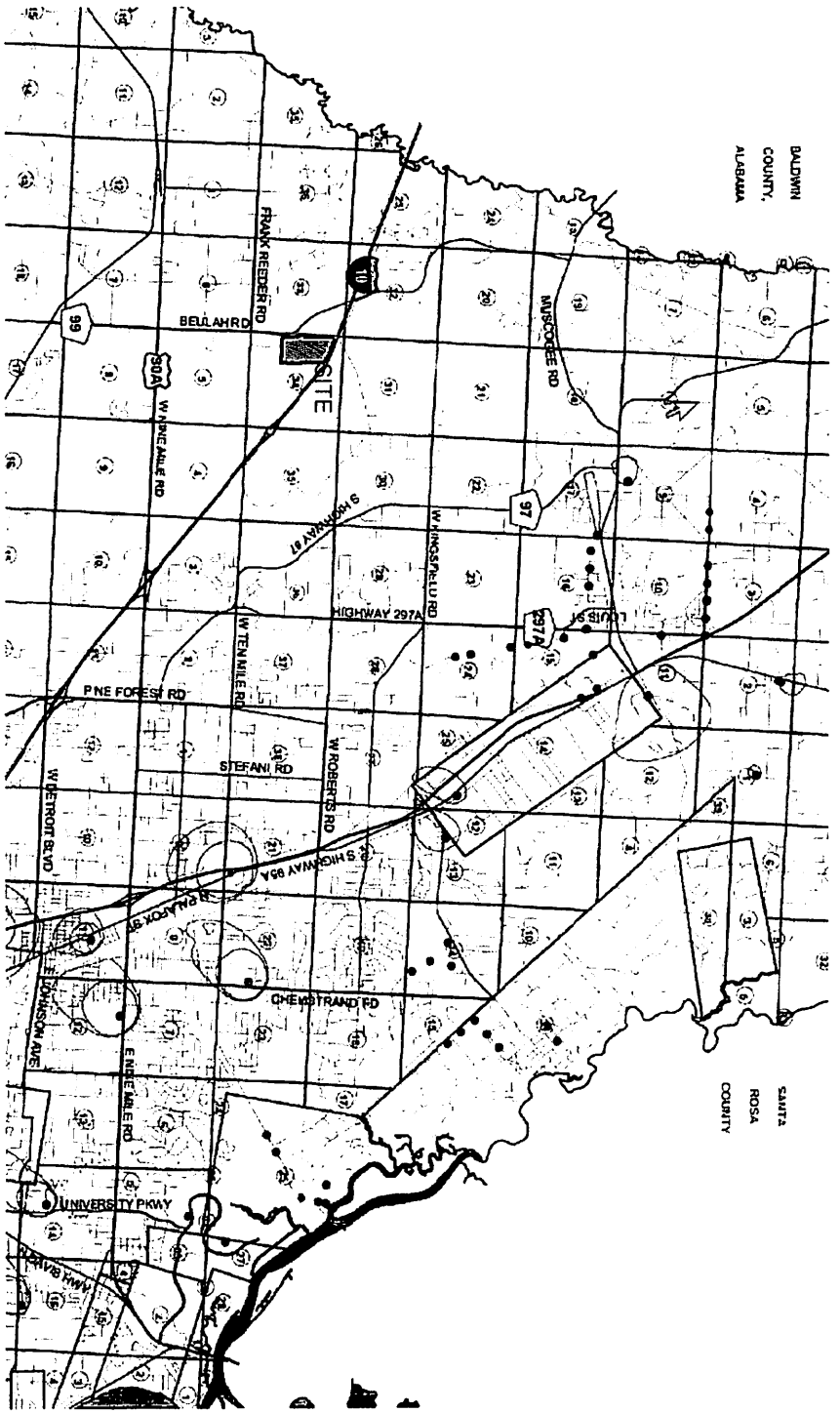
The forgoing instrument was acknowledged before me this 5th day of March, year of 2014 by Bolley Johnson who (X) did () did not take an oath. He/she is (X) personally known to me, () produced current Florida/Other driver's license, and/or () produced current _____ as identification.

[Signature] 3-5-14 Kristina Trail
Signature of Notary Public Date Printed Name of Notary

My Commission Expires July 19, 2014 Commission No. EE 009861
(Notary seal must be affixed)



Wellhead Proximity Map

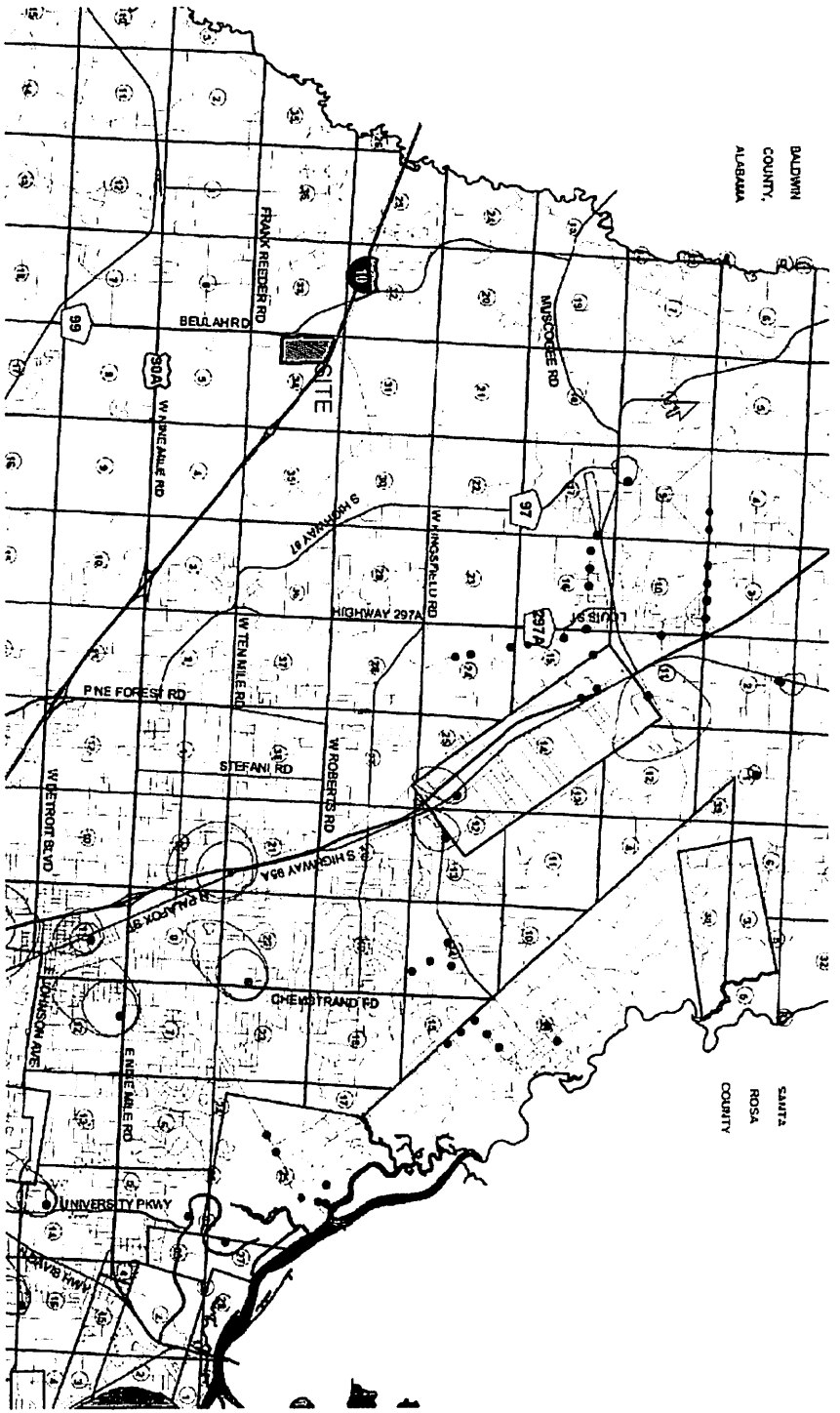


BALDWIN
COUNTY,
ALABAMA

SANTA
ROSA
COUNTY

SITE

LOUISIANA



BALDWIN
COUNTY,
ALABAMA

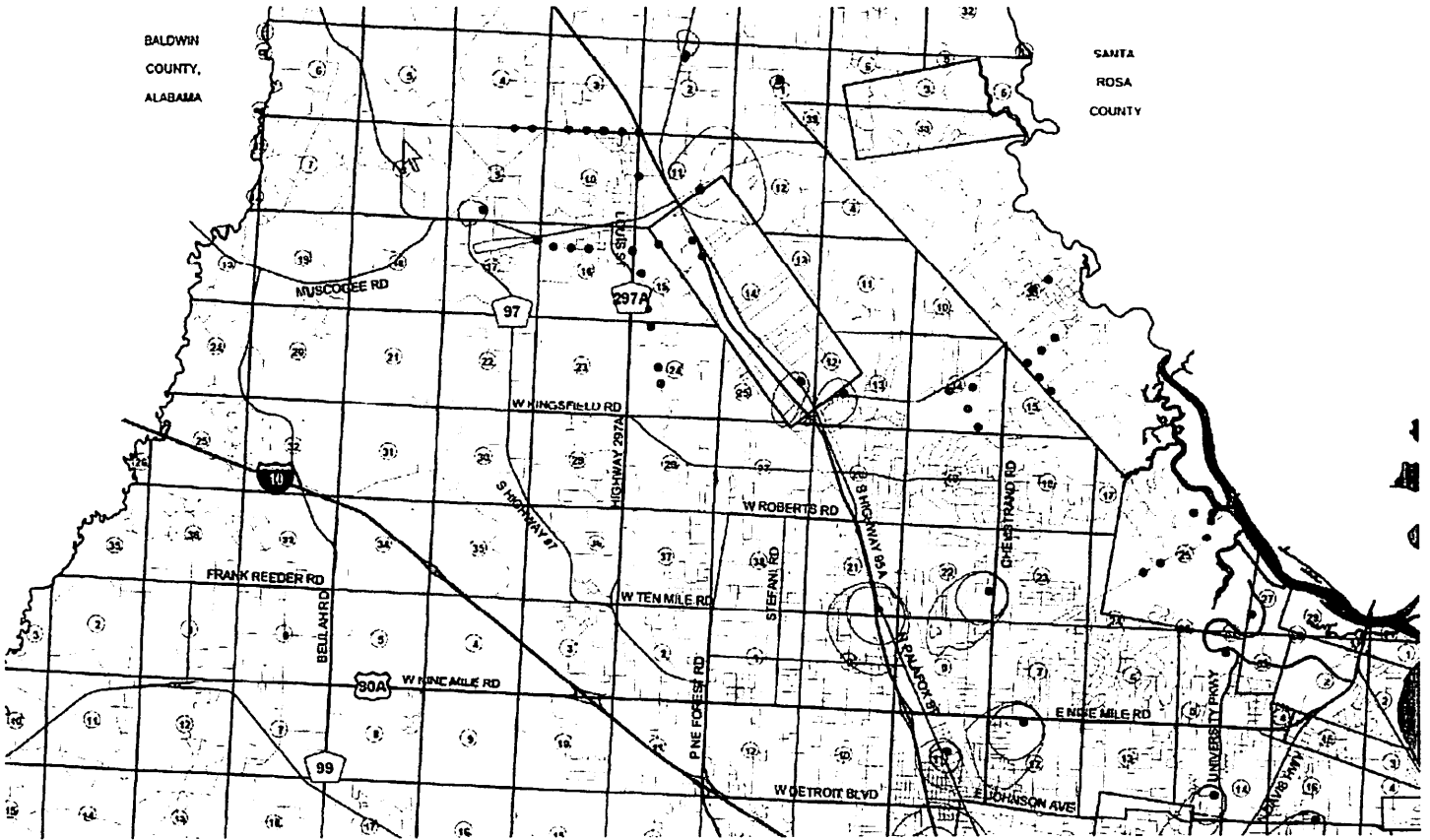
SANTA
ROSA
COUNTY

SITE

LOUISIANA

BALDWIN
COUNTY,
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SANTA
ROSA
COUNTY





Chris Jones Escambia County Property Appraiser

- Real Estate Search
- Tangible Property Search
- Sale List
- Amendment 1/Portability Calculations

[Back](#)

← Navigate Mode Account Reference →

[Printer Friendly Version](#)

General Information	
Reference:	341N312101000001
Account:	114454010
Owners:	BRIAR RIDGE LLC
Mail:	PO BOX 1392 PENSACOLA, FL 32591
Situs:	32526
Use Code:	TIMBERLAND, MISC. - PINES
Taxing Authority:	COUNTY MSTU
Tax Inquiry:	Open Tax Inquiry Window
Tax Inquiry link courtesy of Janet Holley Escambia County Tax Collector	

2013 Certified Roll Assessment	
Improvements:	\$0
Land:	\$7,591
Total:	\$7,591
<i>Save Our Homes:</i>	\$0
Disclaimer	
Amendment 1/Portability Calculations	

Sales Data					
Sale Date	Book Page	Value	Type	Official Records	(New Window)
02/01/2008	6285 1699	\$1,200,000	WD	View Instr	
09/2006	5993 21	\$825,500	WD	View Instr	
Official Records Inquiry courtesy of Pam Childers Escambia County Clerk of the Circuit Court and Comptroller					

2013 Certified Roll Exemptions	
None	

Legal Description	
N 1/2 OF NW 1/4 LYING S OF INTERSTATE 10 AND NW 1/4 OF SW 1/4 AND SW 1/4 OF NW 1/4 OR 6285 P 1699...	

Extra Features	
None	

Parcel Information

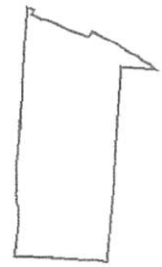
[Launch Interactive Map](#)

Section Map Id:
34-1N-31

Approx. Acreage:
93.6200

Zoned:
VAG-2

Evacuation & Flood Information
[Open Report](#)



FLU CPA
LPA APRIL 1
APRIL 1

BCC MAY 1

FDOE JUNE 1

BCC JUNE 5
JUNE 5

Buildings	
Images	
None	

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

163.572 Expansion of area.

163.565 Short title.--This part shall be known and may be cited as the "Regional Transportation Authority Law."

History.--s. 1, ch. 71-373; s. 1, ch. 73-278.

163.566 Definitions.--As used in this part, and unless the context clearly indicates

- (1) "Authority" means a body politic and corporate created pursuant to this part.
- (2) "Member" means the municipality, county, or political subdivision which, in combination with another member or members, comprises the authority.
- (3) "Board of directors," hereinafter referred to as the board, means the governing authority.
- (4) "Director" means a person appointed to the board by a member. No person who receives a salary as a director or in any other appointed position of the authority shall be in violation of s. 99.012 by reason of holding such office.
- (5) "Regional transportation area" means that area the boundaries of which are the outer boundaries of the political subdivisions or other legal entities which constitute the area.
- (6) "Municipality" means any city with a population of over 50,000 within the regional transportation area.
- (7) "County" means any county within the regional transportation area.
- (8) "Public transportation" means transportation of passengers by means, without limitation, of street railway, elevated railway or guideway, subway, motor vehicle, motor bus, or other means of conveyance operating as a common carrier within the regional transportation area, including charter service therein.
- (9) "Public transportation system" means, without limitation, a combination of real property, structures, improvements, buildings, equipment, plants, vehicle parking or storage facilities, and rights-of-way, or any combination thereof, used or useful for the purpose of public transportation.
- (10) "Operator" means any person engaged in, or intending to engage in, the business of public transportation, but does not include a person engaged primarily in the transportation of children to or from school or a person or entity furnishing transportation solely for the use of employees or customers.
- (11) "Transportation facility" or "transportation facilities" means the property or process, both real and personal, of a type used for the establishment of public transportation facilities that have heretofore been, or may hereafter be, established by public bodies for the transportation of people and property from place to place.
- (12) "Population" means the population as determined under the provisions of s. 186.011.

History.--s. 2, ch. 71-373; s. 1, ch. 73-278; s. 1, ch. 77-174; s. 28, ch. 87-224; s. 33, ch. 910, ch. 95-147.

163.567 Regional transportation authorities.--



Detail by Entity Name

Florida Limited Liability Company

BRIAR RIDGE, L.L.C.

Filing Information

Document Number	L08000012607
FEI/EIN Number	261919220
Date Filed	02/05/2008
State	FL
Status	ACTIVE

Principal Address

520 E. ZARAGOZA STREET
PENSACOLA, FL 35202

Changed: 04/18/2011

Mailing Address

P.O. BOX 1392
PENSACOLA, FL 32591-1392

Changed: 04/18/2011

Registered Agent Name & Address

COLBERT, RICHARD M
2717 GULF BREEZE PKWY
GULF BREEZE, FL 32563

Address Changed: 04/12/2012

Authorized Person(s) Detail

Name & Address

Title MGR

JOHNSON, BOLLEY L
520 E. ZARAGOZA ST.
PENSACOLA, FL 32502

Annual Reports

in and under the authority of this part shall be exempt from any of the regulatory provisions of chapter 350.

History.--s. 5, ch. 71-373; s. 1, ch. 73-278; s. 20, ch. 85-80.

163.570 Special region taxation.--

(1) Any regional transportation authority created hereunder shall be deemed a special district and shall be authorized to levy an ad valorem tax based on full valuation of real property that shall not exceed 3 mills on the taxable real property in the areas affected by such authority, with the approval of the county commission or equivalent governing body of such area, at a rate that will produce an amount that may be necessary for effectuating the purposes of this part. The millage level is approved by a majority of the members of such authority and by referendum. Property taxes determined and levied under this section shall be certified by the authority to the appropriate auditor and extended, assessed, and collected in like manner as provided by law for such political subdivisions. The proceeds under this section shall be remitted to the collector to the treasurer of the authority who shall credit them to the funds of the authority for use in effectuating the purposes of this part. At any time after making a tax levy under this section and certifying the same to the corresponding governing body represented by the members of the authority, the authority may issue tax anticipation notes of indebtedness in anticipation of the collection of such taxes.

(2) No tax authorized by this part shall be levied unless the same shall be approved by a majority of the electors of each county, municipality, or other political subdivision, voting in person or by referendum held within the geographical area of the special tax district. A tax shall be authorized by a majority of the electors of political subdivisions as are approved by electors from within the counties or municipalities or other political subdivisions who are members of the regional authority.

History.--s. 6, ch. 71-373; s. 1, ch. 73-278.

163.571 Issuance of bonds.--Any transportation authority created hereunder may exercise the powers and carry out the authorized powers or purposes of this part. In the creation of bonded indebtedness, the procedure therefor shall be in conformity with the constitution and laws of the state.

History.--s. 7, ch. 71-373; s. 1, ch. 73-278.

163.572 Expansion of area.--Upon a resolution adopted by the governing body of a county, municipality, or other political subdivision, the authority may, subject to the provisions of s. 163.567(1), by a majority vote of its membership, include such territory in its regional transportation area.

History.--s. 8, ch. 71-373; s. 1, ch. 73-278.

PART VI

**COLLABORATIVE CLIENT
INFORMATION SYSTEMS**

163.61 "Agency" defined.

163.62 Collaborative client information system; establishment.

163.63 Steering committee; security policy information sharing agreements.

163.64 Sharing of client information.

Report Year	Filed Date
2011	04/18/2011
2012	04/12/2012
2013	03/28/2013

Document Images

[03/28/2013 -- ANNUAL REPORT](#)

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[04/18/2011 -- ANNUAL REPORT](#)

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[03/17/2010 -- ANNUAL REPORT](#)

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[04/07/2009 -- ANNUAL REPORT](#)

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[02/05/2008 -- Florida Limited Liability](#)

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State of Florida, Department of State

and individuals. However, no public transportation system shall be purchased, owned, or operated that would be in the continued business of competing with existing private charter transportation companies for charter business, nor shall a new system be implemented where an existing public transportation system of the same mode is operating a comparable service without first negotiating with said existing system through negotiation.

(2) The authority is granted the authority to exercise all powers necessary, appropriate, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, complain and defend in all courts of law;

(b) To adopt, use, and alter at will a corporate seal.

(c) To acquire, purchase, hold, lease as a lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for the purposes of the authority, and to sell, lease as lessor, transfer and dispose of any property or interest therein acquired by it.

(d) To fix, alter, charge, and establish rates, fares, and other charges for the services provided at facilities within the area, which rates, fees, and charges shall be equitable and just.

(e) To acquire and operate, or provide for the operation of, local transportation systems, whether public or private, within the area, the acquisition of such system to be by negotiation and agreement between the authority and the owner of the system to be acquired.

(f) To make contracts of every name and nature and to execute all instruments necessary and convenient for the carrying on of its business.

(g) To enter into management contracts with any person or persons for the management of the public transportation system owned or controlled by the authority for such period or time, and under such compensation and other terms and conditions, as shall be determined by the authority.

(h) Without limitation, to borrow money and issue evidence of indebtedness and to grant or loans of money or other property and to enter into contracts, leases, or other transactions with any federal agency, the state, any agency of the state, or any other entity of the state.

(i) To develop transportation plans, and to coordinate its planning and programs with the appropriate municipal, county, and state agencies and other political subdivisions of the state; transportation plans are subject to review and approval by the Department of Transportation by the regional planning agency, if any, for consistency with programs or planning for the region.

(j) To do all acts and things necessary or convenient for the conduct of its business and for the general welfare of the authority in order to carry out the powers granted to it by this part and other law.

(k) To prescribe and promulgate necessary rules and regulations consistent with the provisions of this part and the requirements of chapter 120.

History.---s. 4, ch. 71-373; s. 1, ch. 73-278.

163.569 Exemption from regulation.---The public transportation systems and facilities

Prepared by and return to:

Stephen B. Shell
Attorney at Law
Shell, Fleming, Davis & Menge, P.A.
P.O. Box 1831 226 Palafox Place, 9th Floor
Pensacola, FL 32591-1831
850-434-2411 File Number: Z95.25569

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 8th day of February, 2008 between Heron's Forest Development Company, a Florida corporation whose post office address is 17 South Palafox Place, Suite 394, Pensacola, FL 32501, grantor Briar Ridge, L.L.C., a Florida limited liability company whose post office address is 520 E. Zaragoza Street, Pensacola, FL 32502, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described situate, lying and being in Escambia County, Florida to-wit:

All of that portion of the following described property lying Southerly of Interstate 10 right-of-way; the N ½ of the NW ¼ of the SW ¼ and SW ¼ of the NW ¼, all being in Section 34, Township 1 North, Range 31 West, Escambia County, Florida. LESS AND EXCEPT Road right-of-way for State Road 99 as recorded in O.R. Book 492, Page 764, Public Records of Escambia County, Florida.

Parcel Identification Number: 34-1N-31-2101-000-001

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And subject to taxes for the current year and later years and all valid easements and restrictions of record, if any, which are not hereby reimposed; and also subject to any claim, right, title or interest arising from any recorded instrument reserving, conveying, leasing, or otherwise alienating any interest in the oil, gas and other minerals. And grantor does warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, subject only to the exceptions set forth herein.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

(7) Subsequent to the activation of the authority, contiguous counties, municipalities, and political subdivisions not participating initially may become members of the authority and receive the same benefits as the initial members, upon approval by a majority vote of the board.

(8) The board of directors of the authority shall consist of at least one director representing each participating member, and two directors appointed by the Governor. In no event shall the board consist of less than five directors, including the two appointed by the Governor. Each member shall appoint one director for a 3-year term. Of those members appointing more than one director, the remaining directors shall be appointed initially for a term of 2 years. Thereafter, all directors shall be appointed for 3-year terms.

(9) Each director shall hold office until his or her successor has been appointed and a vacancy occurring during a term shall be filled only for the balance of the unexpired term. Vacancies shall be selected as provided above. An appointment to fill a vacancy shall be made within 20 days after the occurrence of the vacancy or before expiration of the term, if applicable. If no appointment is made within the prescribed time by the appointing board, by a majority vote, shall appoint an eligible person to the board with like effect as if the appointment were made by the member. However, if the board does not appoint an eligible person within 10 days, the appointment shall then be made by the Governor within 10 days. Any director shall be eligible for reappointment.

(10) The board shall elect one of its directors as chair and one as vice chair to serve in that capacity or until their successors are elected. A majority of the directors shall constitute a quorum. A vacancy on the board shall not impair its right to exercise all of its powers and perform all of its duties. Any vacancy not filled within the period prescribed by this section shall be filled by appointment of the board. Upon the effective date of his or her appointment, or thereafter as practicable, each director shall enter upon his or her duties.

(11) A director of the board may be removed from office by the Governor or by the board for misconduct, malfeasance, misfeasance, or neglect of duty in office. Any vacancy created shall be filled as provided above.

(12) The authority may employ an executive administrator, who shall be a person of good character, ability and experience, to serve at the pleasure of the authority. The executive administrator may employ such employees as may be necessary for the proper administration of the duties and functions of the authority and may determine the qualifications of such persons; however, the board shall approve such positions and fix compensation for employees. The authority may contract for the services of attorneys, engineers, consultants, and agents for any purpose of the authority, including engineering, architectural design, management, feasibility, transportation planning, and other studies concerning the design of facilities and the acquisition, construction, operation, maintenance, regulation, consolidation, and financing of transportation facilities in the area.

(13) Directors of the board shall be entitled to receive their travel and other necessary expenses incurred in connection with the business of the authority, as provided in s. 112.061, but shall receive no salaries or other compensation.

History.--s. 3, ch. 71-373; s. 1, ch. 73-278; s. 911, ch. 95-147.

163.568 Purposes and powers.--

(1) The authority created and established by this part is granted the authority to plan, construct, operate, or provide for the operation of, transportation facilities; to contract for the construction of such facilities; to exercise power of eminent domain limited to right-of-way and contiguous transportation facility acquisition and subject to any further limitations set forth in the authority's charter; to conduct studies; and to contract with other governmental agencies, private

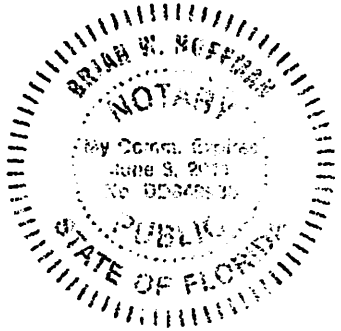
State of Florida
County of Escambia

The foregoing instrument was acknowledged before me this 8th day of February, 2008 by Garret W. Walton, the President of Heron's Forest Development Company, a Florida corporation, on behalf of the corporation, who () personally known to me or (X) produced as identification.



Printed Name: ~~Stephen B. Shell~~ Brian Hoff

My Commission Expires: _____



(1) Any two or more contiguous counties, municipalities, other political subdivisions combinations thereof in this state are authorized and empowered to convene a charter for the purpose of developing a charter under which a regional transportation authority hereinafter referred to as "authority," may be constituted, composed, and operated in this part. However, no county, municipality, or other political subdivision may be more than one authority created under this part.

(2) Upon the decision by such governing bodies to convene the committee, each shall be representative for the first 100,000 population or fraction thereof over 50,000, plus one representative for each additional 100,000 population to the charter committee, except that the population of any participating municipality shall be subtracted from the county's population in determining county representation. The committee shall meet for the purpose of preparing the authority's charter. The charter, in addition to the purposes and powers provided in this part, shall contain:

(a) The formula for representation and voting of the members based on population, and the event shall the Governor's appointees have less than one vote each.

(b) Any limitations on the authority's powers of eminent domain beyond those limitations contained in s. 163.568 and deemed necessary for the authority's purposes.

(c) The duration of the authority and the method by which it may be terminated or amended by any participating member prior to the stated date of termination, if any.

(d) The manner in which the authority members will provide from their treasuries their support for the authority.

(e) A method or formula for equitably providing for and allocating and financing the operating costs, including payments to reserve funds authorized by law and payments and interest on obligations.

(f) The manner in which strict budgeting and accountability of all funds shall be provided in the manner in which reports, including an annual independent audit, of all receipts and disbursements shall be prepared and presented to each participating member.

(g) Any other necessary and proper matters agreed upon by the charter committee.

(3) The charter and all subsequent amendments thereto shall be duly executed by the governing bodies of all members and shall be filed with the Department of State, at which time the authority shall be activated and legally constituted.

(4) When the charter is filed with the Department of State, the Governor shall be notified and such action has been taken, and the Governor shall within 20 days appoint two members to the authority. Within 25 days from the filing of the charter, each member shall appoint two directors, and the first meeting of the authority shall be held.

(5) In addition to other funding as prescribed in this part, any member joining the authority shall agree to provide the authority with funds to be used only for planning and administrative purposes for a period not to exceed 5 years from such time as the authority was formally constituted. The total amount of funds shall not exceed \$300,000 per annum, and the cost shall be duly apportioned among the members by a ratio based on population. Any member may, of its own accord, pay its apportioned share of the funds.

(6) After the authority has been in existence for a period of not less than 12 months, municipalities having less than 50,000 population may be admitted as fully participating members if agreed upon by at least a three-fourths vote of all the members of the board of directors.

Prepared by and return to:
Stephen B. Shell
Attorney at Law
Shell, Fleming, Davis & Menge, P.A.
P.O. Box 1831 226 Palafox Place, 9th Floor
Pensacola, FL 32591-1831
850-434-2411 File Number: Z95.25569

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 8th day of February, 2008 between Heron's Forest Development Company, a Florida corporation whose post office address is 17 South Palafox Place, Suite 394, Pensacola, FL 32501, grantor, and Briar Ridge, L.L.C., a Florida limited liability company whose post office address is 520 E. Zaragoza Street, Pensacola, FL 32502, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Escambia County, Florida to-wit:

All of that portion of the following described property lying Southerly of Interstate 10 right-of-way; the N $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, all being in Section 34, Township 1 North, Range 31 West, Escambia County, Florida. LESS AND EXCEPT Road right-of-way for State Road 99 as recorded in O.R. Book 492, Page 764, Public Records of Escambia County, Florida.

Parcel Identification Number: 34-1N-31-2101-000-001

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

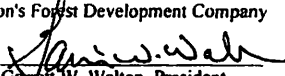
And subject to taxes for the current year and later years and all valid easements and restrictions of record, if any, which are not hereby reimposed; and also subject to any claim, right, title or interest arising from any recorded instrument reserving, conveying, leasing, or otherwise alienating any interest in the oil, gas and other minerals. And grantor does warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, subject only to the exceptions set forth herein.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Stephen B. Shell Brian Hoffman
JANE HE M. NICKEL
Witness Name: JANE HE M. NICKEL

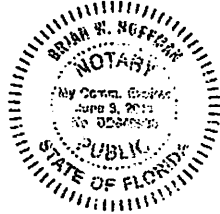
Heron's Forest Development Company

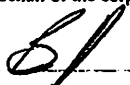
By: 
Garrett W. Walton, President

(Corporate Seal)

State of Florida
County of Escambia

The foregoing instrument was acknowledged before me this 0th day of February, 2008 by Garret W. Walton, the President of Heron's Forest Development Company, a Florida corporation, on behalf of the corporation, who () personally known to me or (X) produced as identification.





Printed Name: Stephen B. Stett Brian Hoffman

My Commission Expires: _____

Additional Data and Analysis Requirements

This 94 acre site is currently classified on the adopted Future Land Use Map (FLUM) as Mixed Use Suburban MU-S. The owner is requesting consideration to change the FLUM to ID-CP. This classification will allow the owner to develop large buildings to facilitate anticipated demand for such space from the growing aviation economic sector.

A. Sanitary Sewer

B. Solid Waste Disposal

C. Potable Water

Water, sanitary sewer and solid waste disposal services for this area of the County are provided by the Emerald Coast Utility Authority (ECUA). The attached letter dated February 26, 2014 from EC UA affirms that they have the capacity to provide these utility services for the proposed on site development.

D. Stormwater Management

Once a proposed development design has been done, it will be submitted to all appropriate regulatory offices for review and approval. An attached copy of a jurisdictional wetlands survey indicates several areas that will be excluded from development impacts as they are likely to contain protected soils and vegetation.

E. Traffic

The site fronts on both Isaacs's Lane, a local road and Beulah Road which is a 100' wide collector County maintained roadway. Given that the site has much of its developable portions in the middle and southerly areas, ingress and egress will likely be directly onto Beulah Road near the extreme southwestern corner of the site. According to the Florida DOT Planning Office, the consultant's (Parsons & Co.)

study to determine the feasibility and location of a new full access interstate interchange in this area will be presented by June 2014. The study is to identify the best location for the interchange, either at the existing Beulah flyover location, or the Isaac's Lane intersection. If the study indicates the preferred location to be at the Isaac's Lane intersection, perhaps a second entranceway would be appropriate somewhere along the northwesterly portion of the site.

F. Recreation and Open Space

It is not anticipated that this proposed request will have any impact upon the recreational resources of the County. On the other hand, considerable wetland acreage will be preserved in its natural open state.

G. School:

As a non-residential development, it is not anticipated that this proposed use will have any impact upon the school resources of the County.

Other- Wellhead location proximity

A copy of the ECUA Well Head Proximity Map is attached and shows that the nearest well head is located some 3 miles to the northeast of the site.

FLU 1.1.1 Development Consistency. New development and redevelopment in unincorporated Escambia County shall be consistent with the Escambia County Comprehensive Plan and the Future Land Use Map (FLUM). The 2030 FLUM is attached herein to this ordinance as Exhibit B.

RESPONSE: If this request is approved by the Escambia Commissioners and the Florida Department of Economic Opportunity, it will be consistent with the adopted FLUM and Comprehensive Plan.

FLU 1.2.1 State Assistance. Escambia County shall utilize all available resources of the Florida Department of State, Division of Historical Resources in the identification of archeological and/or historic sites or structures within the County. The County will utilize guidance, direction and technical assistance received from this agency to develop provisions and regulations for the preservation and protection of such sites and structures. In addition, the County will utilize assistance from this agency together with other sources, such as the CP7:4 University of West Florida, in identifying newly discovered historic or archaeological resources. The identification will include an analysis to determine the significance of the resource.

RESPONSE:

While the applicant will assist in any way possible, Escambia County will request this assistance from the State agencies to provide this information as required above.

FLU 1.2.2 LDC Provisions. Escambia County shall include provisions in the LDC that require identification and preservation of significant archeological and/or historic sites or structures within the County. The provisions will include protection for all sites listed on the Florida Master Site File and will be developed in cooperation with the Department of State, Division of Historical Resources. The provisions also will include requirements that provide for the cessation of land disturbing activities any time artifacts with potential historical significance are revealed during construction activities on any site with potential historical significance. The purpose of the cessation is to allow time to determine the significance of any artifact or historical evidence found on the site. Normally, determinations will be made by those approved to make such determinations by the Division of Historical Resources.

RESPONSE: As required under this provision, any discovery of artifacts during development activities on the site will be promptly reported to State and local officials.

FLU 1.5.3 New Development and Redevelopment in Built Areas. To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).

RESPONSE: This site is located within the Mixed Used - Suburban land use category and thus is consistent with FLU 1.5.3 above.

FLU 2.1.1 Infrastructure Capacities. Urban uses shall be concentrated in the urbanized areas with the most intense development permitted in the Mixed-Use Urban (MU-U) areas and areas with sufficient central water and sewer system capacity to accommodate higher density development. Land use densities may be increased through Comprehensive Plan amendments. This policy is intended to direct higher density urban uses to those areas with infrastructure capacities sufficient to meet demands and to those areas with capacities in excess of current or projected demand. Septic systems remain allowed through Florida Health Department permits where central sewer is not available.

RESPONSE: Central water and sewer services are available for this proposed development and stated in the attached letter from provider Emerald Coast Utilities Authority.

FLU 2.2.1 Location. Public facilities and services shall be located to minimize their cost and negative impacts on the natural environment and maximize their efficiency. Cost alternatives, impacts on the environment and levels of efficiency shall be discussed during the design phase and bid process utilized by the County to accomplish the installation or location of public facilities and/or services. In addition, the County will coordinate with the Emerald Coast Utilities Authority, other water and/or sewer providers and state or federal agencies with CP7:14 facilities located in the County or with plans to expand existing facilities or create new facilities in the County. Among other things, it is the intent of this policy that public facilities and services are available to support the densities and intensities of uses provided by this plan and the FLUM and that there is adequate and suitable land available for such utility facilities.

RESPONSE: An evaluation of the proposed densities and intensities on this site has been made by the ECUA to determine impacts on the existing water and sewer infrastructure. This evaluation resulted in the previously referenced letter dated February 26, 2014 from ECUA stating that its system has the ability and capacity to service this proposed use.

FLU 3.1.1 Infrastructure Expenditures. Escambia County shall limit the expenditure of public funds for infrastructure improvements or extensions that would increase the capacity of those facilities beyond that necessary to support the densities and intensities of use established by this plan unless such expenditures are necessary to implement other policies of this plan.

RESPONSE: This is a private development and all improvement costs will

be the responsibility of the developer.

MOB 1.1.1 New Development. Future developments will pay all costs and construct all roads within the development as well as existing and proposed access roads (internal and external) to Escambia County standards so that the roads, upon construction, may be accepted into Escambia County's road system. Nothing in this policy shall be interpreted to preclude the County from requiring the development to pay all costs to the County associated with construction of any transportation improvement made necessary by the development.

RESPONSE: All transportation costs associated with this proposed project will be borne by developers and all construction will be designed to meet all standards identified in the adopted Escambia County Comprehensive Plan and Land Development Code.

MOB 1.1.3 On-site Facilities. All new private developments, including but not limited to planned unit developments, shopping centers, multifamily residential projects and other projects with internal circulation and parking needs shall be required to provide safe and convenient on-site traffic flow, facilities for non-motorized transportation and sufficient vehicular parking to accommodate the needs of the development.

RESPONSE: Safe and convenient on-site traffic flow and parking designs will be submitted to the County for review and approval.

MOB 1.1.7 Planning for Major Commercial Use. Applications for large-scale commercial development review shall address adequate traffic circulation, parking and access management measures that are necessary

to minimize access to impacted State and County road segments, promote compatibility and functional relationship of adjacent land uses and provide adequate buffer and landscape requirements. Escambia County shall encourage joint access agreements with adjacent property owners, encourage a mix of land uses that place less traffic intensive land uses adjacent to arterial segments, provide CP8:3 incentives for not platting commercial lots with direct access to arterial segments.

RESPONSE: Adequate buffering and landscaping will be identified in all development plans for review and approval by the County. It is not anticipated that any joint access agreements will be required in this development.

MOB 1.1.9 Access Management. Escambia County shall promote access management by limiting the number of conflict points that a motorist experiences during travel; separating conflict points as much as possible when they cannot be eliminated; and control turning movements to facilitate traffic flow on affected roadways.

RESPONSE: The initial access to the site will be located at the lower left hand corner of the site providing direct access onto Beulah Road. Any future additional access points will be coordinated with the County.

MOB 1.3.1 Consistency. All plans and proposals for development and redevelopment and all land use decisions shall be reviewed for consistency with the Future Land Use Map (FLUM).

RESPONSE: This application seeks a change to the Future Land Use Map

resulting in an Industrial category. If granted, this proposal will be consistent with the Future Land Use Map.

MOB 4.2.1 Airfield Influence Planning Districts. To promote an orderly transition and rational organization of land uses, protect the health, safety and welfare of the public, and maintain the mission of the military facilities, Escambia County establishes AIPD overlays over and around each of the military aviation facilities within Escambia County.

RESPONSE: While the site is located near a military landing/training field, compatible Industrial development as proposed herein will not affect the flight operations.

INF 3.1.8 Developer Responsibilities. Installation of stormwater management facilities made necessary by new development shall be the responsibility of the developer.

RESPONSE: The stormwater management plan will be submitted to State and local regulatory offices for review and approval prior to any on-site construction activity.

INF 4.1.6 Developer Responsibility. The cost of water line extensions made necessary by new development shall be the responsibility of the developer unless otherwise funded by the service provider.

RESPONSE: The developer will be responsible for all water line extension costs, if any.

INF 5.1.3 Wellhead Protection. Wellhead protection zones shall be located based in part upon the most current NFWMD three-dimensional sand and gravel aquifer computer model. Compliance with design and performance standards pursuant to **Chapter 62.532** Florida Administrative Code, is required to adopt FDEP minimum wellhead protection standards. The Potable Wells Wellhead Protection Areas Map is attached herein to this ordinance as Exhibit I.

RESPONSE: As shown on the attached ECUA Well Head Location Map, no well heads are located within three (3) miles of this site .

CON 1.1.1 Environmentally Sensitive Lands. Escambia County shall inventory the County's environmentally sensitive lands as defined in Chapter 3, Definitions. The Escambia County Wetlands Map and the Escambia County Special Flood Hazard Areas Map are attached to this ordinance as Exhibits L and M, respectively.

RESPONSE: A wetlands delineation survey has been done on the site and included in this application. The survey identified and flagged the boundary of the wetland areas that will be protected from all development activities.

CON 1.1.2 Wetland and Habitat Indicators. Escambia County has adopted and will use the National Wetlands Inventory Map, the Escambia County Soils Survey, and the Florida Fish and Wildlife Conservation Commission's (FFWCC) LANDSAT imagery as indicators of the potential

presence of wetlands or listed wildlife habitat in the review of applications for development approval. The Escambia County Hydric Soils Map is attached to this ordinance as Exhibit N.

RESPONSE: The wetlands/hydric soil location survey done by the site owners is consistent with the existing Escambia County Hydric Soils map with several minor corrections verified by ground truth findings.

CON 1.2.3 Industrial Use Impacts. Industrial land uses shall minimize their negative impacts on air quality. When incompatible with neighboring or proximate residential, conservation, or environmentally sensitive areas, industrial land uses shall be directed to alternative sites where their impacts are minimized.

RESPONSE: The commerce park development is not anticipated to cause any adverse impacts on the area.

CON 1.4.1 Wellhead Protection. Escambia County shall provide comprehensive wellhead protection from potential adverse impacts to current and future public water supplies. The provisions shall establish specific wellhead protection areas and address incompatible land uses, including prohibited activities and materials, within those areas.

RESPONSE: As referenced earlier, the ECUA Well Head Location Map does not identify any protected areas within 3 miles of this site.

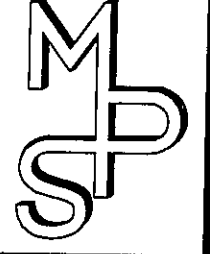
CON 1.6.2 Identification and Protection. Escambia County shall ensure the identification and protection of vegetation through LDC provisions that require protected trees and unique vegetative communities to be accurately located and described on development plans submitted for approval. In addition, the plans must include implementation provisions, such as

effective temporary construction barricades, for the protection and preservation of vegetation not approved for removal.

RESPONSE: All protected trees and unique vegetative communities will be protected from harm by means shown in the development plans.

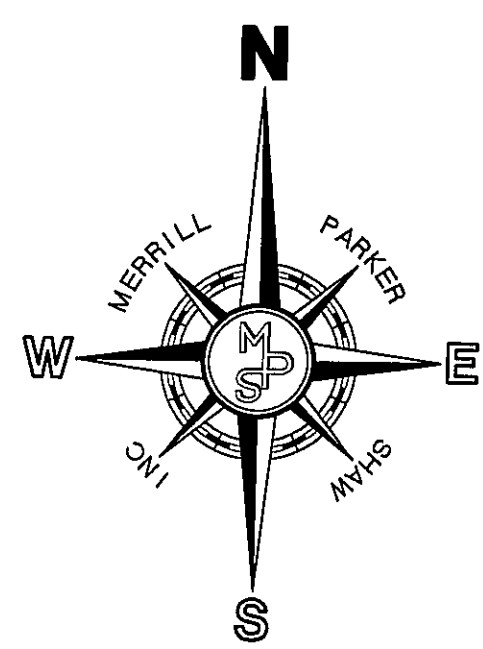
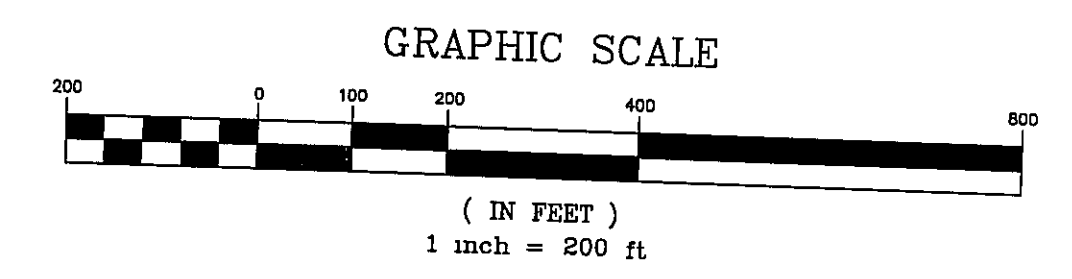
ICE 1.1.1 Large-Scale Future Land Use Map Amendments. Escambia County shall submit a copy of any proposed large-scale Future Land Use Map (FLUM) amendment to adjacent municipalities and counties within the jurisdiction of the Florida Department of Community Affairs and other units of government providing services but not having regulatory authority over the use of land provided that those agencies have submitted a written request to Escambia County for such information as required by Section 163.3184(3)(a), Florida Statutes. Procedures for intergovernmental coordination with the Escambia County School Board shall be governed by the Interlocal Agreement for Public School Facility Planning and Objective 1.5 of the Public School Facilities Element.

RESPONSE: Interlocal review and comment on the proposed FLUM change will be afforded by distribution of the application by the County to all review agencies as required by **Section 163.3184(3)(a), Florida Statutes.**



BOUNDARY SURVEY

A PORTION OF SECTION 34, TOWNSHIP-1-NORTH, RANGE-31-WEST, ESCAMBIA COUNTY, FLORIDA.



ACREAGE SUMMARY
 TOTAL WETLANDS = 26.03
 TOTAL UPLANDS = 66.98
 TOTAL ACREAGE = 93.01 ACRES

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 09°12'27" W	28.42'	L82	S 18°51'01" W	57.41'
L2	S 36°16'15" W	46.60'	L83	S 20°58'04" W	53.60'
L3	N 82°14'47" W	57.18'	L84	S 59°44'14" W	53.79'
L4	N 59°21'58" W	42.50'	L85	S 15°03'38" E	49.29'
L5	S 46°27'24" W	44.03'	L86	S 33°28'28" W	85.15'
L6	N 85°24'46" W	59.19'	L87	S 13°45'43" W	59.13'
L7	S 44°05'17" W	44.40'	L88	S 30°28'28" W	49.37'
L8	S 22°01'30" W	46.12'	L89	S 17°38'24" W	77.32'
L9	S 30°16'22" W	48.12'	L90	S 12°28'59" W	47.01'
L10	S 64°40'29" W	84.86'	L91	S 47°57'43" W	73.09'
L11	N 87°47'11" W	47.10'	L92	S 36°28'45" W	80.95'
L12	S 75°32'39" W	84.00'	L93	S 48°59'45" W	47.98'
L13	S 62°53'07" W	84.00'	L94	S 12°28'59" W	50.88'
L14	S 84°49'23" W	57.83'	L95	S 56°10'27" W	50.88'
L15	S 50°12'47" W	61.19'	L96	S 59°36'34" W	98.05'
L16	S 07°15'58" W	64.83'	L97	S 49°10'17" W	84.06'
L17	S 35°47'14" W	63.80'	L98	S 24°40'57" W	84.81'
L18	S 28°33'49" W	56.14'	L99	S 01°57'08" W	70.94'
L19	S 40°58'32" W	59.12'	L100	S 53°27'59" E	94.03'
L20	S 01°34'29" E	47.87'	L101	S 58°04'41" E	51.24'
L21	S 18°19'33" W	59.98'	L102	S 29°17'36" E	49.54'
L22	S 53°53'11" W	101.69'	L103	N 40°09'30" E	51.24'
L23	S 39°21'20" W	87.50'	L104	N 68°03'04" E	45.72'
L24	S 47°42'41" W	49.43'	L105	N 29°27'17" E	88.88'
L25	S 78°01'05" W	77.17'	L106	N 66°11'34" E	82.41'
L26	S 73°39'28" W	74.86'	L107	N 43°14'37" E	34.94'
L27	S 43°28'06" W	88.56'	L108	N 33°49'47" E	30.41'
L28	S 12°19'25" W	69.00'	L109	N 34°04'15" E	45.70'
L29	N 85°31'23" W	89.00'	L110	N 47°15'01" E	71.07'
L30	S 00°33'55" W	11.28'	L111	N 76°05'13" E	38.94'
L31	S 70°36'04" E	8.36'	L112	N 57°21'20" E	38.27'
L32	S 80°33'59" E	52.08'	L113	N 24°30'15" E	43.55'
L33	N 07°43'51" E	52.08'	L114	N 84°59'09" E	46.29'
L34	N 71°12'58" E	78.46'	L115	N 85°10'25" E	49.13'
L35	N 72°33'28" E	59.93'	L116	N 69°49'27" E	64.80'
L36	N 80°18'00" E	86.63'	L117	N 70°38'20" E	28.82'
L37	N 57°20'53" E	39.98'	L118	N 80°09'46" E	51.13'
L38	S 43°47'24" E	38.19'	L119	N 72°55'04" W	24.37'
L39	N 52°53'18" E	44.70'	L120	N 80°09'46" E	51.13'
L40	N 18°03'42" E	86.50'	L121	N 72°55'04" W	24.37'
L41	N 71°08'29" E	63.75'	L122	S 72°55'04" W	24.37'
L42	N 38°08'44" E	58.18'	L123	S 27°56'37" W	42.28'
L43	N 48°56'21" E	64.00'	L124	S 07°04'22" W	42.28'
L44	N 50°01'40" E	43.31'	L125	S 26°14'22" W	82.29'
L45	N 09°38'24" E	41.79'	L126	S 33°12'02" E	84.65'
L46	N 32°58'12" E	47.91'	L127	S 24°05'35" W	64.07'
L47	S 88°00'41" E	67.14'	L128	S 65°51'08" W	29.23'
L48	S 89°50'31" E	33.93'	L129	S 72°38'43" W	21.12'
L49	S 47°00'36" E	65.35'	L130	S 44°48'48" W	38.89'
L50	N 68°37'41" E	37.05'	L131	S 48°57'29" E	72.57'
L51	S 64°48'18" E	47.88'	L132	S 89°40'59" E	25.89'
L52	S 38°15'42" E	58.17'	L133	S 39°06'56" E	22.29'
L53	S 47°29'23" E	58.17'	L134	N 60°09'09" E	24.17'
L54	S 61°08'37" E	54.49'	L135	N 60°09'09" E	24.17'
L55	S 63°58'07" E	61.25'	L136	N 27°00'50" E	55.48'
L56	S 51°33'35" E	55.19'	L137	N 33°07'09" E	27.74'
L57	S 50°30'38" E	69.06'	L138	N 00°22'51" E	22.32'
L58	S 09°01'02" W	43.35'	L139	N 37°24'14" E	40.28'
L59	S 02°37'19" W	48.91'	L140	N 42°41'23" E	32.77'
L60	S 38°13'54" W	67.19'	L141	N 29°36'48" E	36.50'
L61	S 24°08'34" E	59.94'	L142	N 30°37'28" E	6.45'

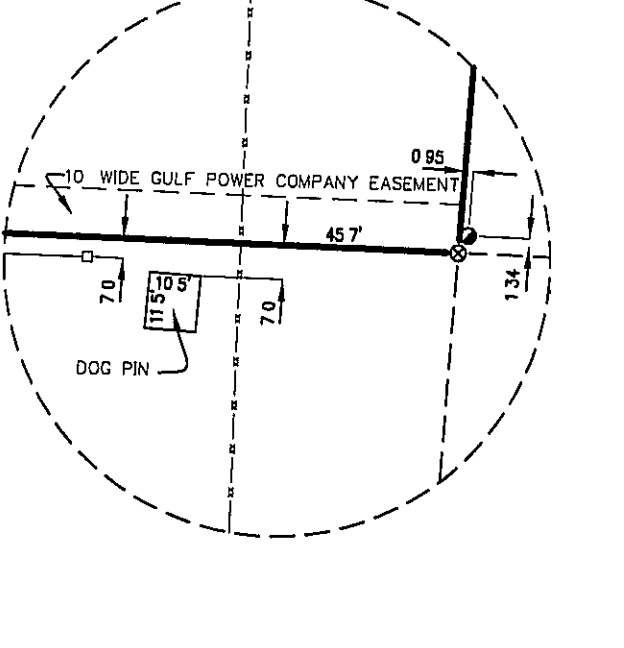
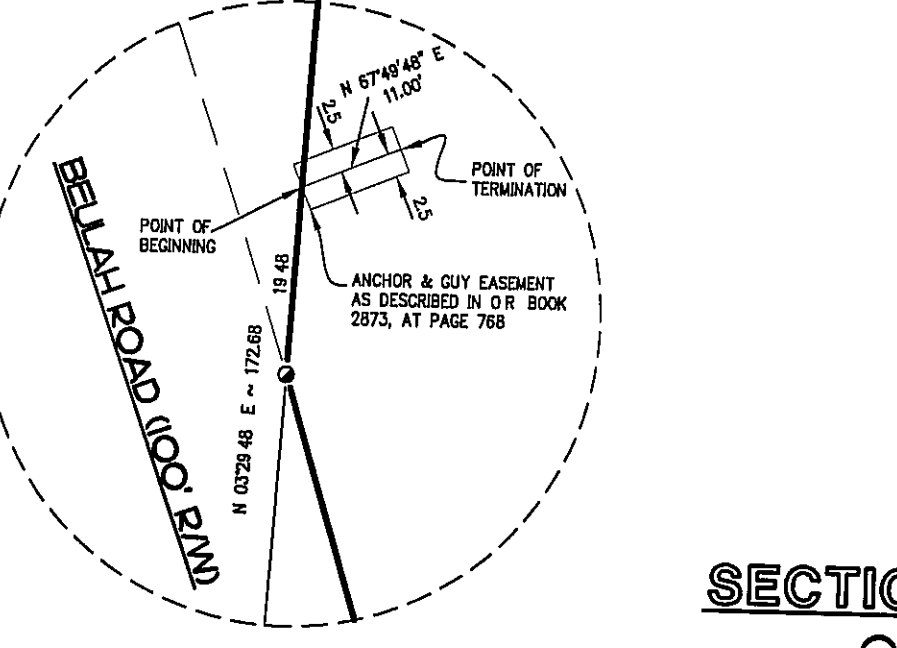
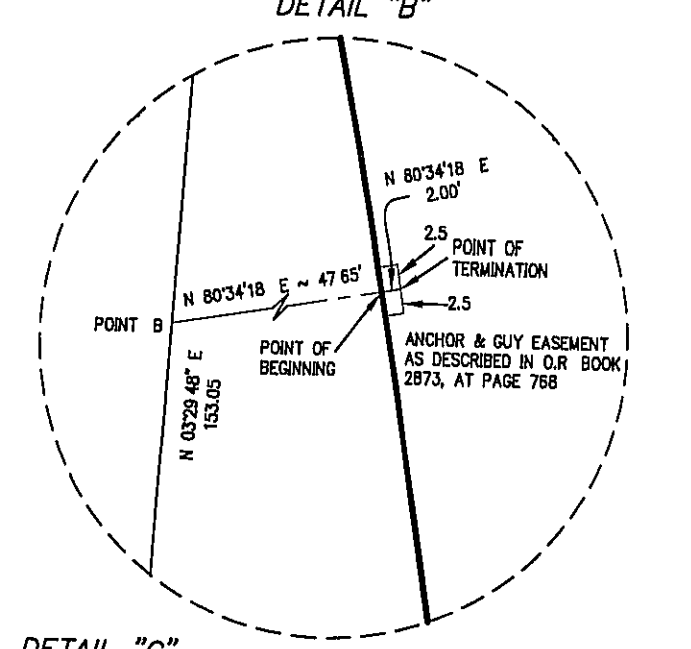
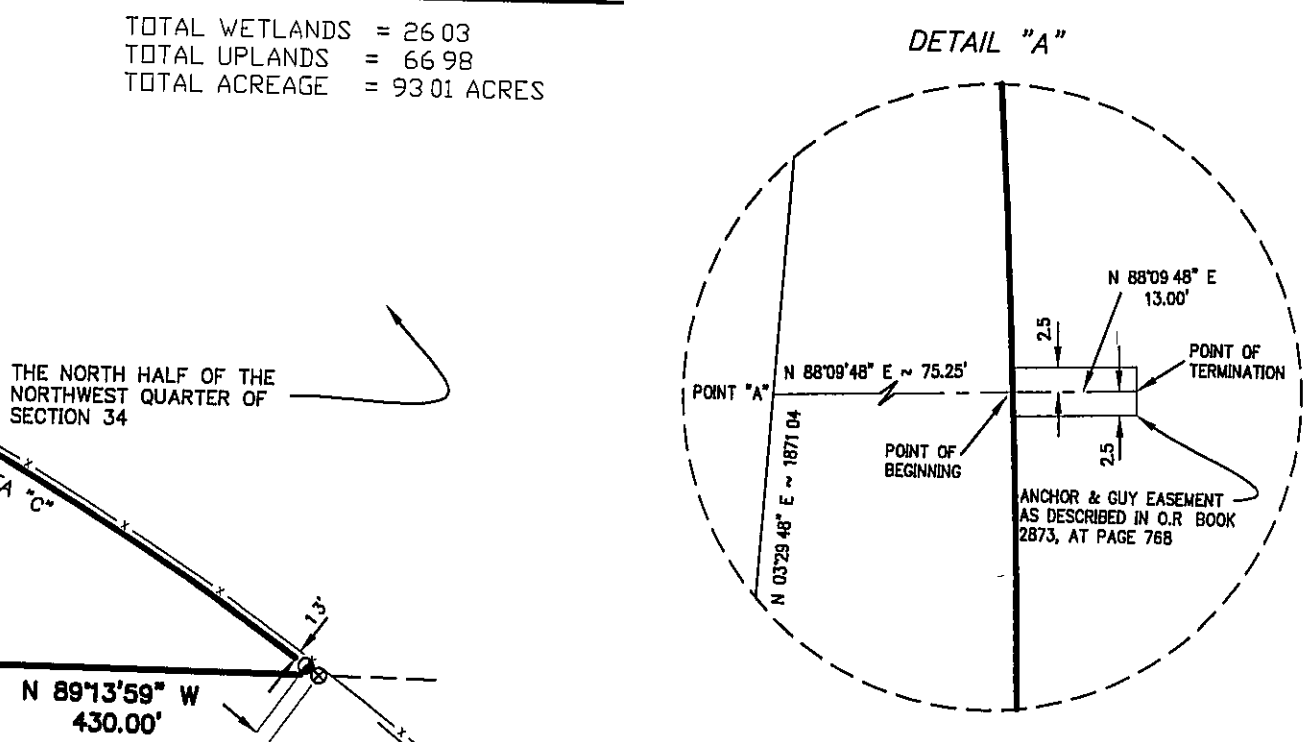
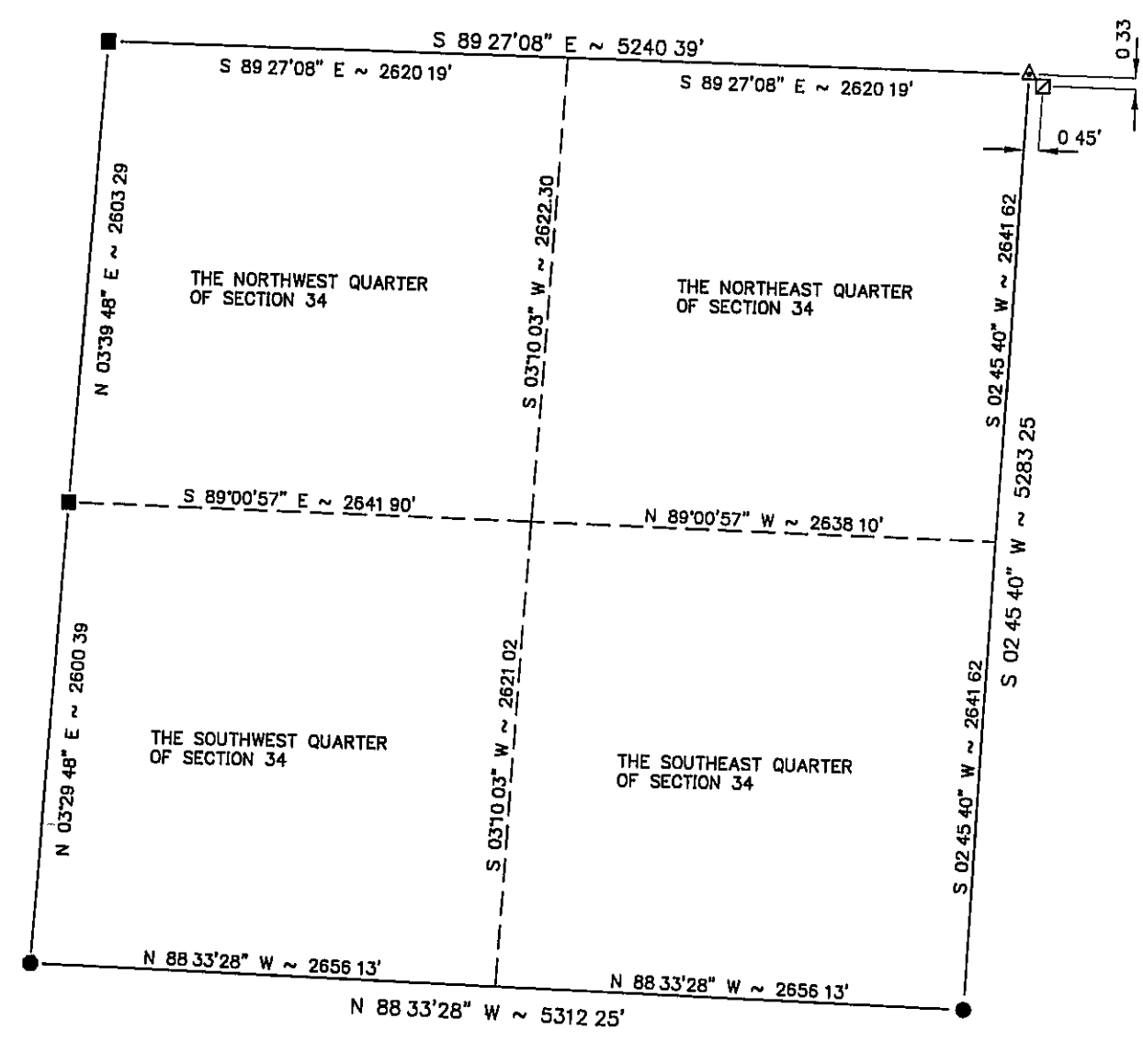
DESCRIPTION: (AS FURNISHED)

All of that portion of the following described property lying Southerly of Interstate 10 right-of-way the N 1/2 of the NW 1/4, the NW 1/4 of the SW 1/4 and the SW 1/4 of the NW 1/4, all being in Section 34, Township 1 North, Range 31 West, Escambia County, Florida. LESS AND EXCEPT Road right-of-way for State Road 99 as recorded in O.R. Book 492, Page 764, Public Records of Escambia County, Florida

SURVEYOR'S NOTES.

- THE NORTH ARROW AND BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE ASSUMED BEARING OF SOUTH 70 DEGREES 17 MINUTES 45 SECONDS EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF INTERSTATE 10 (STATE ROAD NO 8)
- SOURCE OF INFORMATION: THE DESCRIPTION AS FURNISHED BY CLIENT AND EXISTING FIELD MONUMENTATION
- NO TITLE SEARCH WAS PERFORMED BY OR FURNISHED TO MERRILL PARKER SHAW, INC. FOR THE SUBJECT PROPERTY THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, RIGHTS-OF-WAY, EASEMENTS, BUILDING SETBACKS, RESTRICTIVE COVENANTS, GOVERNMENTAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES AND/OR USE OF THE SUBJECT PROPERTY
- ONLY THE ABOVE GROUND VISIBLE ENCROACHMENTS AND IMPROVEMENTS WERE FIELD LOCATED AS SHOWN HEREON, UNLESS OTHERWISE NOTED UNDERGROUND ENCROACHMENTS AND IMPROVEMENTS, IF ANY, WERE NOT FIELD LOCATED OR VERIFIED, UNLESS OTHERWISE NOTED
- THE SURVEY AS SHOWN HEREON DOES NOT DETERMINE OWNERSHIP
- THE MEASUREMENTS MADE IN THE FIELD, INDICATED THUSLY (F), AS SHOWN HEREON WERE MADE IN ACCORDANCE WITH UNITED STATES STANDARDS
- FEDERAL AND STATE COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE. THIS MAP IS NOT TO BE COPIED OR REPRODUCED IN WHOLE OR PART AND IS NOT TO BE USED FOR ANY OTHER TRANSACTION. THIS DRAWING CANNOT BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER AND IS TO BE RETURNED UPON REQUEST
- THE ELEVATIONS AS SHOWN HEREON ARE REFERENCED TO NORTH AMERICAN VERTICAL DATUM OF 1988 FROM THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BENCHMARK STAMPED "110 W 8" HAVING A PUBLISHED ELEVATION OF 116.07 FEET
- THE UTILITIES AS SHOWN HEREON INDICATE VISIBLE LOCATION ONLY, THERE MAY BE OTHER UNDER GROUND UTILITIES THAT HAVE NOT BEEN LOCATED OR VERIFIED. IT IS THE CONTRACTORS RESPONSIBILITY TO NOTIFY THE RESPECTABLE UTILITY SPOTTERS PRIOR TO THE COMMENCEMENT TO WORK ON ANY UNDERGROUND UTILITIES

**SECTIONAL BREAK-DOWN
OF SECTION 34,
TOWNSHIP-1-NORTH, RANGE-31-WEST,
ESCAMBIA COUNTY, FLORIDA.**



- LEGEND:**
- 4" x 4" CONCRETE MONUMENT, MARKED "ST REGIS" (FOUND)
 - 1/2" CAPPED IRON ROD, NUMBER 7174 (SET)
 - 3" ROUND CONCRETE MONUMENT, (FOUND)
 - 1/2" PLAIN IRON ROD, UNNUMBERED (FOUND)
 - 1/2" CAPPED IRON ROD, NUMBER 7312 (FOUND)
 - 4" x 4" PLAIN CONCRETE MONUMENT, (FOUND)
 - RAILROAD SPIKE, UNNUMBERED (FOUND)
 - R/W ~ RIGHT OF WAY
 - P.C. ~ POINT OF CURVATURE
 - (F) ~ FIELD MEASUREMENT/INFORMATION
 - (D) ~ DEED / INFORMATION
 - 4" HIGH CHAIN LINK FENCE
 - 6" HIGH WOOD BOARD FENCE
 - 4" HIGH WIRE FENCE
 - OVERHEAD UTILITY LINES
 - INDICATES NOT TO SCALE
 - UTILITY POLE
 - ELEV ~ ELEVATION
 - B.M. ~ BENCHMARK
 - S ~ CONTOUR LINE
 - BENCHMARK IN VICINITY

CERTIFIED TO:

THAT THE SURVEY SHOWN HEREON MEETS THE FLORIDA MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN THE STATE OF FLORIDA, ACCORDING TO FLORIDA ADMINISTRATIVE CODE, CHAPTER 61G17-6, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES

MERRILL PARKER SHAW, INC.
 4928 N. DAVIS HIGHWAY, PENSACOLA, FL. 32503
E. Wayne Parker 3/29/07
 E WAYNE PARKER, PROFESSIONAL LAND SURVEYOR
 REGISTRATION NUMBER 3683 CORPORATE NUMBER 7174
 STATE OF FLORIDA

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E. WAYNE PARKER, P.L.S. NO. 3683, CORPORATE NO. 7174, STATE OF FLORIDA

MERRILL PARKER SHAW, INC.
 PROFESSIONAL ENGINEERING & SURVEYING SERVICES
 4928 N. DAVIS HWY. PH. (850) 478-4828
 PENSACOLA, FL 32503 FAX. (850) 478-4824
 FLORIDA CORPORATION NUMBER 7174

NO.	DATE	APPR.	REVISIONS

SCALE 1" = 200'

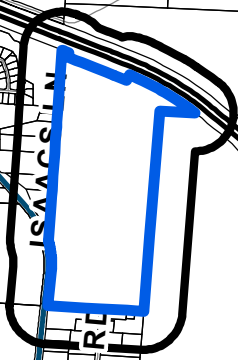
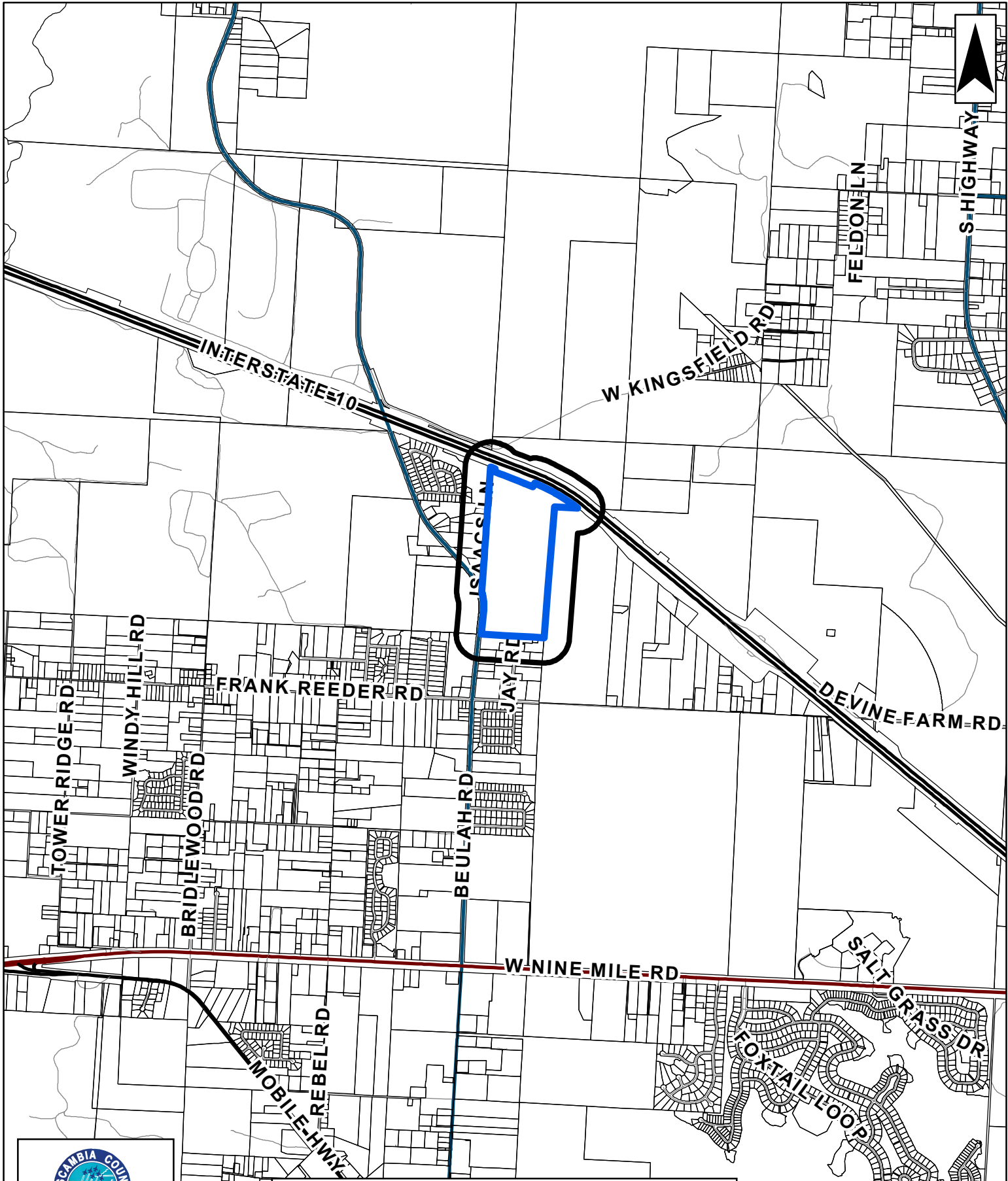
DRAWN WPJ CHECKED WPJ DATE 3/26/07


FIELD DATE 9/27/06 FIELD BOOK 122, PAGE 11-17

BOUNDARY SURVEY
 A PORTION OF SECTION 34,
 TOWNSHIP-1-NORTH, RANGE-31-WEST,
 ESCAMBIA COUNTY, FLORIDA.

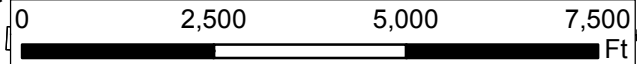
REQUESTED BY: RICKY WIGGINS
 PREPARED FOR: GARRETT WALTON







JOB NO 3055 SHEET 1 OF 1




 This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
 Andrew Holmer
 Planning and Zoning Dept.

LSA-2014-02 LOCATION MAP



-  Buffer
-  PARCELS
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



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Andrew Holmer
Planning and Zoning Dept.

LSA-2014-02 AERIAL MAP



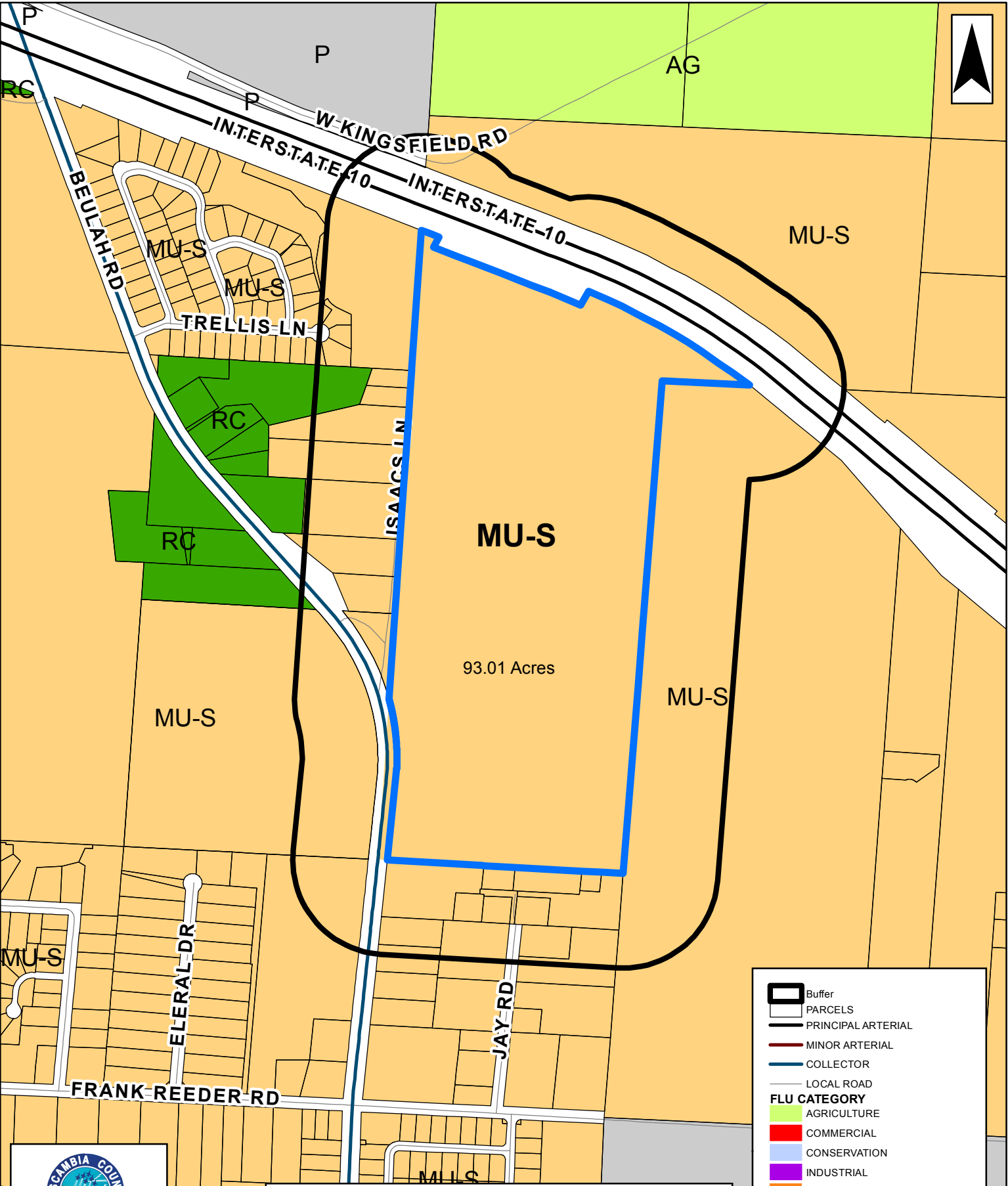
Legend

- Buffer
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD

sde_ras.ESCAMBIA.MOSAIC_2013

RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3



93.01 Acres



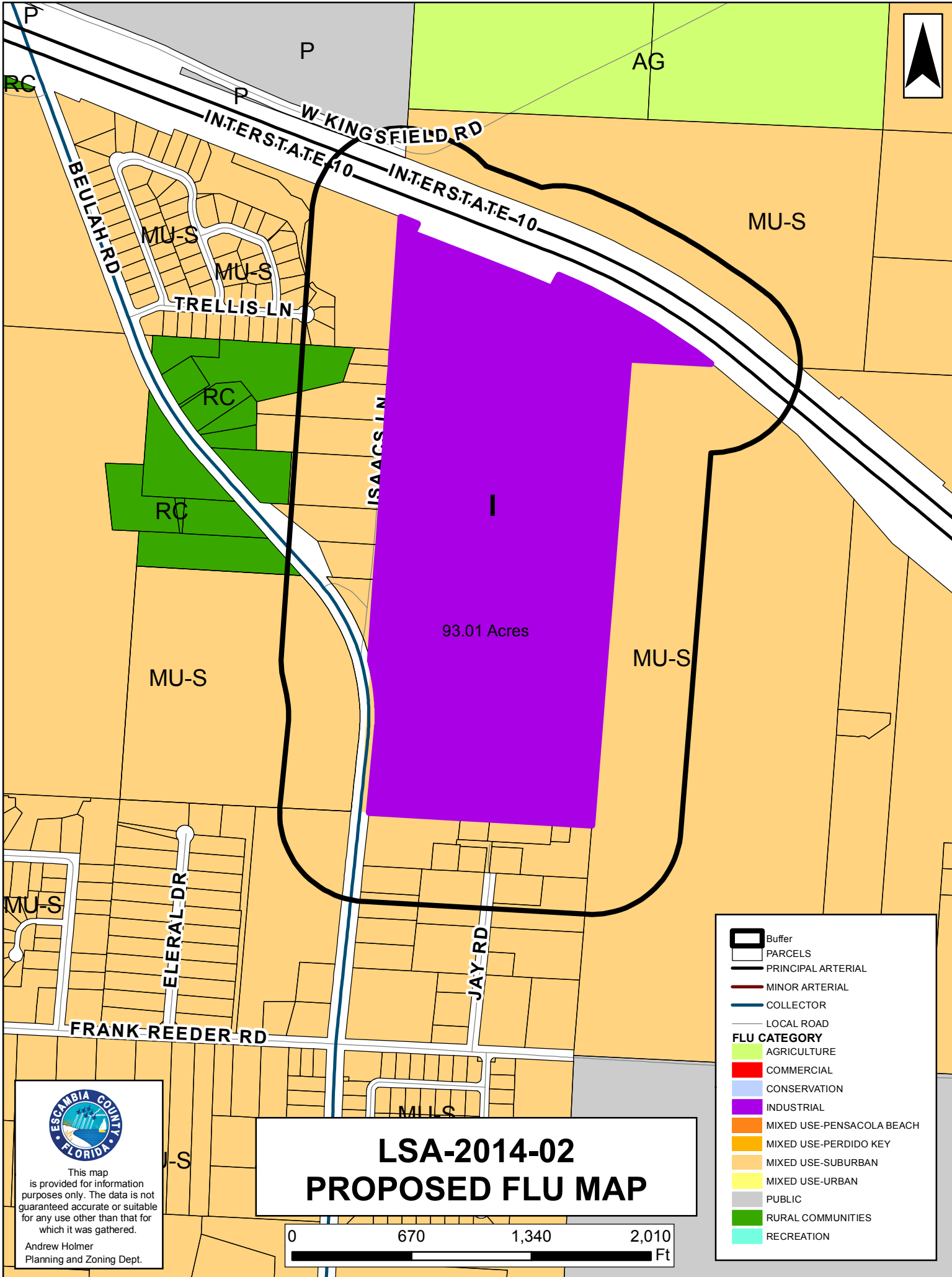
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Andrew Holmer
Planning and Zoning Dept.

LSA-2014-02 EXISTING FLU MAP




	Buffer
	PARCELS
	PRINCIPAL ARTERIAL
	MINOR ARTERIAL
	COLLECTOR
	LOCAL ROAD
FLU CATEGORY	
	AGRICULTURE
	COMMERCIAL
	CONSERVATION
	INDUSTRIAL
	MIXED USE-PENSACOLA BEACH
	MIXED USE-PERDIDO KEY
	MIXED USE-SUBURBAN
	MIXED USE-URBAN
	PUBLIC
	RURAL COMMUNITIES
	RECREATION



93.01 Acres

	Buffer
	PARCELS
	PRINCIPAL ARTERIAL
	MINOR ARTERIAL
	COLLECTOR
	LOCAL ROAD
FLU CATEGORY	
	AGRICULTURE
	COMMERCIAL
	CONSERVATION
	INDUSTRIAL
	MIXED USE-PENSACOLA BEACH
	MIXED USE-PERDIDO KEY
	MIXED USE-SUBURBAN
	MIXED USE-URBAN
	PUBLIC
	RURAL COMMUNITIES
	RECREATION

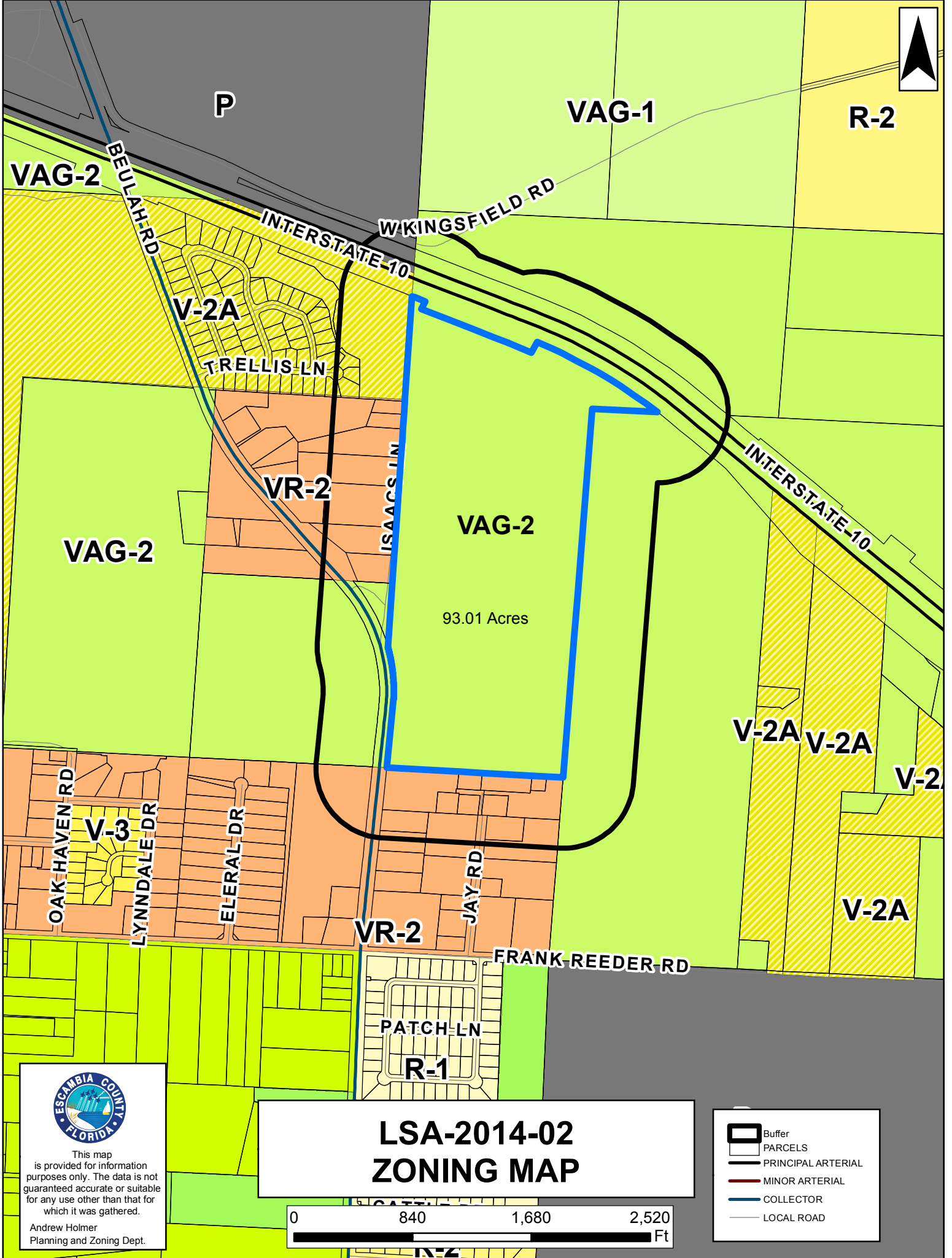


This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

LSA-2014-02 PROPOSED FLU MAP





P

VAG-1

R-2

VAG-2

BEULAH RD

INTERSTATE-10

W KINGSFIELD RD

V-2A

TRELLIS LN

VR-2

ISAACS LN

VAG-2

93.01 Acres

INTERSTATE-10

VAG-2

V-2A

V-2A

V-2A

V-2A

OAK HAVEN RD

V-3

LYNNDALE DR

ELERAL DR

VR-2

JAY RD

FRANK REEDER RD

PATCH LN

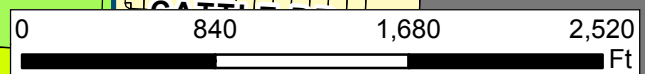
R-1



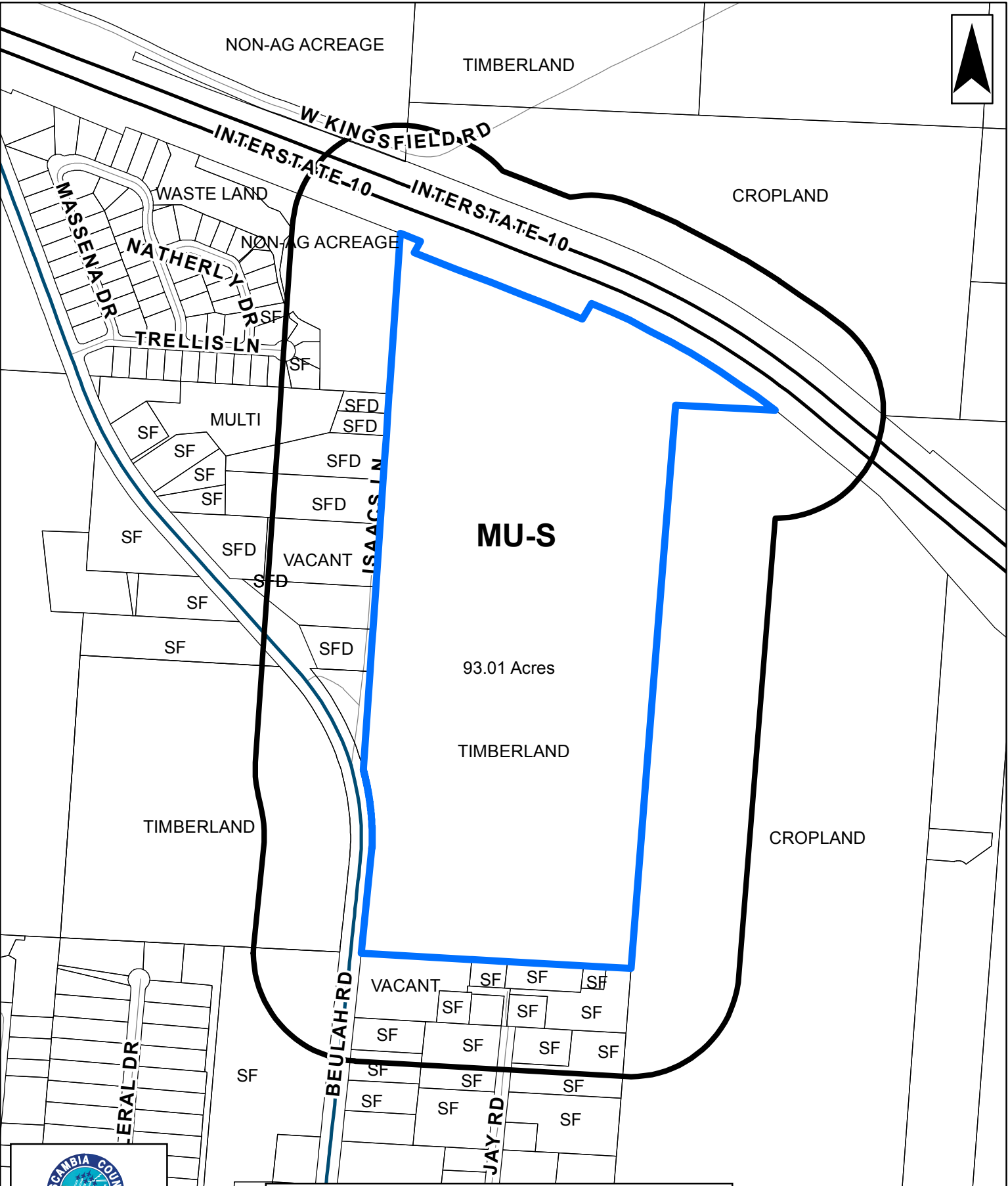
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Andrew Holmer
Planning and Zoning Dept.

LSA-2014-02 ZONING MAP



- Buffer
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



MU-S

93.01 Acres

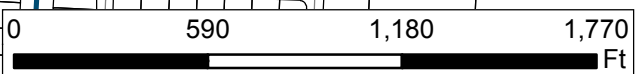
TIMBERLAND



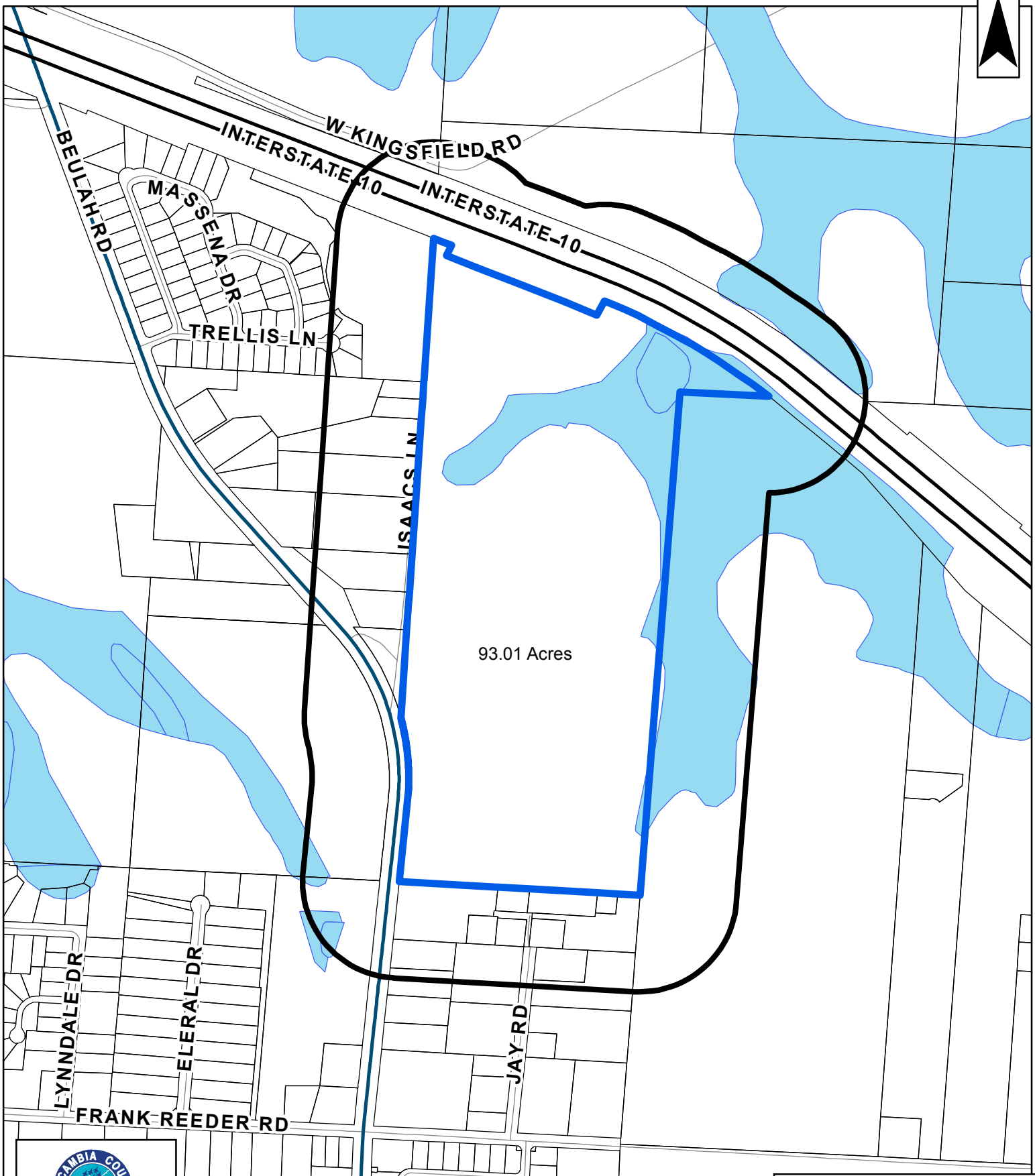
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Andrew Holmer
Planning and Zoning Dept.

LSA-2014-02 EXISTING FLU MAP



- Buffer
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



93.01 Acres



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

LSA-2014-02 WETLAND MAP



- Buffer
- PARCELS
- sde_vec.ESCAMBIA.WETLANDS_2006
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



W KINGSFIELD RD

INTERSTATE-10
INTERSTATE-10

MASSENA DR
TRELIS LN

ISAACS LN

Airfield Influence Planning District

OAKHAVEN RD
LYNDALE DR
ELERAL DR

JAY RD

FRANK REEDER RD

PATCH LN

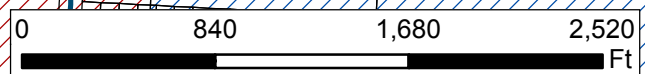
Airfield Influence Planning District



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

LSA-2014-02 AIPD MAP



- Buffer
- PARCELS
- AIPD 1
- AIPD 2
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD

Comprehensive Plan Amendment Staff Analysis

General Data

Project Name: LSA 2014-02 – Briar Ridge LLC
Location: 100 Block Isaacs Lane
Parcel #s: 34-1N-31-2101-000-001
Acreage: 93.01 (+/-) acres
Request: From Mixed-Use Suburban (MU-S) to Industrial (I)
Agent: Wiley C. “Buddy” Page, Agent for Bolley L. Johnson

Meeting Dates: Planning Board April 1, 2014
BCC April 29, 2014

Summary of Proposed Amendment:

The agent requests a Future Land Use (FLU) map amendment to change the FLU category of a 93.01 (+/-) acres parcel from Mixed-Use Suburban FLU to Industrial FLU. The zoning designation for the referenced parcel is VAG-2, Village Agriculture District (non-cumulative). The applicant is aware that the current zoning and proposed FLU are not compatible. The applicant plans on submitting a rezoning request at a later time for FLU and Zoning compatibility. The applicant understands that a rezoning approval will be necessary to make the FLU compatible.

The subject parcel can be accessed along Isaacs Lane and Beulah Road. It is located north of SR 10 (US 90A)/West Nine Mile Road and south of Interstate 10. The property is surrounded by heavy vegetation to the north and to the east. Residential homes are located adjacent to the south and across Isaacs lane to the west.

The applicant has indicated that the proposed activity will be for the development of large buildings to facilitate anticipated demand for such space from the growing aviation economic sector.

Land Use Impacts:

Under Comprehensive Plan FLU Policy 1.3.1, Future Land Use categories descriptions, the current Mixed-Use Suburban (MU-S) FLU is intended for a mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses. Specific allowable uses include residential, retail and services, professional office, recreational facilities, public and civic. The Mixed-Use Suburban FLU does not have any industrial uses allowed and there are no designated intensities for the category.

Staff Analysis: The allowable uses under the proposed Industrial FLU category are intended for an intense mix of industrial development and ancillary office and commercial uses that are deemed to be compatible with adjacent or nearby properties. Industrial areas shall facilitate continued industrial operations within the County and provide jobs and employment security for present and future residents. If the Large Scale Amendment is approved, there will be no residential densities allowed. The Industrial FLU allows for a maximum intensity of 1.0 floor area ratio (FAR).

A rezoning must be established at a later time for a FLU and Zoning compatibility. The applicant understands that a rezoning approval will be necessary to make the FLU compatible. Any proposed improvements within the parcel will be further evaluated during the Site Plan Review process for overall concurrency. No formal projects have been submitted at this time.

Infrastructure Availability:

FLU 1.5.3 New Development and Redevelopment in Built Areas

To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).

FLU 2.1.1 Infrastructure Capacities

Urban uses shall be concentrated in the urbanized areas with the most intense development permitted in the Mixed-Use Urban (MU-U) areas and areas with sufficient central water and sewer system capacity to accommodate higher density development. Land use densities may be increased through Comprehensive Plan amendments. This policy is intended to direct higher density urban uses to those areas with infrastructure capacities sufficient to meet demands and to those areas with capacities in excess of current or projected demand. Septic systems remain allowed through Florida Health Department permits where central sewer is not available.

GOAL CMS 1 Concurrency Management System

Escambia County shall adopt a Concurrency Management System to ensure that facilities and services needed to support development are available concurrent with the impacts of such development.

OBJ CMS 1.1 Level of Service Standards

Ensure that Escambia County's adopted Level of Service (LOS) standards for roadways, mass transit, potable water, wastewater, solid waste, stormwater, public schools and recreation will be maintained.

CMS 1.2.1 Concurrency Determination.

The test for concurrency shall be met and the determination of concurrency shall be made prior to the approval of an application for a development order or permit that

contains a specific plan for development, including the densities and intensities of the proposed development. If an applicant fails concurrency, he/she may apply to satisfy the requirements of the concurrency management system through the proportionate fair share program. For applicants participating in the proportionate fair share program, the BCC must approve a proportionate fair share agreement before a certificate of concurrency can be issued. A multi-use Development of Regional Impact (DRI) may satisfy the transportation concurrency requirements of the concurrency management system and of Section 380.06, Florida Statutes, by payment of a proportionate share contribution in accordance with the terms of Section 163.3180(12), Florida Statutes.

CON 1.2.3 Industrial Use Impacts. *Industrial land uses shall minimize their negative impacts on air quality. When incompatible with neighboring or proximate residential, conservation, or environmentally sensitive areas, industrial land uses shall be directed to alternative sites where their impacts are minimized.*

Potable Water

The agent's application packet contains a letter from the Emerald Coast Utility Authority, stating that potable water service is available in the area of the proposed amendment. The applicant stated in the narrative that current consultation with ECUA is in progress, in order to coordinate site and system improvements and potential update requirements.

Staff Analysis: Emerald Coast Utilities Authority (ECUA) standard for non-residential uses, the LOS requirements shall be based upon an Equivalent Residential Connection (ERC) to be calculated by the service provider at the time of application. Once the project is submitted and in coordination with ECUA, all of the LOS standards will be evaluated, during the Site Plan Review process.

Sanitary Sewer The applicant stated in their analysis that ECUA has available capacity to provide sanitary sewer service to the site. The agent is currently coordinating with ECUA on system requirements and potential upgrades.

Staff Analysis: The adopted level of service standards for sanitary sewer established in Comprehensive Plan Policy INF 1.1.9 states that the LOS requirements shall be based upon an equivalent residential connection calculated by the provider. The applicant must coordinate with the local provider to ensure capacity is available for the project. Once the project is submitted, all of the LOS will have to be achieved and the project will be further evaluated during the Site Plan Review process.

Solid Waste Disposal

The agent stated that the proposed project will use ECUA for solid waste disposal.

Staff Analysis: As established in Comprehensive Plan policy INF 2.1.4, the adopted LOS standard for solid waste disposal in the county is six pounds per capita per day. The Perdido Landfill current build-out of the 424-acre landfill facility is 74 acres. Based

on population growth projections and estimated annual Class 1 municipal solid waste (MSW) received, the estimated remaining life of the landfill is 70 years. Once the project is submitted, all of the LOS will be evaluated during the Site Plan Review process.

Stormwater Management

Comprehensive Plan Policy INF 3.1.9 establishes the following minimum level of service standards for drainage:

- a. The post development run-off rate shall not exceed the pre-development run-off rate for a 25-year storm event, up to and including an event with greatest intensity. However, the County Engineer may reduce detention/retention storage requirements for developments that provide a direct discharge of treated stormwater to the Gulf of Mexico, Escambia Bay, Pensacola Bay, or Perdido Bay.*
- b. Compliance with environmental resource permitting and other stormwater design and performance standards of the Florida Department of Environmental Protection and Northwest Florida Water Management District as prescribed in the Florida Administrative Code.*
- c. The contribution of the new development to any existing, functioning area-wide drainage system shall not degrade the ability of the area-wide system to adequately retain/detain/store and control stormwater run-off.*
- d. The design and construction for all major channels of stormwater systems under arterial and collector roads shall be predicated upon, and designed to control stormwater from, at least a 100-year storm event.*

The agent stated that at time of application, storm water management plans will be submitted for concurrency evaluation.

Staff Analysis: The applicant must ensure that all of the required State and Federal agencies are contacted and that the required permits are obtained. The presence of sensitive lands on site may require a more in-depth assessment by the agencies involved. The County stormwater engineer will evaluate the proposed project to ensure all of the stormwater management standards are met. Once the project is formally submitted, all of the LOS will be evaluated during the site plan review process.

Traffic Concurrency

*Under Comp Plan CMS 1.1.2 **Primary Tasks.** The County Administrator, or designee, shall be responsible for the five primary tasks described below:*

- a. Maintaining an inventory of existing public facilities and capacities or deficiencies;*
- b. Determining concurrency of proposed development that does not require BCC approval;*
- c. Providing advisory concurrency assessments and recommending conditions of approval to the BCC for those applications for development orders that require BCC approval;*
- d. Reporting the status of all public facilities covered under this system to the BCC and recommending a schedule of improvements for those public facilities found to have*

existing deficiencies; and

e. Administering the Proportionate Fair Share Program as outlined in the Land Development Code (LDC) and the Escambia County Concurrency Management System Procedure Manual, if the County CMS-1 and an applicant choose to utilize this program to mitigate transportation impacts on transportation facilities found to have deficient capacity during the process of testing for concurrency.

The application documents state that the proposed development will not degrade Beulah Road which is a 100' wide collector County maintained roadway. Given that the site has much of its developable portions in the middle and southerly areas, ingress and egress will likely be directly onto Beulah Road near the most southwestern corner of the site.

Staff Analysis: The anticipated impact to the local (County) roadways affected by this proposed development with a FLU designation of (I) would have less of a traffic impact than the allowable development of the site under the current FLU (MU-S) where several improvements may be required. Traffic impacts surrounding roadways have not been analyzed at this stage of development. A traffic impact study will be required during the development review process according to Article 5 of the Land Development Code.

Future developments will pay all costs and construct all roads within the development as well as existing and proposed access roads (internal and external) to Escambia County or FDOT standards so that the roads, upon construction, may be accepted into county or state road system. Escambia County will consider public-private partnerships (P-3s) as a valid mechanism to obtain transportation funding.

Once the project is submitted, all of the LOS will be evaluated during the Site Plan Review process.

Recreation and Open Space

Escambia County Comprehensive Plan, Section 3.04, Definitions.

Open space: Land or portions of land preserved and protected, whether public or privately owned and perpetually maintained and retained for active or passive recreation, for resource protection, or to meet lot coverage requirements. The term includes, but is not limited to, required yards, developed recreation areas and improved recreation facilities, natural and landscaped areas, and common areas.

REC1.3.2 Open Space Requirements. *Escambia County shall require the provision of open space by private development when such development is a planned unit development, a multi-family development, a mixed use commercial area or other similar types of development where relatively large land areas are involved. The requirements shall be contained within the LDC. All development projects of five acres or more shall be required to provide open space within the development or contribute to a fund therefore. Nothing in this policy shall be interpreted to eliminate the provision of open space for all projects as required by County regulations.*

The applicant stated that the proposed project with which the parcel is associated does not anticipated that this proposed request will have any impact upon the recreational resources of the County. Considerable wetland acreage will be preserved in its natural open state.

Staff Analysis: Once the project is submitted, all of the LOS will be evaluated during the Site Plan Review process. The proposed future development will have to meet the existing adopted open space and recreation requirements of the LDC.

Schools

OBJ PSF 2.1 Level of Service Standards

The narrative from the applicant states that he has not requested a letter identifying potential development impacts for school facilities due to the proposed FLUM amendment to Industrial would prohibit residential development, while the existing FLUM designation of MU-S allows for residential development. Therefore, this proposed amendment would be anticipated to lessen potential impacts on school related services.

Staff Analysis: Representatives from the Escambia County School District will review and comment on all proposals that could have an impact in the projected school capacities and LOS. As a non-residential development, it is anticipated that this proposed use will not have any impact upon the school resources in the County.

SUMMARY: Staff concludes that the proposed development will satisfy all of the requirements listed within the infrastructure analysis.

ANALYSIS OF SUITABILITY

Suitability: *The degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development.*

Impact on Wellheads, Historically Significant Sites and the Natural Environment: Wellheads:

CON 1.4.1 Wellhead Protection. Escambia County shall provide comprehensive wellhead protection from potential adverse impacts to current and future public water supplies. The provisions shall establish specific wellhead protection areas and address incompatible land uses, including prohibited activities and materials, within those areas.

The applicant provided a Well Head Proximity Map that shows there is no well head within 3 miles of the site.

Staff Analysis: Further evaluation by the Environmental Division and ECUA will be required to ensure standards for wellhead protection areas will be maintained. Once the project is submitted, all of the LOS will be evaluated during the Site Plan Review process.

Historically Significant Sites

*FLU 1.2.1 **State Assistance.** Escambia County shall utilize all available resources of the Florida Department of State, Division of Historical Resources in the identification of archeological and/or historic sites or structures within the County. The County will utilize guidance, direction and technical assistance received from this agency to develop provisions and regulations for the preservation and protection of such sites and structures. In addition, the County will utilize assistance from this agency together with other sources, such as the University of West Florida, in identifying newly discovered historic or archaeological resources. The identification will include an analysis to determine the significance of the resource.*

The applicant stated it will assist in any way possible, however did not provide any site requested information from the State of Florida Division of Historical Resources (DHR), or the University of West Florida to identify any historic or archaeological resources.

Staff Analysis: Staff was not provided with any historical information from the applicant.

Wetlands

*CON 1.1.2 **Wetland and Habitat Indicators.** Escambia County has adopted and will use the National Wetlands Inventory Map, the Escambia County Soils Survey, and the Florida Fish and Wildlife Conservation Commission's (FFWCC) LANDSAT imagery as indicators of the potential presence of wetlands or listed wildlife habitat in the review of applications for development approval.*

The north and easterly side of the site have been identified with wetlands and hydric soils using Escambia County GIS layers.

Staff Analysis:

The applicant has not provided staff with any evaluation of wetlands information. Staff's review of the County's GIS layer shows a large amount of wetlands on the northern and eastern side of the parcel. The applicant must ensure that all of the required State and Federal agencies are contacted and that the required permits are obtained. The presence of sensitive lands on site may require a more in-depth evaluation by the agencies involved. Escambia County staff will evaluate the proposed project to ensure all of the standards for wetlands protection indicated in the LDC, are met. Once the project is formally submitted, it will be evaluated during the Site Plan Review process.

SUMMARY: The proposed project shall avoid any potential impacts to environmentally sensitive areas and should preserve the natural function of wetlands and natural resources on the subject parcel. Staff will need a more in-depth evaluation of the land to conclude that the proposed development could satisfy all of the requirements listed within the suitability analysis.

Urban Sprawl:

A development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

1. Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

The proposed amendment is part of a strategy directing this type of intense development to the central part of the county, away from sensitive coastal areas to the South, and USDA prime soils and farmlands to the North; The proposed Industrial use expansion will direct economic growth and the associated land development to an area that will complement the existing growth patterns of development in the vicinity of the property, thereby minimizing the adverse impacts to natural resources and the existing ecosystems.

2. Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

The proposed amendment is in close proximity to the extensive infrastructure that is accessed by other similar uses within the area. The development promotes the principle of good development by taking advantage of an existing roads and interstate highway as a close proximity for development and is aimed at reducing the capital and operating costs of providing public infrastructure. As a result of the proximity to similar existing uses, the proposed amendment would reduce transportation costs, including the per capita costs to consumers to own and operate vehicles, road and parking facility costs, traffic accidents and pollution emissions.

3. Promotes conservation of water and energy.

The proposed amendment will ensure that the proposed development is conducted in an efficient manner. Specifically, the proximity of the subject property to other existing development will provide for an efficient integration of infrastructure and services that will conserve both water and energy.

4. Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.

The amendment will allow for a comprehensive mix of uses that will result in a compatible blend between the existing recreational amenities and any proposed development.

Staff Analysis: It appears that the proposed amendment has met four of the eight criteria to discourage the proliferation of urban sprawl.

Comprehensive Plan Consistency and Relevant Policies:

Urban Sprawl:

A development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner and failing to provide a clear separation between urban and rural uses.

FLU 1.3 Future Land Use Map Designations:

“Designate land uses on FLUM to discourage urban sprawl, promote mixed use, compact development in urban areas, and support development compatible with the protection and preservation of rural areas.”

Mixed Use Urban Future Land Use Category:

FLU 1.3.1 states that the Industrial FLU “provides for and allows for a mix of industrial development and ancillary office and commercial uses that are deemed to be compatible with adjacent or nearby properties. Industrial areas shall facilitate continued industrial operations within the County and provide jobs and employment security for present and future residents.”

Staff Analysis: As previously elaborated, the site has been evaluated for potable water, sanitary sewer, solid waste disposal, stormwater management, and traffic concurrency. The adopted levels of service would appear to be maintained with the proposed industrial development of the parcel. If the amendment is approved, the parcel must go through the quasi-judicial rezoning process. The completed application packet will then be reviewed and evaluated for concurrency as part of the Site Development Review process.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

5. B.

Meeting Date: 04/01/2014

Issue: Five-Year-Schedule of Capital Improvements

From: Horace Jones, Interim Department Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance adopting the 2013-2017 Annual Update to the Five-Year Schedule of Capital Improvements

That the Board review and adopt an ordinance adopting the 2013-2017 Update to the Five-Year Schedule of Capital Improvements.

BACKGROUND:

The purpose of this Ordinance is to fulfill the requirements of Section 163.3177(3)(b), Florida Statutes, by adopting the 2013-2017 Update to the Five-Year Schedule of Capital Improvements.

BUDGETARY IMPACT:

No budgetary impact is anticipated by the adoption of this Ordinance.

LEGAL CONSIDERATIONS/SIGN-OFF:

The attached Ordinance has been reviewed and approved for legal sufficiency by Ryan Ross, Assistant County Attorney. Any recommended legal comments are attached herein.

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

IMPLEMENTATION/COORDINATION:

Implementation of this Ordinance will consist of distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

Draft Ordinance 1A

Schedule Exh A

FL-AL TPO Project Priorities Exh B

School Work Plan Exh C

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Annual Update to the 5-Year Schedule of Capital Improvements

Date: 2/26/14

Date requested back by: 3/6/14

Requested by: JC Lemos

Phone Number: 595-3467



(LEGAL USE ONLY)

Legal Review by Ryan E. Ross

Date Received: 2/26/14

XXX Approved as to form and legal sufficiency.

 Not approved.

 Make subject to legal signoff.

Additional comments:

Ordinance title is approved for advertising.

1 **ORDINANCE NUMBER 2014-___**
2

3 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**
4 **ESCAMBIA COUNTY, FLORIDA, ADOPTING THE 2013-2017 UPDATE**
5 **TO THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS;**
6 **PROVIDING FOR SEVERABILITY; PROVIDING FOR UNCODIFIED**
7 **UPDATES; AND PROVIDING FOR AN EFFECTIVE DATE.**
8

9 **WHEREAS**, pursuant to Objective CIE 1.2, Escambia County Comprehensive
10 Plan: 2030, the county is required to annually review and update its Five-Year Schedule
11 of Capital Improvements;
12

13 **WHEREAS**, the Board of County Commissioners of Escambia County, Florida
14 finds that the adoption of this ordinance is in the best interest of the County and its
15 citizens;
16

17 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners
18 of Escambia County, Florida, as follows:
19

20 **Section 1. Purpose**

21 The purpose of this ordinance is to fulfill the requirements of Section 163.3177(3)(b),
22 Florida Statutes, by adopting the 2013-2017 update to the Five-Year Schedule of
23 Capital Improvements.
24

25 **Section 2. Schedule of Capital Improvements**

26 The 2013-2017 update to the Five-Year Schedule of Capital Improvements, attached as
27 Exhibit A, is hereby adopted.
28 29

30 **Section 3. Supporting Documents**

31 A significant portion of the 2013-2017 update to the Five-Year Schedule of Capital
32 Improvements derives from information provided in the following documents, which are
33 incorporated herein by reference:
34

35 The Florida–Alabama Transportation Planning Organization Fiscal-Years 2013-2017
36 Transportation Improvements Program, attached as Exhibit B.
37 38

39 The Escambia County School District 2013-2014 Work Plan, attached as Exhibit C.
40 41

42 **Section 4. Severability**
43
44

1 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
2 unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect
3 the validity of the remaining portions of this Ordinance.
4

5 **Section 5. Uncodified Ordinance**
6

7 Pursuant to Objective CIE 1.2, Escambia County Comprehensive Plan: 2030, due to the
8 frequency of the updates to the Five-Year Schedule of Capital Improvements, this
9 ordinance shall not be codified, but shall be recorded in a book kept for that purpose
10 and maintained by the Clerk of the Board of the County Commissioners, in accordance
11 with Section 125.68, Florida Statutes.
12

13 **Section 6. Effective Date**
14

15 This Ordinance shall become effective upon filing with the Department of State.
16

17
18 **DONE AND ENACTED** this ____ day of _____, 2014.
19

20
21 BOARD OF COUNTY COMMISSIONERS
22 ESCAMBIA COUNTY, FLORIDA
23

24
25 By: _____
26 Lumon J. May, Chairman

27 ATTEST: PAM CHILDERS
28 CLERK OF THE CIRCUIT COURT
29

30
31 By: _____ Date Executed: _____
32 Deputy Clerk
33

34 (SEAL)
35

36 ENACTED:
37

38 FILED WITH THE DEPARTMENT OF STATE:
39

40 EFFECTIVE DATE:
41



*2013-2017
Update to the Five-Year
Capital Improvements
Program Schedule*



FY 2013-2017

Schedule of Capital Improvements

Annual Update

CIP Schedule

Escambia County Government
Office of Management & Budget
Adopted Capital Improvement Program

Description	Adopted Total 2013/14	2014/15	2015/16	2016/17	2017/18
FUND: GENERAL FUND					
Facilities Management - Juvenile Justice					
1 New Security DVR Installation	5,000	0	0	0	0
Facilities Management					
1 Replacement or Upgrade Chiller (Community Probation)	86,200	0	0	0	0
1 Install 3 Variable Air Volume Boxes with Heat (Property Appraiser)	21,000	0	0	0	0
1 Light Retrofit - Energy Conservation (Misc Buildings)	30,000	0	0	0	0
Animal Services					
1 Mobile Animal Lift Table	3,000	0	0	0	0
Public Information Office					
1 Replacement of Camera/Equipment for Outside ECTV Shoots	5,000	0	0	0	0
Supervisor of Elections					
1 Replacement Vehicle (Ford Transit)	20,000	0	0	0	0
1 Mail Equipment Replacement	20,000	0	0	0	0
1 Laptop Replacement (3)	5,000	0	0	0	0
Total General Fund	195,200	0	0	0	0
FUND: OTHER GRANTS AND PROJECTS					
Florida Boating Improvement Funds					
110 Acquisition of property and Construction of a Boat Ramp on Perdido Bay	60,000	0	0	0	0
Total Other Grants and Projects Fund	60,000	0	0	0	0
FUND: JAIL INMATE COMMISSARY					
Inmate Commissary					
111 Inmate Commissary Capital	201,738	0	0	0	0
Jail Inmate Commissary Fund	201,738	0	0	0	0
FUND: LIBRARY					
Library Operations					
113 Books, Publications and Library Materials	235,993	0	0	0	0
Library Information Systems					
113 Replacement Laptops (15)	17,250	0	0	0	0
113 Replacement Desktops (15)	14,250	0	0	0	0
113 Server Hardware	16,500	0	0	0	0
Total Library Fund	283,993	0	0	0	0
FUND: ARTICLE V FUND					
State Attorney - Escambia County (Circuit Criminal)					
115 Desktop PC's (15)	21,000	0	0	0	0
115 Network Printers (3)	2,000	0	0	0	0
115 Network Switch (7)	7,000	0	0	0	0
State Attorney - Santa Rosa County					
115 Desktop PC's (10)	14,000	0	0	0	0
State Attorney - Okaloosa County					
115 Desktop PC's (10)	14,000	0	0	0	0
State Attorney - Walton County					
115 Desktop PC's (5)	7,000	0	0	0	0
115 Network Printer	1,800	0	0	0	0
Court Technology					

**Escambia County Government
Office of Management & Budget
Adopted Capital Improvement Program**

Description	Adopted Total 2013/14	2014/15	2015/16	2016/17	2017/18
115 Polycom MCU Video Conferencing Unit (1)	12,750	0	0	0	0
115 Laptop (1)	1,250	0	0	0	0
Court Security Division - Escambia County					
115 Security Equipment	5,000	0	0	0	0
Court Technology Division - Santa Rosa County					
115 Polycom Video Conferencing Units (2)	14,000	0	0	0	0
115 DFS Server (Dell Server)	5,000	0	0	0	0
115 Laptops (2)	2,500	0	0	0	0
Court Technology Division - Okaloosa County					
115 Polycom Video Conferencing Units (3)	26,750	0	0	0	0
115 DFS Server (Dell Server)	5,000	0	0	0	0
115 Laptops (2)	2,500	0	0	0	0
Regional Conflict Counsel					
115 Laptops (7)	10,000	0	0	0	0
Total Article V Fund	151,550	0	0	0	0
FUND: CDBG HUD ENTITLEMENT FUND					
2013 HUD Community Block Development					
129 Fire Hydrant/Main Upgrade Improvements	90,000	0	0	0	0
129 County Facility H/C Access Improvements	45,000	0	0	0	0
129 Neighborhood Improvement Projects (CRA & County Projects TBD)	80,305	0	0	0	0
2012 HUD Community Block Development					
129 County Facility H/C Access Improvements	50,000	0	0	0	0
129 Neighborhood Improvement Projects (CRA & County Projects TBD)	200,719	0	0	0	0
2011 HUD Community Block Development					
129 County Facility H/C Access Improvements	50,000	0	0	0	0
129 Neighborhood Improvement Projects (CRA & County Projects TBD)	225,095	0	0	0	0
2010 HUD Community Block Development					
129 County Facility H/C Access Improvements	45,106	0	0	0	0
129 Neighborhood Improvement Projects (Englewood Center)	110,000	0	0	0	0
2009 HUD Community Block Development					
129 Neighborhood Improvement Projects (Lexington Terrace Stormwater)	9,800	0	0	0	0
129 County Facility H/C Access Improvements	8,291	0	0	0	0
2008 HUD Community Block Development					
129 County Facility H/C Access Improvements	5,087	0	0	0	0
Total CDBG HUD Entitlement Fund	919,403	0	0	0	0
FUND: COMMUNITY REDEVELOPMENT FUND					
Community Redevelopment Brownsville					
151 Property Acquisition - Frontera Circle	35,000	0	0	0	0
151 Property Acquisition - Anthony Street	50,000	0	0	0	0
151 Property Acquisition - Godwin Street	40,000	0	0	0	0
151 Pace Boulevard Streetscaping	50,000	0	0	0	0
Community Redevelopment Warrington					
151 Park Improvements	65,000	0	0	0	0
Community Redevelopment Palafox					
151 Pace Boulevard Streetscaping	50,000	0	0	0	0
Community Redevelopment Barrancas					

**Escambia County Government
Office of Management & Budget
Adopted Capital Improvement Program**

Description	Adopted Total 2013/14	2014/15	2015/16	2016/17	2017/18
151 Lexington Terrace Park Improvements	50,000	0	0	0	0
Community Redevelopment Englewood					
151 Pace Boulevard Streetscaping	50,000	0	0	0	0
Total Community Redevelopment Fund	390,000	0	0	0	0
FUND: TRANSPORTATION TRUST FUND Fleet Maintenance					
175 Bushogs	46,000	0	0	0	0
175 Dump Truck	35,848	0	0	0	0
175 Lowboy Trailer	15,000	0	0	0	0
Total Transportation Trust Fund	96,848	0	0	0	0
FUND: MASTER DRAINAGE BASINS Engineering					
181 Drainage Projects	45,810	0	0	0	0
Total Master Drainage Basins	45,810	0	0	0	0
FUND: LOCAL OPTION SALES TAX III Public Facilities & Projects					
352 District IV Project	0	0	0	880,000	0
352 Libraries/Community Center	0	0	0	875,000	0
352 Maintenance Shop/Storage - Main Jail	0	0	0	125,000	0
352 Old Molino School	125,000	0	0	0	0
352 Voting Machine Replacements - Supervisor of Elections	0	180,620	85,000	0	602,782
352 4-H Barn/Pig Farm	250,000	0	0	0	0
352 Englewood/Boys & Girls Club	150,000	0	0	0	0
Judicial Capital Improvements					
352 Build out Judges Chambers on 5th Floor	2,000,000	0	0	0	0
Natural Resources/Community Redevelopment					
352 Beachhaven Drainage Project	0	0	215,000	0	0
352 CRA Sewer Expansion: Beach Haven, Bellshead, Mob Hwy., Englewood	0	0	0	228,000	0
352 Environmentally Sensitive Lands Acquisition and Mitigation Bank	100,000	100,000	100,000	100,000	0
352 Navy Boulevard Project	982,000	10,000	0	0	0
352 Palafox Commerce Park Infrastructure	0	190,000	0	0	0
Parks and Recreation					
352 Land Acquisition	200,000	200,000	200,000	200,000	0
352 Park Development/Bayou Grande	468,379	2,810,702	1,110,702	1,110,702	1,110,702
352 Park Maintenance Equipment	68,182	68,182	68,182	68,182	68,182
Fire Services					
352 Fire Station in Beulah	0	1,904,380	0	0	0
352 Vehicle/Apparatus Replacement	250,000	998,659	998,659	998,659	1,099,753
Public Safety					
352 3/4 Ton Cab/Chassis and/or 4WD P/U	11,246	53,385	54,933	55,000	0
352 Ambulances	700,000	720,000	925,000	950,000	0
352 Defibrillators	0	960,000	0	0	0
352 Handheld Pulse OX/Cap Machines	40,000	0	0	0	0
352 Laptop Computers	32,400	44,800	34,800	35,000	0
352 Mobile Radios	39,200	40,000	52,000	55,000	0
352 Portable Suctions	0	0	27,000	0	0
352 Stairchairs	0	30,000	0	0	0
352 Stretchers	0	150,000	0	0	0
352 Animal Transport Unit	15,807	16,281	16,770	17,000	0
352 Portable Generator Replacement	0	22,000	22,000	0	0
352 Public Safety Vehicle 4x4 (Pre/Post Disaster)	38,000	135,000	62,000	0	0
352 Rebanding Initiative	40,634	0	0	0	0
352 Tractor/Chassis Replacement for Command Vehicle	0	300,000	0	0	0
Transportation					

**Escambia County Government
Office of Management & Budget
Adopted Capital Improvement Program**

Description	Adopted Total 2013/14	2014/15	2015/16	2016/17	2017/18
352 Beulah Road Improvements/Beltway	0	0	0	700,000	0
352 Bobe Street Sidewalks	300,000	0	0	0	0
352 Bridge Renovations	1,516,666	1,263,170	1,270,162	1,016,666	516,670
352 Burgess Road Sidewalks	0	0	350,000	0	0
352 Congestion Improvements	1,308,532	837,000	818,000	1,618,000	0
352 Dirt Road Paving	2,300,000	2,500,000	2,500,000	3,000,000	0
352 E Street (Leonard to Cervantes)	0	0	400,000	0	0
352 East/West Longleaf Drive	0	8,000,000	8,190,000	0	0
352 Drainage	0	0	0	0	0
352 Hwy 297A Widening (Box) and Drainage	0	0	3,000,000	0	0
352 ITS Application (Box)	0	0	0	1,462,936	0
352 JPA/Design Box	0	0	0	300,154	599,846
352 Neighborhood Enhancements	1,400,000	700,000	700,000	2,800,000	0
352 Olive Road	0	0	0	0	0
352 Resurfacing	3,452,804	1,750,000	1,732,689	1,584,622	751,211
352 Sidewalks	500,000	500,000	500,000	900,000	0
352 Sidewalks District I	100,000	100,000	100,000	100,000	0
352 Traffic Calming	0	0	200,000	0	0
Drainage					
352 Avery Street Drainage	0	1,000,000	0	0	0
352 Beach Haven	0	1,700,000	0	0	0
352 Coral Creek Subdivision Drainage	285,000	0	0	0	0
352 Cove Avenue/Barmel Drainage	1,153,000	0	0	0	0
352 Crescent Lake	0	0	4,000,000	0	0
352 Delano Road Drainage	500,000	0	0	0	0
352 Eleven Mile Creek Restoration	0	1,000,000	0	0	0
352 Englewood Drainage/Neighborhood Improvements	0	1,000,000	0	0	0
352 Fairchild Drainage Project	0	100,000	600,000	0	0
352 Ferry Pass Zone 4 & 5	0	120,000	0	0	0
352 Ferry Pass, Zone 2 Drainage Project	0	180,000	0	0	0
352 Grande Lagoon Drainage Study	500,000	0	0	0	0
352 Gulf Beach Highway	6,000,000	0	0	0	0
352 Highway 297 Drainage	0	0	0	1,772,000	0
352 Jackson Street, Elysian Drainage Improvements	1,500,000	0	0	0	0
352 L Street Pond Expansion	600,000	0	0	0	0
352 Myrtle Grove Jackson	0	0	1,350,000	0	0
352 Nims Lane Drainage	175,000	0	0	0	0
352 Rebel Road	0	0	0	2,000,000	0
352 Water Quality/Flood Control	0	0	0	190,000	0
Sheriff					
352 Detention Facilities	240,000	240,000	240,000	7,561,796	0
352 Detention Vehicle Replacement	200,000	200,000	200,000	200,000	200,000
352 Sheriff Vehicle Replacement	2,941,818	2,941,818	2,941,818	2,681,818	2,681,818
Total Local Option Sales Tax III Fund	30,483,668	33,065,997	33,064,715	31,705,535	7,630,964
FUND: SOLID WASTE FUND					
Administration Division					
401 Desktop PC (2) (HP5N) & Optiplex)	2,800	0	0	0	0
401 Laptop Computer (1)	1,300	0	0	0	0
401 Printers (2)	8,900	0	0	0	0
Engineering & Environmental Quality Division					
401 Submersible Pumps (3)	15,000	0	0	0	0
Recycling Division					
401 Laptop Computer (1)	1,300	0	0	0	0
401 Recycling Containers (7)	23,700	0	0	0	0
401 Roll-Off Truck	175,000	0	0	0	0
Palafox Transfer Station					
401 Resurface Tipping Floor	125,000	0	0	0	0
401 Install Irrigation System	15,000	0	0	0	0
Landfill Gas to Energy					
401 De-watering Pumps (2)	10,000	0	0	0	0

Escambia County Government
Office of Management & Budget
Adopted Capital Improvement Program

Description	Adopted Total 2013/14	2014/15	2015/16	2016/17	2017/18
Operations Division					
401 Bulldozer (60,000lb.) (Rebuild)	300,000	0	0	0	0
401 Desktop PC's (2)	2,800	0	0	0	0
401 Dump Truck (25 Ton 6x6 Articulated)	400,000	0	0	0	0
401 Hydraulic Excavator (80,000lb.)	400,000	0	0	0	0
401 Hydraulic Pump (4")	30,000	0	0	0	0
401 Mechanics Truck	100,000	0	0	0	0
401 Road Prison Officer Crew Truck (2)	140,000	0	0	0	0
401 Tip Loader (4 yd High)	275,000	0	0	0	0
401 Water Truck Conversion	100,000	0	0	0	0
Projects Division					
401 Landfill Mining - Section 5	388,000	7,205,000	1,628,000	0	4,333,000
401 Leachate Pipeline to International Paper	1,300,000	0	0	0	0
Total Solid Waste Fund	3,813,800	7,205,000	1,628,000	0	4,333,000
FUND: EMERGENCY MANAGEMENT SERVICES					
EMS Operations					
408 Security Camera	4,000	0	0	0	0
408 GETAC Computers (5)	19,000	0	0	0	0
408 Couches (2)	2,130	0	0	0	0
408 Desktop PC's (2)	3,000	0	0	0	0
408 Laptop (Paging)	1,800	0	0	0	0
Total Emergency Management Services Fund	29,930	0	0	0	0
FUND: CIVIC CENTER FUND					
409 Air Mover Fans	3,000	0	0	0	0
409 Basketball Floor and Goals	0	0	0	150,000	0
409 Boiler	40,000	0	40,000	0	0
409 Box Truck	0	0	35,000	0	0
409 Carpet	20,000	0	0	0	0
409 Computer/software	10,000	0	0	0	25,000
409 Event Curtain	25,000	0	25,000	0	0
409 Kitchen Equipment	0	25,000	25,000	0	0
409 Landscape Property Enhancements	0	0	35,000	0	90,000
409 Merchandise Area Upgrades	0	20,000	0	0	0
409 New stage - wheels	0	0	0	0	60,000
409 Office Furniture	0	0	0	0	25,000
409 Painting	25,000	0	0	25,000	0
409 Parking lot re-surface	0	100,000	0	0	0
409 Parking Lot Signage	5,000	0	0	0	0
409 Roll-up Door - Admin	0	8,000	0	0	0
409 Scissor Lift	0	25,000	0	0	0
409 Sound System - Meeting Rooms	0	0	0	25,000	0
409 Storefront entrance doors	50,000	0	0	0	0
409 Tables	22,000	22,000	25,000	0	0
409 Utility Vehicle-Gator	0	0	15,000	0	0
Total Civic Center Fund	200,000	200,000	200,000	200,000	200,000
FUND: INTERNAL SERVICE FUND					
501 Wellness Equipment	10,000	0	0	0	0
Total Civic Center Fund	10,000	0	0	0	0
GRAND TOTAL:	36,881,940	40,470,997	34,892,715	32,845,535	12,163,964

LOST III Planning					
Revenue and Project Projections					
	Budget	Budget	Budget	Budget	Budget
	2014	2015	2016	2017	2018
Expenses:					
Public Safety	917,287.00	2,471,466.00	1,194,503.00	1,112,000.00	0.00
Public Facilities	525,000.00	180,620.00	85,000.00	1,880,000.00	602,781.96
Judicial	2,000,000.00	0.00	0.00	0.00	0.00
NESD	1,082,000.00	300,000.00	315,000.00	328,000.00	0.00
Parks	2,426,951.55	3,260,701.55	2,060,701.55	1,560,701.55	1,360,701.55
Fire Services	998,658.73	2,903,038.73	998,658.73	998,658.73	1,099,752.77
Sheriff	3,381,818.18	3,381,818.18	3,381,818.18	10,443,614.18	2,881,818.18
Transportation	10,878,002.00	15,650,170.00	19,760,851.00	13,482,378.00	1,867,727.00
Drainage	10,713,000.00	5,100,000.00	5,950,000.00	3,962,000.00	0.00
Total Expenses	\$32,922,717.45	\$33,247,814.45	\$33,746,532.45	\$33,767,352.45	\$7,812,781.45
Escambia County Local Option Sales Tax III					
Public Facilities/Community Services					
110267					
Project	Budget	Budget	Budget	Budget	Budget
#	2014	2015	2016	2017	2018
As Yet Unnamed Project/ District IV				880,000.00	
Libraries/Community Center	0.00		0.00	875,000.00	
Maintenance Shop/Storage - Main Jail	0.00			125,000.00	
08PF0045 Old Molino School	125,000				
08PF0028 Replacement of voting machines		180,620.00	85,000.00		602,781.96
4-H Barn/Pig Farm	250,000.00				
12PF1973 Englewood/Boys & Girls Club	150,000.00				
Total	\$525,000.00	\$180,620.00	\$85,000.00	\$1,880,000.00	\$602,781.96
Escambia County Local Option Sales Tax III					
Parks & Recreation					
350223/350228/350229/350231/350235					
#	Project	Budget	Budget	Budget	Budget
	2014	2015	2016	2017	2018
	Bayou Grande Park Development & Maintenance	300,000.00	1,700,000.00		
08PR0025	Brosnham Soccer Center Development & Maintenance	90,909.09	90,909.09	90,909.09	90,909.09
08PR0031	Equestrian Center Development & Maintenance1 - 350231	391,211.09	90,909.09	590,909.09	90,909.09
12PR1688	Land Acquisition	200,000.00	200,000.00	200,000.00	200,000.00
08PR0058	Park Development	1,376,649.55	1,110,701.55	1,110,701.55	1,110,701.55
08PR0068	Park Maintenance Equipment	68,181.82	68,181.82	68,181.82	68,181.82
Total	\$2,426,951.55	\$3,260,701.55	\$2,060,701.55	\$1,560,701.55	\$1,360,701.55
Escambia County Local Option Sales Tax III					
Natural Resources/Community Redevelopment					
220102					
#	Project	Budget	Budget	Budget	Budget
	2014	2015	2016	2017	2018
	Beachhaven Drainage Project			215,000.00	
10NE0018	CRA Sewer Expansion: Beach Haven, Bellshead, Mob Hwy., Englewood	0.00			228,000.00
08NE0028	Environmentally Sensitive Lands Acquisition and Mitigation Bank	100,000.00	100,000.00	100,000.00	100,000.00
12NE1992	Navy Boulevard Project	982,000.00	10,000.00		
	Palafox Commerce Park Infrastructure	0.00	190,000.00		
	Total	\$1,082,000.00	\$300,000.00	\$315,000.00	\$328,000.00
					\$0.00

FY 2013-2017

Schedule of Capital Improvements

Annual Update

Schedule (Strikethrough version)

TRANSPORTATION PROJECTS											
Project Name	Location	Funding Source	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Total Project Cost	Code	Comp Plan Objectives	Notes
Beulah Interchange	---	FDOT		-\$10,000,000				-\$10,000,000	G	MOB 8.1.1; MOB 8.1.3; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	Funds to Support Future Interchange at I-10 and Beulah Rd.
Bridge Renovations	Countywide	LOST III	-\$3,016,666	\$1,516,666	-\$1,263,170	\$1,270,162	-\$1,016,666	-\$8,083,330	S	MOB 8.1.1; MOB 8.1.3; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	Funds to improve bridge safety countywide
Burgess Rd Sidewalks	Davis Hwy to Sanders Rd	LOST III					-\$350,000	-\$350,000	G	MOB 8.1.1; MOB 8.1.3; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	Local Safe Routes To School Program
Blue Angel Parkway Construction	Sorrento to US98	Bond / FDOT			-\$15,000,000		-\$36,000,000	-\$51,000,000	G	MOB 8.1.1; MOB 8.1.3; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	Design will be complete and will evaluate Bonding (TIF) Feasibility in 2013. Will depend on Local Revenues
Burgess Extension Construction	Burgess / Creighton extension from Hilburn Dr to US 29	FDOT			-\$1,000,000	\$1,000,000		-\$2,000,000	G	MOB 8.1.1; MOB 8.1.3; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	TPO Transportation Improvement Program Priority #8, pg 15. ROW & Const. funds committed in out years
Congestion Improvements	Countywide	LOST III		\$1,808,532	-\$737,000	\$1,018,000	-\$1,018,000	-\$4,581,532		MOB 8.1.1; MOB 8.1.3; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	Projects to improve traffic and freight flow.
Project Name	Location	Funding Source	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Total Project Cost	Code	Comp Plan Objectives	Notes
Beulah Interchange/Beltway		LOST III					700,000	\$700,000	G	MOB 8.1.1; MOB 8.1.3; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	Funds to Support Future Interchange at I-10 and Beulah Rd.
Bobe Street Sidewalks		LOST III			300,000			\$300,000		MOB 8.1.1; MOB 8.1.3; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	
Bridge Renovations	Countywide	LOST III	3,016,666	\$1,516,666.00	1,263,170	1,270,162	1,016,666	\$8,083,330	S	MOB 8.1.1; MOB 8.1.3; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	Funds to improve bridge safety countywide
Burgess Rd Sidewalks	Davis Hwy to Sanders Rd	LOST III					350,000	\$350,000	G	MOB 8.1.1; MOB 8.1.3; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	Local Safe Routes To School Program
Blue Angel Parkway Construction	Sorrento to US98	Bond / FDOT			5,033,700	28,524,300		\$33,558,000	G	MOB 8.1.1; MOB 8.1.3; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	Design will be complete and will evaluate Bonding (TIF) Feasibility in 2013. Will depend on Local Revenues
Burgess Extension Construction	Burgess / Creighton extension from Hilburn Dr to US 29	FDOT			\$1,000,000	\$1,000,000		\$2,000,000	G	MOB 8.1.1; MOB 8.1.3; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	TPO Transportation Improvement Program Priority #8, pg 15. ROW & Const. funds committed in out years
Congestion Improvements	Countywide	LOST III		\$1,808,532	\$737,000	\$1,018,000	\$1,018,000	\$4,581,532		MOB 8.1.1; MOB 8.1.3; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	Projects to improve traffic and freight flow.
Dirt Rd Paving	Countywide	LOST III	\$2,100,000	\$2,300,000	\$2,500,000	\$2,500,000	\$2,000,000	\$12,400,000	R	MOB 8.1.1; MOB 8.1.2; MOB 8.1.4; MOB 8.1.5; MOB 8.1.6	Revolving Maintenance Program to prevent sediment run-off and reduce road repair.

E' Street Improvements	Texar to Cervantes	LOST-III				\$400,000		\$400,000		MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	
Gulf Beach Hwy (SR292) Corridor Study Projects	Navy Blvd to Sorrente	TPO/LOST-III		\$1,500,000				\$1,500,000	G	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	TPO pg 2.2- Design underway, ROW funded in 2013.
Highway 297A Widening		LOST-III				\$3,000,000		\$3,000,000	G	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	
ITS Application		LOST-III/-TPO					\$1,462,936	\$1,462,936	G	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	TPO priority #6 with annual funding
JPA Design Box		LOST-III					\$300,154	\$300,154	G	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	Funds to Support the advancement of any 5-year FDOT projects if determined as a need.
Kingsfield Rd Extension	Hwy 97 to Hwy 99	LOST-III	\$5,520,000					\$5,520,000	G	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	Improvements to support new traffic patterns and increased use by freight.
Live Oak / Sunset Sidewalks		LOST-III	\$300,000					\$300,000	G	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	Project let for Design in 2009 will be constructed in 2010
Neighborhood Enhancements	Countywide	LOST-III		\$1,400,000	\$700,000	\$700,000	\$2,800,000	\$5,600,000	G	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	Program to provide amenities based on warranted needs.
Nine Mile Rd Improvements	Pine Forest to Hwy 29	LOST-III							DG	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	TRIP funds awarded to update PD&E and Design. Let for A&E service in 2009.
		FDOT				\$2,445,000		\$2,445,000		MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	FDOT Work Program, pg 12
Olive Rd Corridor Phase I	Davis and Old Palafex	LOST-III	\$5,900,000					\$5,900,000	G	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	FDOT deeded road to the county in 2011. Design currently underway construction expected in 2013
Perdido Key Design	AL state line to ICWW Bridge	FDOT				\$2,732,000		\$2,732,000	DG	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	FDOT Work Program, pg 22, Design Funds pushed due to a Federal Required EIS
Perdido Key Drive Construction	Perdido Key Dr between AL and the south end of the ICWW Bridge	TIF / FDOT TRIP			6,553,680	37,137,520		\$43,691,200	DG	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	Design will be complete and will evaluate Bonding (TIF) Feasibility in 2012-13. Will depend on Local Revenues, results of EIS
Perdido Key Drive PD&E	Perdido Key Dr between AL and the south end of the ICWW Bridge	FDOT							G	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	FDOT Work Program, pg 19, Active with EIS.
Sorrento PD&E	ICWW Bridge to Blue Angel Pkwy	FDOT							DG	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	FDOT Work Program, pg 16. PD&E 90%. Complete, 30% Design. Active
Pinestead / Longleaf Design & Construction		LOST-III	\$157,064		\$8,000,000	\$8,190,000		\$16,347,064	G	MOB-8-1.1- MOB-8-1.3- MOB-8-1.4- MOB-8-1.5- MOB-8-1.6	TPO priority #11.

FY 2013-2017

Schedule of Capital Improvements

Annual Update

Schedule (Underline version)

TRANSPORTATION PROJECTS											
Project Name	Location	Funding Source	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	Total Project Cost	Code	Comp Plan Objectives	Notes
I-10 @ Beulah Rd Interchange		FDOT			\$ 5,500,000			\$5,500,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Funds to Support Future Interchange at I-10 and Beulah Rd. 2035 LRTP
UW 29 Connector (Beltway)	Mobile Hwy. to Muscogee Rd	LOST III			1,600,000			\$1,600,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	New Road Supporting Sector Plan
Bridge Renovations	Countywide	LOST III	\$1,516,666.00	1,263,170	1,270,162	1,016,666	516,670.00	\$5,583,334	S	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Funds to improve bridge safety. countywide
Burgess Rd Sidewalks	Davis Hwy to Sanders Rd	LOST III				350,000		\$350,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Local Safe Routes To School Program
Blue Angel Parkway ROW	Sorrento to US98	Bond/FDOT			1,400,000	15,000,000		\$16,400,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Design will be complete and will evaluate Bonding (TIF) Feasibility in 2015. 2035 LRTP
Burgess Extension Design & ROW	Burgess/Creighton extension from Hillburn	FDOT		\$ 1,100,000.00			\$5,000,000	\$6,100,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	TPO Transportation Improvement Program Priority #9, Const. funds committed in out years
Congestion Improvements	Countywide	LOST III	\$1,808,532	\$837,000	\$818,000	\$1,618,000		\$5,081,532		MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Projects to improve traffic and freight flow.
Dirt Rd Paving	Countywide	LOST III	\$2,300,000	\$2,500,000	\$2,500,000	\$3,000,000		\$10,300,000	R	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Revolving Maintenance Program to prevent sediment run-off and reduce road repair.
E' Street Improvements	Texar to Cervantes	LOST III			\$400,000			\$400,000		MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	
Gulf Beach Hwy (SR292) Corridor Study Projects	Navy Blvd to Sorrento	TPO/LOST III	\$ 1,500,000					\$1,500,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	TPO pg 2.2. Design underway, ROW funded in 2013.
Highway 297A Widening		LOST III			\$ 1,118,781			\$1,118,781	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	
ITS Application		LOST III / TPO				\$1,462,936		\$1,462,936	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	TPO priority #6 with annual funding
JPA Design Box		LOST III			\$300,154	\$ 600,000		\$900,154	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Funds to Support the advancement of any 5-year FDOT projects if determined as a need.
Neighborhood Enhancements	Countywide	LOST III	\$1,400,000	\$ 700,000	\$700,000	\$2,800,000		\$5,600,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Program to provide amenities based on warranted needs.
Nine Mile Rd Improvements ROW & CST	Pine Forest to Hwy 29	FDOT		\$2,445,000			\$10,300,000	\$12,745,000	DG	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	TPO Transportation Improvement Program Priority #9.
Olive Rd Corridor - Phase I	Davis and Old Palafox	LOST III						\$0	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Funds Encumbered in Past Years
Olive Rd Corridor - Phase II	Scenic Hwy to Davis Hwy	LOST III							G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Funds Encumbered in Past Years
Perdido Key Wildlife Study	AL state line to ICWW Bridge	FDOT	\$135,000					\$135,000	DG	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Perdido Key Beach Mouse
Perdido Key Drive PD&E	Perdido Key. Dr between AL and the south end of ICWW Bridge to Blue Angel Pkwy	FDOT					2,500,000	\$2,500,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Future Capacity. 2035 LRTP
Sorrento ROW		Local Bond		\$2,000,000				\$2,000,000	DG	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	TPO Priority #17
Pinestead / Longleaf Design & Construction		LOST III		\$6,000,000	\$8,190,000			\$14,190,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	TPO priority #11.
Resurfacing	Countywide	LOST III	\$3,452,804	\$1,750,000	\$1,732,689	\$1,584,622		\$8,520,115	R	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Annual Program
Sidewalks Design / Construction		LOST III	\$500,000	\$500,000	\$500,000	\$900,000		\$2,400,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	County Wide Safe Walk to School support program.
Sidewalks District 1		LOST III	\$100,000	\$100,000	\$100,000	\$100,000		\$400,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Commissioner Request for Residential areas and School areas
Traffic Calming	Countywide	LOST III			\$200,000			\$200,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	County Wide Program for identified Neighborhood Traffic areas.

STORM WATER											
Project Name	Location	Funding Source	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	Total Project Cost	Code	Comp Plan Objectives	Notes
Avery Street Drainage	Avery	LOST III		\$1,000,000						COA 1.1.5 INF 3.1.9	-
Beach Haven	Beach Haven	LOST III		\$1,700,000						COA 1.1.5 INF 3.1.9	-
Coral Creek Subdivision	Coral Creek	LOST III	\$785,000							COA 1.1.5 INF 3.1.9	-
Cove Avenue/Barmel		LOST III	\$1,328,000							COA 1.1.5 INF 3.1.9	-
Crescent Lake		LOST III			\$4,000,000					COA 1.1.5 INF 3.1.9	-
Drainage Basin Studies		LOST III								COA 1.1.5 INF 3.1.9	-
Eleven Mile Creek Restoration		LOST III		\$1,000,000						COA 1.1.5 INF 3.1.9	-
Englewood Drainage Improvements		LOST III		\$1,000,000						COA 1.1.5 INF 3.1.9	-
Fairchild Drainage Project		LOST III		\$100,000	\$600,000					COA 1.1.5 INF 3.1.9	-
Ferry Pass Zones 4&5		LOST III		\$120,000						COA 1.1.5 INF 3.1.9	-
Ferry Pass Zone 2		LOST III		\$180,000						COA 1.1.5 INF 3.1.9	-
Gulf Beach Hwy		LOST III								COA 1.1.5 INF 3.1.9	-
Hwy 297 Drainage		LOST III				\$1,772,000				COA 1.1.5 INF 3.1.9	-
Jackson St, Elysian Drainage		LOST III								COA 1.1.5 INF 3.1.9	-
L St, Pond Expansion		LOST III								COA 1.1.5 INF 3.1.9	-
Myrtle Grove Jackson		LOST III			\$1,350,000					COA 1.1.5 INF 3.1.9	-
Rebel Rd		LOST III				\$2,000,000				COA 1.1.5 INF 3.1.9	-
Water Quality/Flood Control		LOST III				\$190,000				COA 1.1.5 INF 3.1.9	-
PARKS & REC											
Project Name	Location	Funding Source	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	Total Project Cost	Code	Comp Plan Objectives	Notes
Bayou Grande Development & Maintenance		LOST III	\$200,000	\$1,700,000						CHAPTER 13 GOAL REC 1	-
Land Adquisition		LOST III	\$200,000	\$200,000	\$200,000	\$200,000				CHAPTER 13 GOAL REC 1	-
MdDavid Community Center		LOST III								CHAPTER 13 GOAL REC 1	-
Park Development		LOST III	\$1,510,702	\$1,110,702	\$1,110,702	\$1,110,702				CHAPTER 13 GOAL REC 1	-
Park Maintenance Equipment		LOST III	\$68,182	\$68,182	\$68,182	\$68,182				CHAPTER 13 GOAL REC 1	-
Park Mowing		LOST III								CHAPTER 13 GOAL REC 1	-
Equestrian Center Sound System Improvement		LOST III								CHAPTER 13 GOAL REC 1	-
SOLID WASTE											
Project Name	Location	Funding Source	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	Total Project Cost	Code	Comp Plan Objectives	Notes
Section Five Expansion – Cell Design and Construction		Solid Waste Fund 401		\$200,000	\$7,311,000	\$200,000	\$5,921,000				
Perdido Landfill Haul Road Improvements		Solid Waste Fund 401	\$230,000								
Landfill Gas Expansion		Solid Waste Fund 401	\$230,000								
Design and Construction for Leachate Pipeline to International Paper		Solid Waste Fund 401	\$200,000	\$1,100,000							

FY 2013-2017

Schedule of Capital Improvements

Annual Update

Office of Management & Budget Documentation

FORECAST

Description	FY 2013/2014	FY 2014/2015	FY 2015/2016	FY 2016/2017	FY 2017/2018
Countywide Property Tax Base	13,571,867	13,707,586	13,844,662	13,983,108	14,122,939
Unincorporated Property Tax Base	9,484,921	9,579,770	9,675,567	9,772,323	9,870,046
Historical % Increase in Ad Valorem	0.99%	0.99%	0.99%	0.99%	0.99%
Countywide Millage Rate	6.6165	6.6165	6.6165	6.6165	6.6165
Law Enforcement Millage Rate	0.685	0.685	0.685	0.685	0.685
Library Millage Rate	0.359	0.359	0.359	0.359	0.359

Escambia County Government
Office of Management & Budget
Adopted Capital Improvement Program

Description	Adopted Total 2013/14	2014/15	2015/16	2016/17	2017/18
FUND: GENERAL FUND					
Facilities Management - Juvenile Justice					
1 New Security DVR Installation	5,000	0	0	0	0
Facilities Management					
1 Replacement or Upgrade Chiller (Community Probation)	86,200	0	0	0	0
1 Install 3 Variable Air Volume Boxes with Heat (Property Appraiser)	21,000	0	0	0	0
1 Light Retrofit - Energy Conservation (Misc Buildings)	30,000	0	0	0	0
Animal Services					
1 Mobile Animal Lift Table	3,000	0	0	0	0
Public Information Office					
1 Replacement of Camera/Equipment for Outside ECTV Shoots	5,000	0	0	0	0
Supervisor of Elections					
1 Replacement Vehicle (Ford Transit)	20,000	0	0	0	0
1 Mail Equipment Replacement	20,000	0	0	0	0
1 Laptop Replacement (3)	5,000	0	0	0	0
Total General Fund	195,200	0	0	0	0
FUND: OTHER GRANTS AND PROJECTS					
Florida Boating Improvement Funds					
110 Acquisition of property and Construction of a Boat Ramp on Perdido Bay	60,000	0	0	0	0
Total Other Grants and Projects Fund	60,000	0	0	0	0
FUND: JAIL INMATE COMMISSARY					
Inmate Commissary					
111 Inmate Commissary Capital	201,738	0	0	0	0
Jail Inmate Commissary Fund	201,738	0	0	0	0
FUND: LIBRARY					
Library Operations					
113 Books, Publications and Library Materials	235,993	0	0	0	0
Library Information Systems					
113 Replacement Laptops (15)	17,250	0	0	0	0
113 Replacement Desktops (15)	14,250	0	0	0	0
113 Server Hardware	16,500	0	0	0	0
Total Library Fund	283,993	0	0	0	0
FUND: ARTICLE V FUND					
State Attorney - Escambia County (Circuit Criminal)					
115 Desktop PC's (15)	21,000	0	0	0	0
115 Network Printers (3)	2,000	0	0	0	0
115 Network Switch (7)	7,000	0	0	0	0
State Attorney - Santa Rosa County					
115 Desktop PC's (10)	14,000	0	0	0	0
State Attorney - Okaloosa County					
115 Desktop PC's (10)	14,000	0	0	0	0
State Attorney - Walton County					
115 Desktop PC's (5)	7,000	0	0	0	0
115 Network Printer	1,800	0	0	0	0
Court Technology					

**Escambia County Government
Office of Management & Budget
Adopted Capital Improvement Program**

Description	Adopted Total 2013/14	2014/15	2015/16	2016/17	2017/18
115 Polycom MCU Video Conferencing Unit (1)	12,750	0	0	0	0
115 Laptop (1)	1,250	0	0	0	0
Court Security Division - Escambia County					
115 Security Equipment	5,000	0	0	0	0
Court Technology Division - Santa Rosa County					
115 Polycom Video Conferencing Units (2)	14,000	0	0	0	0
115 DFS Server (Dell Server)	5,000	0	0	0	0
115 Laptops (2)	2,500	0	0	0	0
Court Technology Division - Okaloosa County					
115 Polycom Video Conferencing Units (3)	26,750	0	0	0	0
115 DFS Server (Dell Server)	5,000	0	0	0	0
115 Laptops (2)	2,500	0	0	0	0
Regional Conflict Counsel					
115 Laptops (7)	10,000	0	0	0	0
Total Article V Fund	151,550	0	0	0	0
FUND: CDBG HUD ENTITLEMENT FUND					
2013 HUD Community Block Development					
129 Fire Hydrant/Main Upgrade Improvements	90,000	0	0	0	0
129 County Facility H/C Access Improvements	45,000	0	0	0	0
129 Neighborhood Improvement Projects (CRA & County Projects TBD)	80,305	0	0	0	0
2012 HUD Community Block Development					
129 County Facility H/C Access Improvements	50,000	0	0	0	0
129 Neighborhood Improvement Projects (CRA & County Projects TBD)	200,719	0	0	0	0
2011 HUD Community Block Development					
129 County Facility H/C Access Improvements	50,000	0	0	0	0
129 Neighborhood Improvement Projects (CRA & County Projects TBD)	225,095	0	0	0	0
2010 HUD Community Block Development					
129 County Facility H/C Access Improvements	45,106	0	0	0	0
129 Neighborhood Improvement Projects (Englewood Center)	110,000	0	0	0	0
2009 HUD Community Block Development					
129 Neighborhood Improvement Projects (Lexington Terrace Stormwater)	9,800	0	0	0	0
129 County Facility H/C Access Improvements	8,291	0	0	0	0
2008 HUD Community Block Development					
129 County Facility H/C Access Improvements	5,087	0	0	0	0
Total CDBG HUD Entitlement Fund	919,403	0	0	0	0
FUND: COMMUNITY REDEVELOPMENT FUND					
Community Redevelopment Brownsville					
151 Property Acquisition - Frontera Circle	35,000	0	0	0	0
151 Property Acquisition - Anthony Street	50,000	0	0	0	0
151 Property Acquisition - Godwin Street	40,000	0	0	0	0
151 Pace Boulevard Streetscaping	50,000	0	0	0	0
Community Redevelopment Warrington					
151 Park Improvements	65,000	0	0	0	0
Community Redevelopment Palafox					
151 Pace Boulevard Streetscaping	50,000	0	0	0	0
Community Redevelopment Barrancas					

**Escambia County Government
Office of Management & Budget
Adopted Capital Improvement Program**

Description	Adopted Total 2013/14	2014/15	2015/16	2016/17	2017/18
151 Lexington Terrace Park Improvements	50,000	0	0	0	0
Community Redevelopment Englewood					
151 Pace Boulevard Streetscaping	50,000	0	0	0	0
Total Community Redevelopment Fund	390,000	0	0	0	0
FUND: TRANSPORTATION TRUST FUND Fleet Maintenance					
175 Bushogs	46,000	0	0	0	0
175 Dump Truck	35,848	0	0	0	0
175 Lowboy Trailer	15,000	0	0	0	0
Total Transportation Trust Fund	96,848	0	0	0	0
FUND: MASTER DRAINAGE BASINS Engineering					
181 Drainage Projects	45,810	0	0	0	0
Total Master Drainage Basins	45,810	0	0	0	0
FUND: LOCAL OPTION SALES TAX III Public Facilities & Projects					
352 District IV Project	0	0	0	880,000	0
352 Libraries/Community Center	0	0	0	875,000	0
352 Maintenance Shop/Storage - Main Jail	0	0	0	125,000	0
352 Old Molino School	125,000	0	0	0	0
352 Voting Machine Replacements - Supervisor of Elections	0	180,620	85,000	0	602,782
352 4-H Barn/Pig Farm	250,000	0	0	0	0
352 Englewood/Boys & Girls Club	150,000	0	0	0	0
Judicial Capital Improvements					
352 Build out Judges Chambers on 5th Floor	2,000,000	0	0	0	0
Natural Resources/Community Redevelopment					
352 Beachhaven Drainage Project	0	0	215,000	0	0
352 CRA Sewer Expansion: Beach Haven, Bellshead, Mob Hwy., Englewood	0	0	0	228,000	0
352 Environmentally Sensitive Lands Acquisition and Mitigation Bank	100,000	100,000	100,000	100,000	0
352 Navy Boulevard Project	982,000	10,000	0	0	0
352 Palafox Commerce Park Infrastructure	0	190,000	0	0	0
Parks and Recreation					
352 Land Acquisition	200,000	200,000	200,000	200,000	0
352 Park Development/Bayou Grande	468,379	2,810,702	1,110,702	1,110,702	1,110,702
352 Park Maintenance Equipment	68,182	68,182	68,182	68,182	68,182
Fire Services					
352 Fire Station in Beulah	0	1,904,380	0	0	0
352 Vehicle/Apparatus Replacement	250,000	998,659	998,659	998,659	1,099,753
Public Safety					
352 3/4 Ton Cab/Chassis and/or 4WD P/U	11,246	53,385	54,933	55,000	0
352 Ambulances	700,000	720,000	925,000	950,000	0
352 Defibrillators	0	960,000	0	0	0
352 Handheld Pulse OX/Cap Machines	40,000	0	0	0	0
352 Laptop Computers	32,400	44,800	34,800	35,000	0
352 Mobile Radios	39,200	40,000	52,000	55,000	0
352 Portable Suctions	0	0	27,000	0	0
352 Stairchairs	0	30,000	0	0	0
352 Stretchers	0	150,000	0	0	0
352 Animal Transport Unit	15,807	16,281	16,770	17,000	0
352 Portable Generator Replacement	0	22,000	22,000	0	0
352 Public Safety Vehicle 4x4 (Pre/Post Disaster)	38,000	135,000	62,000	0	0
352 Rebanding Initiative	40,634	0	0	0	0
352 Tractor/Chassis Replacement for Command Vehicle	0	300,000	0	0	0
Transportation					

**Escambia County Government
Office of Management & Budget
Adopted Capital Improvement Program**

Description	Adopted Total 2013/14	2014/15	2015/16	2016/17	2017/18
352 Beulah Road Improvements/Beltway	0	0	0	700,000	0
352 Bobe Street Sidewalks	300,000	0	0	0	0
352 Bridge Renovations	1,516,666	1,263,170	1,270,162	1,016,666	516,670
352 Burgess Road Sidewalks	0	0	350,000	0	0
352 Congestion Improvements	1,308,532	837,000	818,000	1,618,000	0
352 Dirt Road Paving	2,300,000	2,500,000	2,500,000	3,000,000	0
352 E Street (Leonard to Cervantes)	0	0	400,000	0	0
352 East/West Longleaf Drive	0	8,000,000	8,190,000	0	0
352 Drainage	0	0	0	0	0
352 Hwy 297A Widening (Box) and Drainage	0	0	3,000,000	0	0
352 ITS Application (Box)	0	0	0	1,462,936	0
352 JPA/Design Box	0	0	0	300,154	599,846
352 Neighborhood Enhancements	1,400,000	700,000	700,000	2,800,000	0
352 Olive Road	0	0	0	0	0
352 Resurfacing	3,452,804	1,750,000	1,732,689	1,584,622	751,211
352 Sidewalks	500,000	500,000	500,000	900,000	0
352 Sidewalks District I	100,000	100,000	100,000	100,000	0
352 Traffic Calming	0	0	200,000	0	0
Drainage					
352 Avery Street Drainage	0	1,000,000	0	0	0
352 Beach Haven	0	1,700,000	0	0	0
352 Coral Creek Subdivision Drainage	285,000	0	0	0	0
352 Cove Avenue/Barmel Drainage	1,153,000	0	0	0	0
352 Crescent Lake	0	0	4,000,000	0	0
352 Delano Road Drainage	500,000	0	0	0	0
352 Eleven Mile Creek Restoration	0	1,000,000	0	0	0
352 Englewood Drainage/Neighborhood Improvements	0	1,000,000	0	0	0
352 Fairchild Drainage Project	0	100,000	600,000	0	0
352 Ferry Pass Zone 4 & 5	0	120,000	0	0	0
352 Ferry Pass, Zone 2 Drainage Project	0	180,000	0	0	0
352 Grande Lagoon Drainage Study	500,000	0	0	0	0
352 Gulf Beach Highway	6,000,000	0	0	0	0
352 Highway 297 Drainage	0	0	0	1,772,000	0
352 Jackson Street, Elysian Drainage Improvements	1,500,000	0	0	0	0
352 L Street Pond Expansion	600,000	0	0	0	0
352 Myrtle Grove Jackson	0	0	1,350,000	0	0
352 Nims Lane Drainage	175,000	0	0	0	0
352 Rebel Road	0	0	0	2,000,000	0
352 Water Quality/Flood Control	0	0	0	190,000	0
Sheriff					
352 Detention Facilities	240,000	240,000	240,000	7,561,796	0
352 Detention Vehicle Replacement	200,000	200,000	200,000	200,000	200,000
352 Sheriff Vehicle Replacement	2,941,818	2,941,818	2,941,818	2,681,818	2,681,818
Total Local Option Sales Tax III Fund	30,483,668	33,065,997	33,064,715	31,705,535	7,630,964
FUND: SOLID WASTE FUND					
Administration Division					
401 Desktop PC (2) (HP5N) & Optiplex)	2,800	0	0	0	0
401 Laptop Computer (1)	1,300	0	0	0	0
401 Printers (2)	8,900	0	0	0	0
Engineering & Environmental Quality Division					
401 Submersible Pumps (3)	15,000	0	0	0	0
Recycling Division					
401 Laptop Computer (1)	1,300	0	0	0	0
401 Recycling Containers (7)	23,700	0	0	0	0
401 Roll-Off Truck	175,000	0	0	0	0
Palafox Transfer Station					
401 Resurface Tipping Floor	125,000	0	0	0	0
401 Install Irrigation System	15,000	0	0	0	0
Landfill Gas to Energy					
401 De-watering Pumps (2)	10,000	0	0	0	0

Escambia County Government
Office of Management & Budget
Adopted Capital Improvement Program

Description	Adopted Total 2013/14	2014/15	2015/16	2016/17	2017/18
Operations Division					
401 Bulldozer (60,000lb.) (Rebuild)	300,000	0	0	0	0
401 Desktop PC's (2)	2,800	0	0	0	0
401 Dump Truck (25 Ton 6x6 Articulated)	400,000	0	0	0	0
401 Hydraulic Excavator (80,000lb.)	400,000	0	0	0	0
401 Hydraulic Pump (4")	30,000	0	0	0	0
401 Mechanics Truck	100,000	0	0	0	0
401 Road Prison Officer Crew Truck (2)	140,000	0	0	0	0
401 Tip Loader (4 yd High)	275,000	0	0	0	0
401 Water Truck Conversion	100,000	0	0	0	0
Projects Division					
401 Landfill Mining - Section 5	388,000	7,205,000	1,628,000	0	4,333,000
401 Leachate Pipeline to International Paper	1,300,000	0	0	0	0
Total Solid Waste Fund	3,813,800	7,205,000	1,628,000	0	4,333,000
FUND: EMERGENCY MANAGEMENT SERVICES					
EMS Operations					
408 Security Camera	4,000	0	0	0	0
408 GETAC Computers (5)	19,000	0	0	0	0
408 Couches (2)	2,130	0	0	0	0
408 Desktop PC's (2)	3,000	0	0	0	0
408 Laptop (Paging)	1,800	0	0	0	0
Total Emergency Management Services Fund	29,930	0	0	0	0
FUND: CIVIC CENTER FUND					
409 Air Mover Fans	3,000	0	0	0	0
409 Basketball Floor and Goals	0	0	0	150,000	0
409 Boiler	40,000	0	40,000	0	0
409 Box Truck	0	0	35,000	0	0
409 Carpet	20,000	0	0	0	0
409 Computer/software	10,000	0	0	0	25,000
409 Event Curtain	25,000	0	25,000	0	0
409 Kitchen Equipment	0	25,000	25,000	0	0
409 Landscape Property Enhancements	0	0	35,000	0	90,000
409 Merchandise Area Upgrades	0	20,000	0	0	0
409 New stage - wheels	0	0	0	0	60,000
409 Office Furniture	0	0	0	0	25,000
409 Painting	25,000	0	0	25,000	0
409 Parking lot re-surface	0	100,000	0	0	0
409 Parking Lot Signage	5,000	0	0	0	0
409 Roll-up Door - Admin	0	8,000	0	0	0
409 Scissor Lift	0	25,000	0	0	0
409 Sound System - Meeting Rooms	0	0	0	25,000	0
409 Storefront entrance doors	50,000	0	0	0	0
409 Tables	22,000	22,000	25,000	0	0
409 Utility Vehicle-Gator	0	0	15,000	0	0
Total Civic Center Fund	200,000	200,000	200,000	200,000	200,000
FUND: INTERNAL SERVICE FUND					
501 Wellness Equipment	10,000	0	0	0	0
Total Civic Center Fund	10,000	0	0	0	0
GRAND TOTAL:	36,881,940	40,470,997	34,892,715	32,845,535	12,163,964

Escambia County Government
Office of Management & Budget
Adopted Capital Project Request FY 13/14
& Five Year Operating Costs
(ROUTINE)

Description	Adopted	Five-Year Operating Projection				
	Total 2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
FUND: GENERAL FUND						
Facilities Management - Juvenile Justice						
1 New Security DVR Installation	5,000	0	0	0	0	0
Facilities Management						
1 Replacement or Upgrade Chiller (Community Probation)	86,200	0	0	0	0	0
1 Install 3 Variable Air Volume Boxes with Heat (Property Appraiser)	21,000	0	0	0	0	0
1 Light Retrofit - Energy Conservation (Misc Buildings)	30,000	0	0	0	0	0
Animal Services						
1 Mobile Animal Lift Table	3,000	0	0	0	0	0
Public Information Office						
1 Replacement of Camera/Equipment for Outside ECTV Shoots	5,000	0	0	0	0	0
Supervisor of Elections						
1 Replacement Vehicle (Ford Transit)	20,000	1,000	1,000	1,000	1,000	1,000
1 Mail Equipment Replacement	20,000	0	0	0	0	0
1 Laptop Replacement (3)	5,000	0	0	0	0	0
Total General Fund	195,200	1,000	1,000	1,000	1,000	1,000
FUND: OTHER GRANTS AND PROJECTS						
Florida Boating Improvement Funds						
110 Acquisition of property and Construction of a Boat Ramp on Perdido Bay	60,000	0	0	0	0	0
Total Other Grants and Projects Fund	60,000	0	0	0	0	0
FUND: JAIL INMATE COMMISSARY						
Inmate Commissary						
111 Inmate Commissary Capital	201,738	50,000	50,000	50,000	50,000	50,000
Jail Inmate Commissary Fund	201,738	0	0	0	0	0
FUND: LIBRARY						
Library Operations						
113 Books, Publications and Library Materials	235,993	0	0	0	0	0
Library Information Systems						
113 Replacement Laptops (15)	17,250	0	0	0	0	0
113 Replacement Desktops (15)	14,250	0	0	0	0	0
113 Server Hardware	16,500	0	0	0	0	0
Total Library Fund	283,993	0	0	0	0	0
FUND: ARTICLE V FUND						
State Attorney - Escambia County (Circuit Criminal)						
115 Desktop PC's (15)	21,000	0	0	0	0	0
115 Network Printers (3)	2,000	120	120	120	120	120
115 Network Switch (7)	7,000	0	0	0	0	0
State Attorney - Santa Rosa County						
115 Desktop PC's (10)	14,000	0	0	0	0	0
State Attorney - Okaloosa County						
115 Desktop PC's (10)	14,000	0	0	0	0	0
State Attorney - Walton County						
115 Desktop PC's (5)	7,000	0	0	0	0	0
115 Network Printer	1,800	120	120	120	120	120
Court Technology						

Escambia County Government
Office of Management & Budget
Adopted Capital Project Request FY 13/14
& Five Year Operating Costs
(ROUTINE)

Description	Adopted Total 2013/14	Five-Year Operating Projection				
		2014/15	2015/16	2016/17	2017/18	2018/19
115 Polycom MCU Video Conferencing Unit (1)	12,750	0	0	0	0	0
115 Laptop (1)	1,250	0	0	0	0	0
Court Security Division - Escambia County						
115 Security Equipment	5,000	0	0	0	0	0
Court Technology Division - Santa Rosa County						
115 Polycom Video Conferencing Units (2)	14,000	0	0	0	0	0
115 DFS Server (Dell Server)	5,000	0	0	0	0	0
115 Laptops (2)	2,500	0	0	0	0	0
Court Technology Division - Okaloosa County						
115 Polycom Video Conferencing Units (3)	26,750	0	0	0	0	0
115 DFS Server (Dell Server)	5,000	0	0	0	0	0
115 Laptops (2)	2,500	0	0	0	0	0
Regional Conflict Counsel						
115 Laptops (7)	10,000	0	0	0	0	0
Total Article V Fund	151,550	240	240	240	240	240
FUND: CDBG HUD ENTITLEMENT FUND						
2013 HUD Community Block Development						
129 Fire Hydrant/Main Upgrade Improvements	90,000	0	0	0	0	0
129 County Facility H/C Access Improvements	45,000	0	0	0	0	0
129 Neighborhood Improvement Projects (CRA & County Projects TBD)	80,305	0	0	0	0	0
2012 HUD Community Block Development						
129 County Facility H/C Access Improvements	50,000	0	0	0	0	0
129 Neighborhood Improvement Projects (CRA & County Projects TBD)	200,719	0	0	0	0	0
2011 HUD Community Block Development						
129 County Facility H/C Access Improvements	50,000	0	0	0	0	0
129 Neighborhood Improvement Projects (CRA & County Projects TBD)	225,095	0	0	0	0	0
2010 HUD Community Block Development						
129 County Facility H/C Access Improvements	45,106	0	0	0	0	0
129 Neighborhood Improvement Projects (Englewood Center)	110,000	0	0	0	0	0
2009 HUD Community Block Development						
129 Neighborhood Improvement Projects (Lexington Terrace Stormwater)	9,800	0	0	0	0	0
129 County Facility H/C Access Improvements	8,291	0	0	0	0	0
2008 HUD Community Block Development						
129 County Facility H/C Access Improvements	5,087	0	0	0	0	0
Total CDBG HUD Entitlement Fund	919,403	0	0	0	0	0
FUND: COMMUNITY REDEVELOPMENT FUND						
Community Redevelopment Brownsville						
151 Property Acquisition - Frontera Circle	35,000	0	0	0	0	0
151 Property Acquisition - Anthony Street	50,000	0	0	0	0	0
151 Property Acquisition - Godwin Street	40,000	0	0	0	0	0
151 Pace Boulevard Streetscaping	50,000	0	0	0	0	0
Community Redevelopment Warrington						
151 Park Improvements	65,000	0	0	0	0	0
Community Redevelopment Palafox						
151 Pace Boulevard Streetscaping	50,000	0	0	0	0	0
Community Redevelopment Barrancas						

Escambia County Government
Office of Management & Budget
Adopted Capital Project Request FY 13/14
& Five Year Operating Costs
(ROUTINE)

Description	Adopted	Five-Year Operating Projection				
	Total 2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
151 Lexington Terrace Park Improvements	50,000	0	0	0	0	0
Community Redevelopment Englewood						
151 Pace Boulevard Streetscaping	50,000	0	0	0	0	0
Total Community Redevelopment Fund	390,000	0	0	0	0	0
FUND: TRANSPORTATION TRUST FUND						
Fleet Maintenance						
175 Bushogs	46,000	0	0	0	0	0
175 Dump Truck	35,848	0	0	0	0	0
175 Lowboy Trailer	15,000	0	0	0	0	0
Total Transportation Trust Fund	96,848	0	0	0	0	0
FUND: MASTER DRAINAGE BASINS						
Engineering						
181 Drainage Projects	45,810	0	0	0	0	0
Total Master Drainage Basins	45,810	0	0	0	0	0
FUND: LOCAL OPTION SALES TAX III						
Public Facilities & Projects						
352 Old Molino School	125,000	0	0	0	0	0
352 4-H Barn/Pig Farm	250,000	0	0	0	0	0
352 Englewood/Boys & Girls Club	150,000	0	0	0	0	0
Natural Resources/Community Redevelopment						
352 Environmentally Sensitive Lands Acquisition and Mitigation Bank	100,000	0	0	0	0	0
352 Navy Boulevard Project	982,000	0	0	0	0	0
Parks and Recreation						
352 Land Acquisition	200,000	0	0	0	0	0
352 Park Development/Bayou Grande	468,379	0	0	0	0	0
352 Park Maintenance Equipment	68,182	2,500	2,500	2,500	2,500	2,500
Fire Services						
352 Vehicle/Apparatus Replacement	250,000	50,000	50,000	50,000	50,000	50,000
Public Safety						
352 3/4 Ton Cab/Chassis and/or 4WD P/U	11,246	1,000	1,000	1,000	1,000	1,000
352 Ambulances	700,000	52,000	52,000	52,000	52,000	52,000
352 Handheld Pulse OX/Cap Machines	40,000	0	0	0	0	0
352 Laptop Computers	32,400	0	0	0	0	0
352 Mobile Radios	39,200	0	0	0	0	0
352 Animal Transport Unit	15,807	1,500	1,500	1,500	1,500	1,500
352 Public Safety Vehicle 4x4 (Pre/Post Disaster)	38,000	1,750	1,750	1,750	1,750	1,750
352 Rebanding Initiative	40,634	0	0	0	0	0
Transportation						
352 Bobe Street Sidewalks	300,000	0	0	0	0	0
352 Bridge Renovations	1,516,666	0	0	0	0	0
352 Congestion Improvements	1,308,532	0	0	0	0	0
352 Dirt Road Paving	2,300,000	0	0	0	0	0
352 Neighborhood Enhancements	1,400,000	0	0	0	0	0
352 Resurfacing	3,452,804	0	0	0	0	0
352 Sidewalks	500,000	0	0	0	0	0
352 Sidewalks District I	100,000	0	0	0	0	0
Drainage						
352 Coral Creek Subdivision Drainage	285,000	0	0	0	0	0
352 Cove Avenue/Barnel Drainage	1,153,000	0	0	0	0	0
352 Delano Road Drainage	500,000	0	0	0	0	0
352 Grande Lagoon Drainage Study	500,000	0	0	0	0	0
352 Gulf Beach Highway	6,000,000	0	0	0	0	0
352 Jackson Street, Elysian Drainage Improvements	1,500,000	0	0	0	0	0

Escambia County Government
Office of Management & Budget
Adopted Capital Project Request FY 13/14
& Five Year Operating Costs
(ROUTINE)

Description	Adopted Total 2013/14	Five-Year Operating Projection				
		2014/15	2015/16	2016/17	2017/18	2018/19
352 L Street Pond Expansion	600,000	0	0	0	0	0
352 Nims Lane Drainage	175,000	0	0	0	0	0
Sheriff						
352 Detention Facilities	240,000	0	0	0	0	0
352 Detention Vehicle Replacement	200,000					
352 Sheriff Vehicle Replacement	2,941,818	353,182	353,182	353,182	353,182	353,182
Total Local Option Sales Tax III Fund	28,483,668	461,932	461,932	461,932	461,932	461,932
FUND: SOLID WASTE FUND						
Administration Division						
401 Desktop PC (2) (HP5N) & Optiplex)	2,800	0	0	0	0	0
401 Laptop Computer (1)	1,300	0	0	0	0	0
401 Printers (2)	8,900	400	410	420	430	440
Engineering & Environmental Quality Division						
401 Submersible Pumps (3)	15,000	0	0	0	0	0
Recycling Division						
401 Laptop Computer (1)	1,300	0	0	0	0	0
401 Recycling Containers (7)	23,700	0	0	0	0	0
401 Roll-Off Truck	175,000	32,000	32,000	32,000	32,000	32,000
Palafox Transfer Station						
401 Resurface Tipping Floor	125,000	0	0	0	0	0
401 Install Irrigation System	15,000	0	0	0	0	0
Landfill Gas to Energy						
401 De-watering Pumps (2)	10,000	150	150	150	150	150
Operations Division						
401 Bulldozer (60,000lb.) (Rebuild)	300,000	50,000	50,000	50,000	50,000	50,000
401 Desktop PC's (2)	2,800	0	0	0	0	0
401 Dump Truck (25 Ton 6x6 Articulated)	400,000	52,000	52,000	52,000	52,000	52,000
401 Hydraulic Excavator (80,000lb.)	400,000	52,000	52,000	52,000	52,000	52,000
401 Hydraulic Pump (4")	30,000	2,500	2,500	2,500	2,500	2,500
401 Mechanics Truck	100,000	6,000	6,000	6,000	6,000	6,000
401 Road Prison Officer Crew Truck (2)	140,000	19,000	19,000	19,000	19,000	19,000
401 Tip Loader (4 yd High)	275,000	45,000	45,000	45,000	45,000	45,000
401 Water Truck Conversion	100,000	15,000	15,000	15,000	15,000	15,000
Projects Division						
401 Landfill Mining - Section 5	388,000	0	0	0	0	0
Total Solid Waste Fund	2,513,800	274,050	274,060	274,070	274,080	274,090
FUND: EMERGENCY MANAGEMENT SERVICES						
EMS Operations						
408 Security Camera	4,000	0	0	0	0	0
408 GETAC Computers (5)	19,000	0	0	0	0	0
408 Couches (2)	2,130	0	0	0	0	0
408 Desktop PC's (2)	3,000	0	0	0	0	0
408 Laptop (Paging)	1,800	0	0	0	0	0
Total Emergency Management Services Fund	29,930	0	0	0	0	0
FUND: CIVIC CENTER FUND						
409 Air Mover Fans	3,000	0	0	0	0	0
409 Boiler	40,000	0	0	0	0	0
409 Carpet	20,000	0	0	0	0	0
409 Computer/Software	10,000	0	0	0	0	0
409 Event Curtain	25,000	0	0	0	0	0
409 Painting	25,000	0	0	0	0	0
409 Parking Lot Signage	5,000	0	0	0	0	0

Escambia County Government
Office of Management & Budget
Adopted Capital Project Request FY 13/14
& Five Year Operating Costs
(ROUTINE)

Description	Adopted Total 2013/14	Five-Year Operating Projection				
		2014/15	2015/16	2016/17	2017/18	2018/19
409 Storefront Entrance Doors	50,000	0	0	0	0	0
409 Tables	22,000	0	0	0	0	0
Total Civic Center Fund	200,000	0	0	0	0	0
FUND: INTERNAL SERVICE FUND						
501 Wellness Equipment	10,000	250	250	250	250	250
Total Civic Center Fund	10,000	250	250	250	250	250
GRAND TOTAL:	33,581,940	762,472	762,482	762,492	762,502	762,512

Escambia County Local Option Sales Tax III						
Transportation and Drainage						
210107						
#	Project	Budget 2014	Budget 2015	Budget 2016	Budget 2017	Budget 2018
Transportation						
08EN0021	Beulah Road Improvements/Beltway				700,000.00	
12EN2003	Bobo Street Sidewalks	300,000.00	0.00			
13EN2188	Bridge Renovations	1,516,666.00	1,263,170.00	1,270,162.00	1,016,666.00	516,670.00
	Burgess Road Sidewalks			350,000.00		
	Congestion Improvements	1,308,532.00	837,000.00	818,000.00	1,618,000.00	
08EN0068	Dirt Road Paving	2,300,000.00	2,500,000.00	2,500,000.00	3,000,000.00	
	E Street (Leonard to Cervantes)			400,000.00		
08EN0078	East/West Longleaf Drive		8,000,000.00	8,190,000.00		
08EN0105	Highway 297A Widening (Box) and Drainage			3,000,000.00		
11EN1028	ITS Application (Box)				1,462,936.00	
10EN0068	JPA/Design Box				300,154.00	599,846.00
12EN1738	Neighborhood Enhancements	1,400,000.00	700,000.00	700,000.00	2,800,000.00	
08EN0208	Resurfacing	3,452,804.00	1,750,000.00	1,732,689.00	1,584,622.00	751,211.00
08EN0228	Sidewalks	500,000.00	500,000.00	500,000.00	900,000.00	
08EN0211	Sidewalks District I	100,000.00	100,000.00	100,000.00	100,000.00	
08EN0268	Traffic Calming			200,000.00		
	Total Transportation	\$10,878,002.00	\$15,650,170.00	\$19,760,851.00	\$13,482,378.00	\$1,867,727.00
Drainage						
10EN0433	Avery Street Drainage		1,000,000.00			
08EN0272	Beach Haven		1,700,000.00			
08EN0301	Coral Creek Subdivision Drainage	285,000.00				
	Cove Avenue/Barmel Drainage	1,153,000.00			0.00	0.00
	Crescent Lake			4,000,000.00		
	Eleven Mile Creek Restoration		1,000,000.00		0.00	0.00
	Englewood Drainage/Neighborhood Improvements		1,000,000.00			
08EN0524	Fairchild Drainage Project		100,000.00	600,000.00		
08EN0324	Ferry Pass Zone 4 & 5		120,000.00			
08EN0334	Ferry Pass, Zone 2 Drainage Project		180,000.00			
12EN1742	Gulf Beach Highway	6,000,000.00				
	Highway 297 Drainage				1,772,000.00	
	Jackson Street, Elysian Drainage Improvements	1,500,000.00				
	L Street Pond Expansion	600,000.00				
09EN0572	Myrtle Grove Jackson			1,350,000.00	0.00	
	Nims Lane Drainage	175,000.00				
	Rebel Road			0.00	2,000,000.00	0.00
	Water Quality/Flood Control	0.00	0.00	0.00	190,000.00	
12EN1763/05EN1343	Delano Road Drainage	500,000.00				
12EN2061	Grande Lagoon Drainage Study	500,000.00				
	Total Drainage	\$10,713,000.00	\$5,100,000.00	\$5,950,000.00	\$3,962,000.00	\$0.00

	Escambia County Local Option Sales Tax III					
	Public Facilities/Community Services					
	110267					
		Budget	Budget	Budget	Budget	Budget
#	Project	2014	2015	2016	2017	2018
	As Yet Unnamed Project/ District IV				880,000.00	
	Libraries/Community Center	0.00		0.00	875,000.00	
	Maintenance Shop/Storage - Main Jail	0.00			125,000.00	
08PF0045	Old Molino School	125,000				
08PF0028	Replacement of voting machines		180,620.00	85,000.00		602,781.96
	4-H Barn/Pig Farm	250,000.00				
12PF1973	Englewood/Boys & Girls Club	150,000.00				
	Total	\$525,000.00	\$180,620.00	\$85,000.00	\$1,880,000.00	\$602,781.96

LOST III Planning					
Revenue and Project Projections					
	Budget	Budget	Budget	Budget	Budget
	2014	2015	2016	2017	2018
Expenses:					
Public Safety	917,287.00	2,471,466.00	1,194,503.00	1,112,000.00	0.00
Public Facilities	525,000.00	180,620.00	85,000.00	1,880,000.00	602,781.96
Judicial	2,000,000.00	0.00	0.00	0.00	0.00
NESD	1,082,000.00	300,000.00	315,000.00	328,000.00	0.00
Parks	2,426,951.55	3,260,701.55	2,060,701.55	1,560,701.55	1,360,701.55
Fire Services	998,658.73	2,903,038.73	998,658.73	998,658.73	1,099,752.77
Sheriff	3,381,818.18	3,381,818.18	3,381,818.18	10,443,614.18	2,881,818.18
Transportation	10,878,002.00	15,650,170.00	19,760,851.00	13,482,378.00	1,867,727.00
Drainage	10,713,000.00	5,100,000.00	5,950,000.00	3,962,000.00	0.00
Total Expenses	\$32,922,717.45	\$33,247,814.45	\$33,746,532.45	\$33,767,352.45	\$7,812,781.45

	Escambia County Local Option Sales Tax III					
	Parks & Recreation					
	350223/350228/350229/350231/350235					
		Budget	Budget	Budget	Budget	Budget
#	Project	2014	2015	2016	2017	2018
	Bayou Grande Park Development & Maintenance	300,000.00	1,700,000.00			
08PR0025	Brosnaham Soccer Center Development & Maintenance	90,909.09	90,909.09	90,909.09	90,909.09	90,909.09
08PR0031	Equestrian Center Development & Maintenance ¹ - 350231	391,211.09	90,909.09	590,909.09	90,909.09	90,909.09
12PR1688	Land Acquisition	200,000.00	200,000.00	200,000.00	200,000.00	
08PR0058	Park Development	1,376,649.55	1,110,701.55	1,110,701.55	1,110,701.55	1,110,701.55
08PR0068	Park Maintenance Equipment	68,181.82	68,181.82	68,181.82	68,181.82	68,181.82
	Total	\$2,426,951.55	\$3,260,701.55	\$2,060,701.55	\$1,560,701.55	\$1,360,701.55

	Escambia County Local Option Sales Tax III					
	Natural Resources/Community Redevelopment					
	220102					
		Budget	Budget	Budget	Budget	Budget
#	Project	2014	2015	2016	2017	2018
	Beachhaven Drainage Project			215,000.00		
10NE0018	CRA Sewer Expansion: Beach Haven, Bellshead, Mob Hwy., Englewood	0.00			228,000.00	
08NE0028	Environmentally Sensitive Lands Acquisition and Mitigation Bank	100,000.00	100,000.00	100,000.00	100,000.00	
12NE1992	Navy Boulevard Project	982,000.00	10,000.00			
	Palafox Commerce Park Infrastructure	0.00	190,000.00			
		\$1,082,000.00	\$300,000.00	\$315,000.00	\$328,000.00	\$0.00

	Escambia County Local Option Sales Tax III					
	Court System					
	410149					
		Budget	Budget	Budget	Budget	Budget
#	Project	2014	2015	2016	2017	2018
	Build out Judges Chambers on 5th Floor	2,000,000.00				
	Total	\$2,000,000.00	\$0.00	\$0.00	\$0.00	\$0.00

Escambia County Local Option Sales Tax III						
Fire Services						
330228						
#	Project	Budget 2014	Budget 2015	Budget 2016	Budget 2017	Budget 2018
	Debt Service/330229	748,658.00	748,658.00	600,000.00	610,805.00	
09FS0021	Fire Station in Beulah		1,904,380.00			
10FS0045	Fire Station Kingsfield & 29		\$0.00			\$101,094.04
08FS0018	Vehicle/Apparatus Replacement	250,000.73	250,000.73	398,658.73	387,853.73	998,658.73
	Total	\$998,658.73	\$2,903,038.73	\$998,658.73	\$998,658.73	\$1,099,752.77

	Escambia County Local Option Sales Tax III					
	Public Safety					
	330435					
		Budget	Budget	Budget	Budget	Budget
#	Project	2014	2015	2016	2017	2018
08PS0018	3/4 Ton Cab/Chassis and/or 4WD P/U	\$11,245.53	\$53,385.00	\$54,933.00	\$55,000.00	
08PS0028	Ambulances	700,000.00	720,000.00	925,000.00	950,000.00	
	Defibrillators		960,000.00			
	Handheld Pulse OX/Cap Machines	40,000.00				
	Laptop Computers	32,400.00	44,800.00	34,800.00	35,000.00	
	Mobile Radios	39,200.00	40,000.00	52,000.00	55,000.00	
	Portable Suctions			27,000.00		
	Stairchairs		30,000.00			
	Stretchers		150,000.00			
08PS0048	Animal Transport Unit	15,807.00	16,281.00	16,770.00	17,000.00	
08PS0108	Portable Generator Replacement		22,000.00	22,000.00		
08PS0078	Public Safety Vehicle 4x4 (Pre/Post Disaster)	38,000.00	135,000.00	62,000.00		
11PS0928	Rebanding Initiative	40,634.47	0.00	0.00		0.00
08PS0128	Tractor/Chassis Replacement for Command Vehicle		300,000.00			
		\$917,287.00	\$2,471,466.00	\$1,194,503.00	\$1,112,000.00	\$0.00

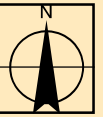
Escambia County Local Option Sales Tax III						
Sheriff						
540115						
#	Project	Budget 2014	Budget 2015	Budget 2016	Budget 2017	Budget 2018
	Detention Facilities	240,000.00	240,000.00	240,000.00	7,561,796.00	
	Detention Vehicle Replacement	200,000.00	200,000.00	200,000.00	200,000.00	200,000.00
08SH0018	Vehicle Replacement	2,941,818.18	2,941,818.18	2,941,818.18	2,681,818.18	2,681,818.18
	Total	\$3,381,818.18	\$3,381,818.18	\$3,381,818.18	\$10,443,614.18	\$2,881,818.18

FY 2013-2017





Schedule of Capital Improvements

Annual Update

Projects 2013-2014 Map








Alabama

-  Transportation Projects
-  Drainage/Stormwater Projects
-  Solid Waste Projects
-  Parks & Recreation Projects

**CIP
ESCAMBIA COUNTY
PROJECTS**

This map was prepared by the Escambia County Development Services and is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered. Prepared: 3-2014



-  MAJOR_ROADS
-  LOCAL
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR

FY 2013-2017

Schedule of Capital Improvements

Annual Update

Parks & Recreation LOS Analysis

Report w/ Recreational Service District &

Park Location Map

Parks / Open Space LOS Analysis
 Michael Rhodes, Department Director
 Parks & Recreation

The current LOS standard for recreation and open space, as identified in the Escambia County Parks and Recreation Comprehensive Master Plan and in Comprehensive Plan Policy REC 1.3.6, is listed as follows:

Barrier Island RSD 1 acre/1000 people within the Recreation Service District.

Urban RSD 1 acre/1000 people within the Recreation Service District.

Suburban RSD 1 acre/1000 people within the Recreation Service District.

Rural RSD 1 acre/1000 people within the Recreation Service District.

When reviewing the current park inventory, Escambia County meets and or exceeds the adopted LOS for parks and recreation.

Recreation Service District	Park Classification	Acreage	Number of Locations
<i>Barrier Island</i>	Neighborhood	5.98	7
	Community Centers	0	0
	Regional	918	8
	Undeveloped	0	0
	TOTAL	923.98	15
<i>Urban</i>	Neighborhood	84.85	44
	Community Centers	16	5
	Regional	251.7	17
	Undeveloped	385	1
	TOTAL	737.55	67
<i>Suburban</i>	Neighborhood	99.38	24
	Community Centers	7	2
	Regional	762.65	19
	Undeveloped	7	2
	TOTAL	876.03	46
Recreation Service District	Park Classification	Acreage	Number of Locations
<i>Rural</i>	Neighborhood	9	4
	Community Centers	12	5
	Regional	291	12
	Undeveloped	0	0
	TOTAL	312	21

Escambia County has identified revised standards to include park categories, special use parks and amenities for the development of future and existing park inventory. The newly proposed LOS Standards for Parks and Recreational Facilities by Population are identified in the Escambia County 2007 EAR, Table 4.10.

The justification for including park development funding in the Capital Improvement Program is for the addition of park amenities, such as, playground structures, park shelters, sports fields and courts, open play spaces and nature trails.

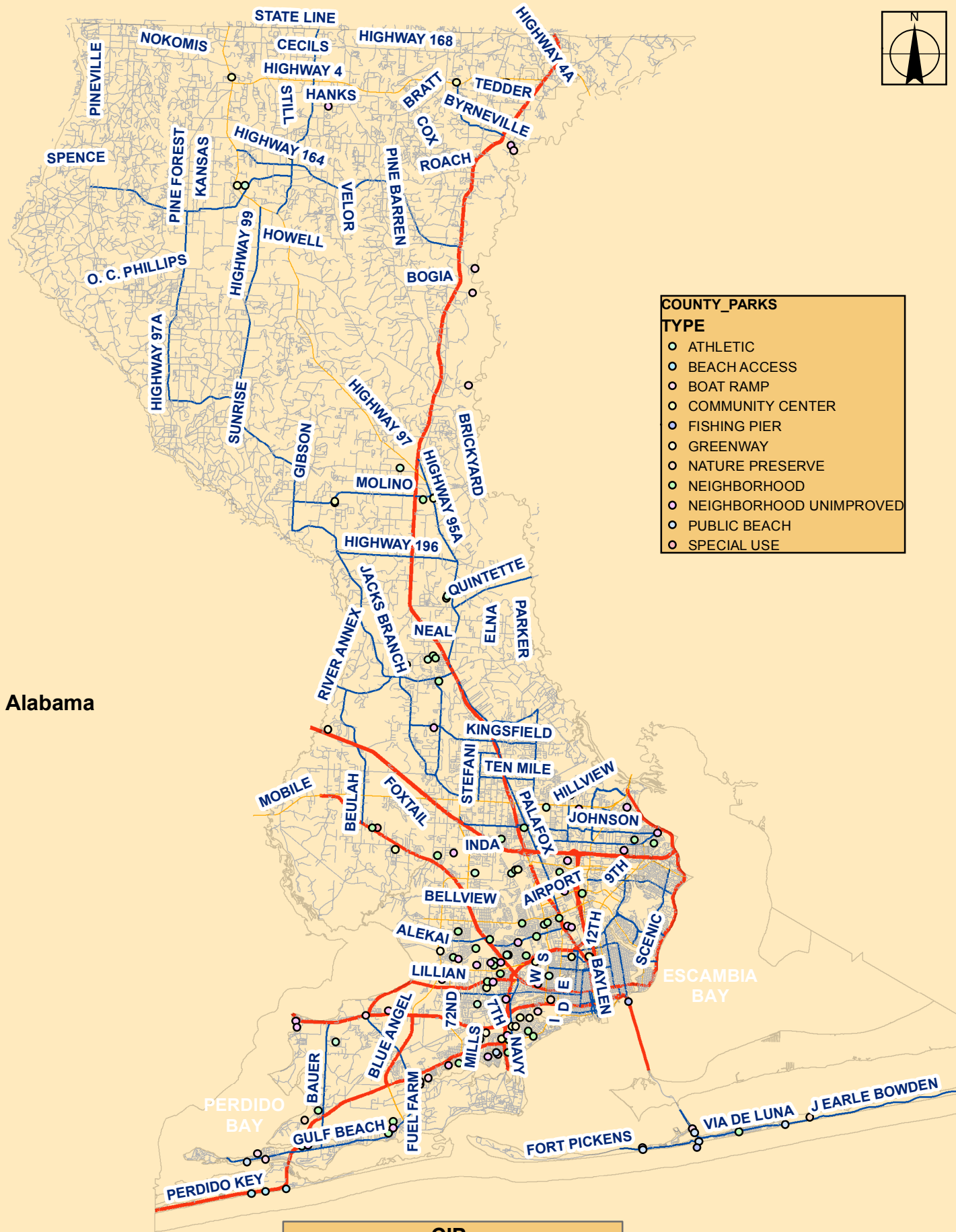
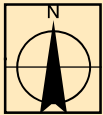
An updated park matrix is provided that includes individual park amenities, respective district, classification of respective park, and other pertinent details. This chart will be updated annually as park amenities are added or additional parks be added to the county inventory.

Escambia County Parks Recreation										Disks	Baseball	Softball	Tennis	Volleyball	Swimming	Playground	Walking Path	Basketball	Public	Boat Ramp	
Park	Proj. ID	Address	City	Zip	TYPE	RSD	Category	Acres													
1	Aero Vista	97PK017	120 Marine Drive	Warrington	32507	Neighborhood	Urban	d	1	2	X										
2	Aviation Field	04PK002	2900 Miller Street	Pensacola	32503	Neighborhood	Urban	d	2	3	X										
3	Avondale	97PK009	6809 Vestavia Lane	Pensacola	32526	Neighborhood	Urbanizing	d	8	1	X										
4	Baars Field Athletic Park	97PK013	13001 Sorrento Rd	Pensacola	32507	Athletic	Urbanizing	Community	8	2	X	X	X								
5	Barrineau Park & Community Ctr	97PK054	6055 Barrineau Park School Rd.	Molino	32577	Community Center	Rural	Community	3	5	X										
6	Barrington Court	97PK055	Median - 77th/Barrington	Pensacola	32506	Neighborhood Unimproved	Urban	Neighborhood	0.25	2											
7	Beggs Lane	97PK056	Beggs Lane	Pensacola	32505	Neighborhood Unimproved	Urban	Neighborhood	0.25	3											
8	Bellview Athletic Park	97PK014	2750 Longleaf @ Packer	Pensacola	32526	Athletic	Urbanizing	Community	20	1	X	X	X	X							
9	Beulah	97PK057	7425 Woodside Road	Pensacola	32526	Community Center	Urbanizing	Community	5	1	X										
10	Beulah Regional Park	08PR091	7820 Mobile Hwy.	Pensacola	32526	Neighborhood	Urbanizing	Regional	8	1	X										
11	Bill Dickson Park & BR/Bayou Grande	04PK005	3151 Fenceline Rd.	Pensacola	32507	Boat Ramp	Urbanizing	Regional	49	2	X										
12	Bluff Springs	97PK058	Curly Brooks Rd.	Bluff Springs	32535	Neighborhood Unimproved	Rural	Community	3	5											
13	Bluff Springs Boat Ramp	97PK058	End of Bluff Springs Rd.	Bluff Springs	32535	Boat Ramp	Rural	Community	1	5											
14	Bogia Boat Ramp	97PK110	End of Bogia Road	McDavid	32568	Boat Ramp	Rural	Community	0.5	5											
15	Bradberry Athletic Park	97PK050	4760 Highway 99A	Molino	32577	Athletic	Rural	Regional	7	5	X	X	X								
16	Travis M. Nelson Park (formally Bratt Pk)	02PK003	4525 West Hwy 4	Bratt	32535	Neighborhood Unimproved	Rural	Neighborhood	40	5	X	X									
17	Brenda Lane Park	97PK060	Brenda/Sandra Ave	Pensacola	32506	Neighborhood Unimproved	Urban	Community	1	2											
18	Brent Athletic Park	97PK039	4711 N. "W" Street	Pensacola	32505	Athletic	Urban	Regional	30	3	X	X	X	X							
19	Brentwood	97PK031	4905 N. Palafox Street	Pensacola	32505	Neighborhood	Urban	d	3	3	X										
20	Bristol	97PK018	5311 Bristol Avenue	Pensacola	32505	Neighborhood	Urban	d	3	1	X										
21	Brosnaham Athletic Park	97PK005	10370 Ashton Brosnaham	Pensacola	32534	Athletic	Urbanizing	Regional	110	5	X										
22	Byrneville Community Center	97PK047	1707 Highway 4-A	Century	32535	Community Center	Rural	Community	4	5	X										
23	Cantonment Youth Athletic Park	98PK002	681 Well Line Road	Cantonment	32533	Athletic	Urbanizing	Regional	30	5	X	X	X	X							
24	Carnage Hills/Charbar	97PK011	1810 Broyhill Drive	Pensacola	32526	Neighborhood	Urbanizing	Neighborhood	1.5	1	X										
25	Carver	97PK044	208 Webb Street	Cantonment	32533	Neighborhood	Urbanizing	Community	2	5	X										
26	Chimes Way	97PK100	5002 Chimes Way	Pensacola	32505	Neighborhood	Urban	d	3	3	X										
27	Civitan	97PK019	404 2nd Street	Warrington	32507	Neighborhood	Urban	d	2	2	X										
28	Coronado Boat Ramp	97PK062	5700 B Coronado	Pensacola	32507	Boat Ramp	Urbanizing	Neighborhood	0.1	2											
29	Corry I	97PK020	120 Manchester Street	Warrington	32507	Neighborhood	Urban	d	2	2	X										
30	Corry II	97PK063	Cavalier/Delray	Warrington	32507	Neighborhood	Urban	d	0.5	2											
31	Cotton Lake Boat Ramp	97PK109	Cotton Lake Road	McDavid	32568	Boat Ramp	Rural	Community	0.5	5											
32	Davisville Community Center	97PK065	10200 S. Hwy. 97	Davisville	32535	Community Center	Rural	Community	2.89	5	X										
33	Dickson	00PK009	1102 Paulding Rd.	Warrington	32507	Neighborhood	Urban	d	3	1	X										
34	Diego Circle	99PK001	751 Massachusetts Ave.	Pensacola	32503	Neighborhood	Urban	d	1	3	X										
35	Don Sutton	97PK049	2320 Crabtree Church Rd	Molino	32577	Athletic	Rural	Regional	12	5	X	X	X								
36	Dorrie Miller Community Center	97PK033	2819 Miller Street	Pensacola	32503	Community Center	Urban	Community	4	3	X										
37	Ebonwood Park & Community Center	97PK032	3511 West Scott Dr	Pensacola	32503	Community Center	Urban	Community	5	3	X										
38	El Dorado		8269 El Dorado Dr.	Pensacola	32506	Neighborhood Unimproved	Urbanizing	Neighborhood	13.4	1											
40	Englewood Park & Community Cntr.	97PK035	1250 Leonard Street	Pensacola	32501	Community Center	Urban	Community	3	3	X										
41	Equestrian Center	00PK003	7750 Mobile Highway	Pensacola	32526	Special Use	Urbanizing	Regional	187	1	X										
42	Fairway/Country Club Dr	97PK066	Fairway/Country Club Dr.	Pensacola	32507	Neighborhood	Urban	Neighborhood	0.1	2	X										
43	Felix Miga Community Center	97PK030	904 N. 57th Avenue	Pensacola	32506	Community Center	Urban	Community	1	2	X										
44	Forte Estates	97PK022	77th Ave. & Barrington	Pensacola	32506	Neighborhood Unimproved	Urban	Neighborhood	0.5	2											
45	Galvez Boat Ramp	97PK069	Off Innerarity Point Road	Pensacola	32507	Boat Ramp	Urbanizing	Regional	0.5	2	X										
46	Garcon Bayou Nature Park	99PK002	55 Doug Ford Drive	Pensacola	32507	Nature Preserve	Urbanizing	Community	18	2	X										
47	Gene Pickerill/Sherwood	97PK026	18 Gamwell Rd	Pensacola	32506	Neighborhood	Urban	Neighborhood	2	2	X										
48	Gonzalez	97PK070	Gonzalez & Wentworth	Pensacola	32505	Neighborhood	Urban	d	0.25	2											
49	Harvester Homes I	97PK046	430 Belmont Street	Cantonment	32533	Neighborhood	Urbanizing	Neighborhood	0.5	5	X										
50	Harvester Homes II	97PK068	404 Lakeview Rd	Cantonment	32533	Neighborhood	Urbanizing	Neighborhood	0.5	5	X										
51	Hellen Caro Elementary	01PK004	12551 Meadson	Pensacola	32507	Neighborhood	Urbanizing	Neighborhood	25	1	X										
52	Heritage Lakes	05PK002	Harbour Pl @ Aileron	Pensacola	32506	Neighborhood Unimproved	Urbanizing	Neighborhood	1.23	1											

Abbrev: Ath=Athletic; CC=Community Center; R=Regional; U=Unimproved; E=Equestrian; (not developed); Med=Median; Sch=School; C=Campground; REG=Regional; ROW=Right Of Way; Misc=Miscellaneous

Escambia County Parks Recreation										Disc Golf	Baseball	Softball	Archery	Canoe/Kayak	Swimming	Boat Ramp	Playground	Hike Path	Basketball	Public	Club Park	
Park	Proj. ID	Address	City	Zip	TYPE	RSD	Category	Acres														
53	Heritage Lakes North	05PK002	End of Heritage Lakes Ave.	Pensacola	32506	Neighborhood Unimproved	Suburban/Urbanizing	Neighborhood	0.9	1	(not developed)											
54	Heron Bayou Boat Ramp	97PK108	Blue Angle Pkwy & Dog Track Rd.	Pensacola	32507	Boat Ramp	Suburban/Urbanizing	Community	0.5	2												
56	Jack Reddix/Falcon/Oakcliff	97PK067	Falcon & Oakcliff	Pensacola	32526	Neighborhood	Suburban/Urbanizing	Neighborhood	1	1	X										X	X
57	Jaunita Williams Community Center	97PK021	505 Edgewater Drive	Pensacola	32507	Community Center	Urban	Community	2	2	X										X	X
58	John R. Jones, Jr. Athletic Park	97PK007	555 E. Nine Mile Road	Pensacola	32514	Athletic	Urban	Regional	63	5	X	X	X	X							X	X
59	Jones Swamp Preserve	06PK004	North St.	Warrington	32507	Greenway	Urban	Regional	385	2	X											
60	Kingsfield Park	06PK005	551 W. Kingsfield Road	Cantonment	32533	Neighborhood Unimproved	Suburban/Urbanizing	Community	4.64	5	(not developed)											
61	Lake Stone - Boat Ramp	01PK001	Lake Stone Road	Century	32535	Boat Ramp	Rural	Regional	124.62	5	X											
62	Lake Stone - Campground	97PK071	801 W. Highway 4	Century	32535	Special Use	Rural	Regional	100	5	X										X	X
63	Lakewood	97PK023	670 Lakewood Rd	Warrington	32507	Greenway	Urban	Community	2	2	X										X	X
64	Lewis Powell Athletic Park	99PK003	7000 Rolling Hills Road	Pensacola	32505	Athletic	Urban	Community	2	3	X	X	X									X
65	Lexington Terrace Regional Park	02PK005	900 S. Old Corry Field Road	Pensacola	32507	Greenway	Urban	Regional	38	2	X										X	X
66	Lincoln	97PK036	7865 Aaron Drive	Pensacola	32534	Neighborhood	Urban	Community	3	3	X										X	X
67	Marcus Pointe Park	97PK101	North side of Marcus Pointe Blvd.	Pensacola	32505	Neighborhood			6	2												
68	Marie Ella Davis Park & CC	98PK001	16 Raymond Street	Warrington	32507	Community Center	Urban	Community	3	2	X										X	X
69	Mariners Oak		Blue Angel Parkway	Pensacola	32526	Greenway	Urbanizing	Community	2.9	1	(not developed)											
70	Mayfair I	97PK024	50 S. Garfield	Pensacola	32505	Athletic	Urban	Community	5	2	X										X	X
71	Mayfair II	97PK073	268 Fennel Drive	Pensacola	32505	Neighborhood Unimproved	Urban	Neighborhood	0.5	2											X	X
72	Meadowbrook I	97PK028	3 Adkinson Drive	Pensacola	32506	Neighborhood	Urban	Neighborhood	3	2	X										X	X
73	Meadowbrook II	97PK075	16 Feldor Drive	Pensacola	32506	Neighborhood Unimproved	Urban	Neighborhood	1	2												
74	Miracle League of Pensacola/Athletic Park	06PK002	555 E. Nine Mile Road (East side)	Pensacola	32514	Athletic	Urban	Regional	7	5	X	X									X	X
75	Model Park	04PK003	Jamesville Rd.	Pensacola	32526	Special use	Rural	Community	20	1	X											X
76	Molino Boat Ramp	97PK102	6698 Fairgrounds Rd	Molino	32577	Boat Ramp	Rural	Community	1.5	5	X											
77	Molino/Fairgrounds	97PK045	6698 Fairgrounds Rd	Molino	32577	Nature Preserve	Rural	Community	1.5	5	X										X	X
78	Molino VFD	04PK006	1459 Molino Road	Molino	32577	Neighborhood	Rural	Community	2	5	X											X
79	Murr Heights Park		Tyson St. @ Elm St.	Warrington	32506	Neighborhood Unimproved	Urban	Neighborhood	1.53	2												
80	Myrtle Grove Athletic Park	00PK004	99 N. 61st Avenue	Pensacola	32506	Athletic	Urban	Regional	17	2	X	X	X	X							X	X
81	Mystic Springs Boat Ramp	97PK107	Mystic Springs Road	McDavid	32568	Boat Ramp	Rural	Community	0.5	5											X	
82	Navy Point - Waterfront	97PK016	Baublitts/Syrcl Drive	Warrington	32507	Public Beach	Urban	Regional	60	2	X										X	X
83	Navy Point Boat Ramp	97PK077	Baublitts & Sunset	Warrington	32507	Boat Ramp	Urban	Regional	2	2	X										X	X
84	Navy Point ROW/Triangle	97PK078	120 W. Sunset Ave W of Sunset behind house	Warrington	32507	Neighborhood Unimproved	Urban	Neighborhood	1	2	X											
85	Navy Point West	97PK079		Warrington	32507	Unimproved	Urban	Neighborhood	1	2												
86	O'Connor-Colling Com Pk/Innerarity	97PK015	552 Batten Blvd.	Pensacola	32507	Neighborhood Unimproved	Suburban/Urbanizing	Community	30	2	X										X	X
87	Oak Park	97PK080	Spruce & Hickory Streets	Pensacola	32505	Neighborhood Unimproved	Urban	Neighborhood	1	3												
88	Oak Grove - Community Center	97PK103	2550 Hwy. 99 N	Molino	32577	Community Center	Rural	Community	1	5	X											
89	Oak Grove - Park	97PK081	Across from Community Ctr	Molino	32577	Neighborhood	Rural	Community	2	5	X										X	X
90	Oakcrest	97PK025	220 Topaz Ave	Pensacola	32505	Neighborhood	Urban	Community	1.5	2	X										X	X
91	Oakfield Acres I	97PK037	6124 Confederate Drive	Pensacola	32503	Neighborhood Unimproved	Urban	Community	3	3	X										X	X
92	Oakfield Acres II	97PK082	6411 White Oak Drive	Pensacola	32503	Neighborhood Unimproved	Urban	Neighborhood	2	3												
93	Old Ensley School	97PK034	107 E. Detroit Blvd.	Pensacola	32534	Neighborhood	Urban	Neighborhood	1.5	3	X										X	X
94	Osceola I	97PK027	302 Comanche Trail	Pensacola	32506	Neighborhood Unimproved	Urban	Neighborhood	1.5	2	X										X	X
95	Osceola II	97PK083	Kissimmee Circle	Pensacola	32506	Neighborhood Unimproved	Urban	Neighborhood	0.25	2												X
96	Osceola III	97PK084	Talladega & Cherokee Tr	Pensacola	32506	Neighborhood Unimproved	Urban	Neighborhood	0.25	2												
97	SRIA - Pensacola Beach East	97PK053	3000 Via DeLuna	Pensacola Bc	32561	Public Beach	Barrier Island	Regional	372	4	X										X	
98	Fishing Pier Pensacola	97PK105	1750 Bayfront Parkway	Pensacola	32501	Fishing Pier	Urban	Regional	0	4	X										X	
99	Shipyard/Boat Ramp	00PK005	700 S. Myrick	Pensacola	32505	Boat Ramp	Urban	Regional	3.2	2	X										X	X
100	Perdido Bay Country Club Estates		West side of Omaha Dr.	Pensacola	32507	Nature Preserve	Suburban/Urbanizing	Neighborhood	0	2												
101	Perdido Key Access 1 - Sandy Key	97PK086	13549 Sandy Key Dr	Pensacola	32507	Public Beach	Barrier Island	Regional	0.5	2											X	
102	Perdido Key Access 2 - Gulfside	97PK087	14261 Perdido Key Dr	Pensacola	32507	Public Beach	Barrier Island	Regional	0.5	2											X	

Escambia County Parks Recreation										Disks	Baseball	Softball	Tennis	Handball	Swimming	Boat Ramp	Playground	Hike Path	Basketball	Public	Club Park	
Park	Proj. ID	Address	City	Zip	TYPE	RSD	Category	Acres														
103	Perdido Key Access 3 - River Rd	97PK088	14767 Perdido Key Dr	Pensacola	32507	Public Beach	Barrier Island	Regional	0.5	2	X											X
104	Perdido Kids Park	06PK001	10004 Gulf Beach Highway	Pensacola	32507	Neighborhood	Suburban/Urbanizing	Regional	3	2	X					X						X
105	Perdido Manor	97PK089	Perdido Manor Subd	Pensacola	32506	Neighborhood Unimproved	Suburban/Urbanizing	Neighborhood	0.5	2												
106	Perdido River Walk	97PK088	13011 Beulah Rd.	Cantonment	32533	Greenway	Suburban/Urbanizing	Regional	10	5												
107	Pine Valley Quintette	97PK090	Fridinger Drive	Pensacola	32526	Neighborhood Unimproved	Suburban/Urbanizing	Neighborhood	5	1												
108	Athletic Park Quintette	97PK091	2490 Quintette Lane	Cantonment	32533	Athletic	Suburban/Urbanizing	Community	18	5	X	X										
109	Community Ctr	97PK091	2490 Quintette Lane	Cantonment	32533	Community Center	Suburban/Urbanizing	Community	2	5	X				X		X					X
110	Raines Terrace	97PK092	Cedarwood Village & Raines	Pensacola	32514	Neighborhood Unimproved	Urban	Neighborhood	1.5	4												
111	Raymond Riddles Athletic Park	97PK040	1704 N. "W" Street	Pensacola	32505	Athletic	Urban	Community	5	3	X	X	X									X
112	Regency	97PK008	8245 Fathom Rd. Scenic Hwy. & 9 Mile Road	Pensacola	32514	Neighborhood Unimproved	Urban	Community	10	4	X				X		X	X	X	X	X	X
113	River Gardens	97PK093		Pensacola	32514	Neighborhood Unimproved	Urban	Neighborhood	3.32	4												
114	River Road Park I		14484 River Road	Pensacola	32507	Neighborhood Unimproved	Barrier Island	Neighborhood	0.5	2	X				X	X		X				X
115	River Road Park II	97PK085	Across from Perdido Garden Subd.	Pensacola	32506	Neighborhood Unimproved	Barrier Island	Neighborhood	0.5	2						X	X					
116	R. L. King / Bayou Marcus	97PK010	7705 Lenora Street	Pensacola	32526	Neighborhood Unimproved	Suburban/Urbanizing	Neighborhood	4	1	X				X		X	X				X
117	Serenity Park		Serenity Cir.	Pensacola	32506	Unimproved	Urbanizing	d	0.23	1	(not developed)											
118	SRIA - Ft. Pickens Boat Ramp	97PK104	Ft. Pickens Road	Pensacola Bcl	32561	Boat Ramp	Barrier Island	Regional	1	4												X
119	SRIA - Ft. Pickens Gate Rec. Area		Ft. Pickens Road	Pensacola Bcl	32561	Public Beach	Barrier Island	Regional	3	4	X				X	X						X
120	SRIA - Casino Beach		Pensacola Beach Blvd./Ft. Pickens	Pensacola Bcl	32561	Public Beach	Barrier Island	Regional	23	4					X							
121	SRIA - Crowley	97PK064	Ariola Drive	Pensacola Bcl	32561	Neighborhood Unimproved	Barrier Island	d	1	4	X				X		X	X				
122	SRIA - Pensacola Bch Gulf Pier		41 Ft. Pickens Rd.	Pensacola Bcl	32561	Fishing Pier	Barrier Island	Regional	0	4						X						
123	SRIA - Pensacola Bch Soundside	04PK008	3000 Via DeLuna	Pensacola Bcl	32561	Nature Preserve	Barrier Island	Regional	517	4						X						
124	SRIA - Quietwater Bch Boat Ramp		Pensacola Beach Blvd.	Pensacola Bcl	32561	Boat Ramp	Barrier Island	Regional	1	4						X	X					
125	SRIA - Quietwater Bch Rec Area		Pensacola Beach Blvd.	Pensacola Bcl	32561	Public Beach	Barrier Island	Regional	1	4	X	X			X		X					X
126	Santa Maria Plaza/Farm Hill Athletic Park	97PK048	199 Madrid Rd.	Cantonment	32533	Athletic	Suburban/Urbanizing	Community	3	5	X	X			X		X	X				X
127	Shady Terrace	97PK042	3708 Pompano Drive	Pensacola	32514	Neighborhood Unimproved	Urban	d	1.5	4	X						X					
128	Shell Street	97PK043	5550 Shell Street	Pensacola	32503	Neighborhood Unimproved	Urban	d	2	4	X				X		X					X
129	South Fairfield	00PK002	End of South Fairfield Spanish Trail Villa / Old Spanish Tr.	Pensacola	32507	Neighborhood Unimproved	Urban	Neighborhood	0.25	4						X						X
130	Spanish Trail	97PK094		Pensacola	32526	Neighborhood Unimproved	Urban	Neighborhood	0.5	3												
131	St. Augustine	97PK095	St. Augustine/St. Elmo	Pensacola	32503	Neighborhood Unimproved	Urban	Neighborhood	1	2												
132	Star Lake	01PK005	Star Lake Drive/Triangle	Warrington	32507	Neighborhood Unimproved	Urban	d	1	2												
133	SW Escambia Sports Complex/Athletic Park	08PR109	2020 Bauer Rd.	Pensacola	32506	Athletic	Suburban/Urbanizing	Regional	217	1												
134	Tangen Heights	97PK012	4810 Cochise Street	Pensacola	32526	Neighborhood Unimproved	Suburban/Urbanizing	Neighborhood	1	1	X							X				X
135	Treasure Hills	05PK001	12839 Beckstrom Rd.	Pensacola	32507	Neighborhood Unimproved	Suburban/Urbanizing	Community	3.96	2	X						X					
136	Tulip	97PK029	4855 Tulip Drive	Pensacola	32506	Neighborhood Unimproved	Urban	d	2	2	X				X		X					X
137	Twin Lake Estates		Off end of Twin Lakes Dr.	Pensacola	32504	Neighborhood Unimproved	Urban	Neighborhood	0	3												
138	Villa De Casa		7201 Bruner St.	Pensacola	32526	Neighborhood Unimproved	Suburban/Urbanizing	Neighborhood	0.12	1	(not developed)											
139	Walnut Hill Community Center	97PK096	7850 Hwy. 97	Walnut Hill	32568	Community Center	Rural	Community	0.75	5	X											X
140	Water's Beach Park		Americus Ave. @ Athens Ave.	Pensacola	32507	Neighborhood Unimproved	Suburban/Urbanizing	Neighborhood	0	2	(not developed)											
141	Wedgewood	97PK038	3420 Pinestead, Lot 1	Pensacola	32503	Neighborhood Unimproved	Urban	Community	8	3	X				X		X	X	X	X		X
142	Weller Boat Ramp	97PK097	Weller Rd @ Bayou Grande	Pensacola	32507	Boat Ramp	Suburban/Urbanizing	Neighborhood	0.25	5						X	X					
143	Wildlife Sanctuary NWFL	00PK008	205 N. "S" Street	Pensacola	32505	Nature Preserve	Urban	Community	5	2	X											
144	Woodlands	97PK098	9619 Sunnehanna Blvd.	Pensacola	32514	Neighborhood Unimproved	Suburban/Urbanizing	Neighborhood	1	5												
145	Woodrun Park	05PK004	9329 Woodrun Rd.	Pensacola	32514	Neighborhood Unimproved	Urban	Neighborhood	3.9	5	(not developed)											
146	Yoakum Court	97PK099	Yoakum Court	Pensacola	32505	Neighborhood Unimproved	Urban	Neighborhood	0.5	3												



Alabama

**CIP
ESCAMBIA COUNTY
PARKS**

This map was prepared by the Escambia County Development Services and is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered. Prepared: 3-2014



FY 2013-2017

Schedule of Capital Improvements

Annual Update

Solid Waste LOS Analysis Report

Solid Waste LOS Analysis - 2014

Brent Schneider

Department of Solid Waste Management

Manager Engineering & Environmental Quality

The adopted level of service standard for solid waste is a disposal rate of six pounds per capita per day. Escambia County continues to maintain its solid waste level of service commitments under the comprehensive plan, which is to provide adequate municipal solid waste disposal capacity of 6 pounds per capita per day by allocating funding for future landfill construction and closure of cells. These cells are required since the County must provide adequate disposal capacity for its citizens. The population growth is anticipated to be 1% for the near future, so the County funds the cell expansion as required to ensure there is no deficiency in required landfill capacity. Currently, the average waste acceptance is 700 tons/day and compaction density for our waste stream averages at least 1500 pounds per cubic yard. This compaction rate may change in the future as the methodology and waste compositions vary.

The Perdido Landfill has remaining filling capacity through the end of 2017 based on the current footprint. Perdido Landfill Mining Phase I was completed at the end of 2011 and will facilitate construction of the future expansion cell, Section 5 Cell 1A. Funding for construction of Section 5 Cell 1A will be included in Fiscal Years 2016 and 2017 at \$7,500,000. Construction of Section 5 Cell 1A will begin in early 2016 and will be available for use in early 2017 with a four-year capacity.

Funding for the closure costs are accrued and escrowed each year as required by Chapter 62-701, F.A.C.,. The total acreage for the Perdido Landfill facility is 955 acres, which includes permitted disposal areas, service areas, materials recycling and yard waste recycling, 352 acres, conservation 172 acres and future expansion (Section Six), 431 acres. The current build-out for disposal is 141 acres, through Section 5, Cell 3 providing solid waste disposal capacity through 2033. Disposal capacity in Section Six is estimated at 50 to 70 years. All capital projects underway and into the near future are fully funded.

Clearly, with the appropriately timed expansions, the County has sufficient capacity at the Perdido Landfill to accommodate current development and growth during the planning period.

FY 2013-2017

Schedule of Capital Improvements

Annual Update

Stormwater/Drainage LOS Analysis Report

Stormwater / Drainage LOS Analysis
Joy Blackmon, County Engineer
2014

Escambia County has determined that proper management of stormwater is necessary to reduce the frequency of flooding and to improve the quality of runoff reaching surface water bodies. To this end, the County contracted with stormwater consultants to develop a Stormwater Master Plan that was completed in November 1994. The plan included inventories of existing stormwater systems throughout the County, and it included detailed studies of 3 of the county's 41 major watershed drainage basins. Also in the plan, future stormwater improvement projects were identified and ranked according to selected criteria. The preliminary Capital Improvement Plan Project List contained 87 proposed projects, and from this list, the County Commission selected 30 of the projects to be completed in a 3-year Capital Improvement Plan (CIP). It was the County's intent to periodically update the Stormwater Master Plan and construct the projects that were identified in the Capital Improvement Plan Project List in an orderly fashion.

In 1998, Escambia County was issued its first National Pollutant Discharge Elimination System (NPDES) Permit for its Municipal Separate Storm Sewer System (MS4). This permit was renewed in January 2012. One of the requirements of the NPDES Permit is a long-term stormwater quality-monitoring program designed to document and illustrate improvements in the County's stormwater management program. The NPDES Stormwater Monitoring Plan will be implemented for the duration of the permit (5 years), and it has the goal of identifying sources and impacts of specific stormwater pollutants, as well as identifying the most cost-effective stormwater controls.

In addition to the county's NPDES Permit water quality monitoring requirement, the Florida Department of Environmental Protection (FDEP) is conducting additional water quality monitoring within the Escambia Bay System, and within the Perdido Bay System. This additional sampling is being done to confirm which waterbodies will comprise the new 303(d) Verified List of Impaired Waters. The waterbodies that are placed on the Verified List will be required to have Total Maximum Daily Loads (TMDLs) calculated for them. These TMDLs will restrict future allowable discharges in watersheds that have one or more impaired waters, and thus potentially restrict future economic development in those impaired watersheds. FDEP has encouraged local governments to stay involved in the TMDL process, so the county has elected to assist FDEP with the additional TMDL sampling, data collection, and analysis in Escambia and Perdido Bay watersheds. These TMDL monitoring activities, as well as the NPDES Stormwater Monitoring Plan permit requirement, have necessitated the need for Escambia County to become more actively involved in assessing water quality by employing water quality sampling personnel and purchasing water quality sampling equipment.

In September 2003, the County prepared the *Escambia County Ambient Water Quality Report*, which is the first phase of the countywide watershed management approach. This report provides a preliminary evaluation of the status of water quality in Escambia County utilizing the FDEP methodology described in Chapter 62-303 F.A.C. (*Identification of Impaired Surface Waters and Criteria for Surface Water Quality Classification*). In this report, statistical analysis of water quality data was utilized to list and rank Escambia County water bodies according to their degree of water quality impairment. This ranking enables the county to prioritize stormwater and water quality improvement projects in those watersheds that are most impaired and, therefore, most in need of improvement projects.

In December 2003, the county prepared the *LOST Funding for Stormwater Management – Flooding and Water Quality Enhancement Program Report*, which is a review of flooding and stormwater quality improvement projects funded by the County's Local Option Sales Tax (LOST) program. Projects included in the report are the paving and stabilization of dirt roads to reduce sedimentation and turbidity in streams, and the installation of structural stormwater Best Management Practices (BMPs) to reduce flooding and improve water quality. Projects that were completed are reviewed in the report, and projects that are proposed are discussed to examine their anticipated benefits. This report effectively analyzes the flooding and water quality enhancement benefits that have been achieved by the County, and it updates the County's Stormwater Master Plan basin by basin.

Of the County's 41 watershed drainage basins, 18 detailed basin master plan studies have been completed. It is anticipated that additional basin studies will be contracted each of the successive years until all 41-basin master plan studies are completed as funds become available. This watershed basin approach identifies current structural stormwater systems that exist in each drainage basin, surveys property owners within the basins to determine their concerns, and identifies recommended future stormwater and drainage projects that will reduce flooding and improve water quality in each basin.

The next basin study to consider is Garcon Swamp and portions of the Southwest basin. Funds have been identified to initiate these basin studies during the 2013-2014 budget years.

The County will continue the Basin study program in an effort to stay ahead of anticipated growth in terms of water quality and flood control, to correct existing deficiencies with flooding and water quality, and to develop reasonable cost estimates and priority schedules for proper planning and funding of future infrastructure needs.

FY 2013-2017

Schedule of Capital Improvements

Annual Update

Transportation & Traffic LOS Analysis Report with De Minimis Report,

Traffic Volume & LOS Report and

2005 Federal Functional Classification Map

CIP 2014-2018 TRANSPORTATION PROJECTS											
Project Name	Location	Funding Source	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	Total Project Cost	Code	Comp Plan Objectives	Notes
I-10 @ Beulah Rd Interchange		FDOT			\$ 5,500,000			\$5,500,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	Funds to Support Future Interchange at I-10 and Beulah Rd.
UW 29 Connector (Beltway)	Mobile Hwy to Muscogee Rd	LOST III			1,600,000			\$1,600,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	New Road Supporting Sector Plan
Bridge Renovations	Countywide	LOST III	\$1,516,666.00	1,263,170	1,270,162	1,016,666	516,670.00	\$5,583,334	S	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	Funds to improve bridge safety countywide
Burgess Rd Sidewalks	Davis Hwy to Sanders Rd	LOST III				350,000		\$350,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Local Safe Routes To School Program
Blue Angel Parkway ROW	Sorrento to US98	Bond/FDOT			1,400,000	15,000,000		\$16,400,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Design will be complete and will evaluate Bonding (TIF) Feasibility in 2015. 2035 LRTP
Burgess Extension Design & ROW	Burgess/Creight on extension from Hilburn Dr to US 29	FDOT		\$ 1,100,000.00			\$5,000,000	\$6,100,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	TPO Transportation Improvement Program Priority #9, Const. funds committed in out years
Congestion Improvements	Countywide	LOST III	\$1,808,532	\$837,000	\$818,000	\$1,618,000		\$5,081,532		MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Projects to improve traffic and freight flow.
Dirt Rd Paving	Countywide	LOST III	\$2,300,000	\$2,500,000	\$2,500,000	\$3,000,000		\$10,300,000	R	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	Revolving Maintenance Program to prevent sediment run-off and
E' Street Improvements	Texar to Cervantes	LOST III			\$400,000			\$400,000		MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	
Gulf Beach Hwy (SR292) Corridor Study Projects	Navy Blvd to Sorrento	TPO/LOST III	\$ 1,500,000					\$1,500,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	TPO pg 2.2. Design underway, ROW funded in 2013.
Highway 297A Widening		LOST III			\$ 1,118,781			\$1,118,781	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	
ITS Application		LOST III / TPO				\$1,462,936		\$1,462,936	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	TPO priority #6 with annual funding
JPA Design Box		LOST III			\$300,154	\$ 600,000		\$900,154	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	Funds to Support the advancement of any 5-year FDOT projects if
Neighborhood Enhancements	Countywide	LOST III	\$1,400,000	\$ 700,000	\$700,000	\$2,800,000		\$5,600,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Program to provide amenities based on warranted needs.
Nine Mile Rd Improvements ROW & CST	Pine Forest to Hwy 29	FDOT		\$2,445,000			\$10,300,000	\$12,745,000	DG	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	TPO Transportation Improvement Program Priority #9.
Olive Rd Corridor - Phase I	Davis and Old Palafox	LOST III						\$0	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	Funds Encumbered in Past Years
Olive Rd Corridor - Phase II	Scenic Hwy to Davis Hwy	LOST III							G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	Funds Encumbered in Past Years
Perdido Key Wildlife Study	AL state line to ICWW Bridge	FDOT	\$135,000					\$135,000	DG	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	Perdido Key Beach Mouse
Perdido Key Drive PD&E	Perdido Key Dr between AL and the south end of the	FDOT					2,500,000	\$2,500,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Future Capacity. 2035 LRTP
Sorrento ROW	ICWW Bridge to Blue Angel Pkwy	Local Bond		\$2,000,000				\$2,000,000	DG	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	TPO Priority #17
Pinestead / Longleaf Design & Construction		LOST III		\$6,000,000	\$8,190,000			\$14,190,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	TPO priority #11.
Resurfacing	Countywide	LOST III	\$3,452,804	\$1,750,000	\$1,732,689	\$1,584,622		\$8,520,115	R	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	Annual Program
Sidewalks Design / Construction		LOST III	\$500,000	\$500,000	\$500,000	\$900,000		\$2,400,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB	County Wide Safe Walk to School support program.
Sidewalks District 1		LOST III	\$100,000	\$100,000	\$100,000	\$100,000		\$400,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	Commissioner Request for Residential areas and School areas
Traffic Calming	Countywide	LOST III			\$200,000			\$200,000	G	MOB 8-1.1; MOB 8-1.3; MOB 8-1.4; MOB 8-1.5; MOB 8-1.6	County Wide Program for identified Neighborhood Traffic areas.

Transportation & Traffic LOS Analysis for 2014 – 2018 CIP

Colby Brown, Division Manager

Escambia County has implemented approximately \$52 million of local funds (LOST III) from 2008 to 2013 with approximately \$11 million budgeted for FY 2013-2014. An additional \$48 million is allocated in fiscal year's 2015 to 2018, which a portion of those funds will ensure that we will maintain the expected level of service (LOS) on state and local roadways. Escambia County will continue to be a partner to ensure transportation needs are achieved.

Escambia County has a Concurrency Management System (CMS) in place to integrate the updated transportation variables and ensure appropriate transportation infrastructure is available as development comes on-line. The County's CMS has now been operational for eleven years. The CMS also ensures facilities will be in place to monitor development activities, as well as, area activities that may have an impact to County roadway infrastructure. The County will continue to use and pursue all possible alternatives to provide additional revenue sources to meet the growing demand for better mobility. These sources will include such resources as Proportionate Fair Share, Turn Lane Mitigation, Local Option Sales Tax, Transportation Regional Incentive Programs, County Incentive Grants, and Contributions by Development Agreements.

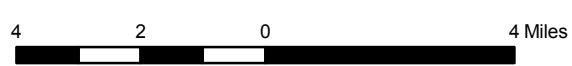
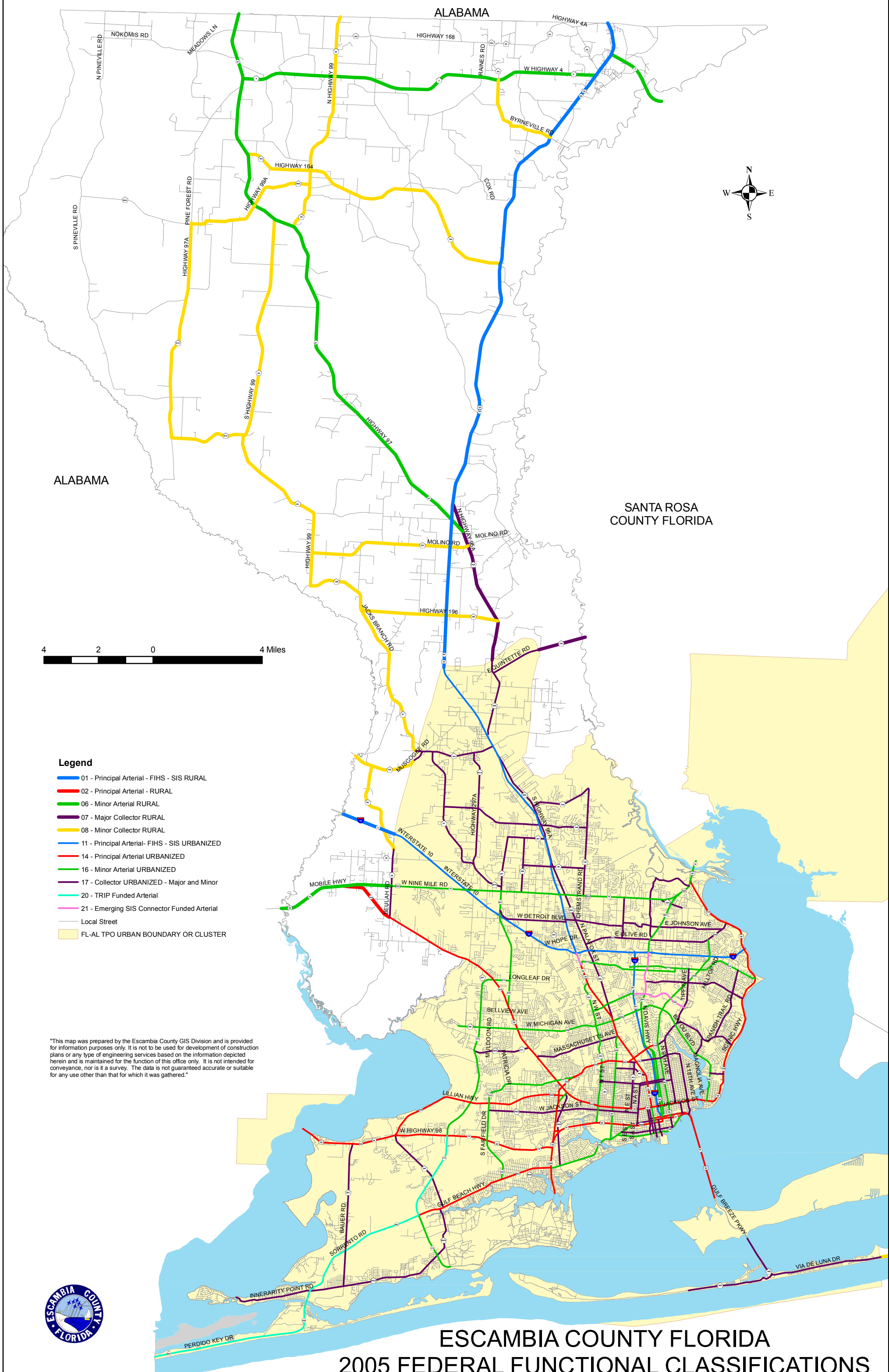
Escambia County conducts annual evaluations on all roadways exceeding 75% capacity used, because the Florida Department of Transportation (FDOT) annual counts have an 18 month delay for count data published. This will ensure no roadway will exceed capacity or action needed during the time lapse. The typical concurrency report is based upon the Florida Traffic Information updated annually provided by FDOT. The FL-AL Transportation Planning Organization (TPO) runs the traffic models and prioritizes the list of FDOT projects, as well as, occasional County projects. Please reference the FL-AL TPO Cost Feasible Report and the Concurrency Management Systems Manual for more information on the methodology.

The Traffic Volume and Level of Service Report (LOS Report) for the County's roadway network is included in this report. The LOS standards for transportation are reviewed and adjusted (as necessary) to comply with the expected quality of travel. The County is exploring the link between transportation LOS with respect to the expected future lane uses. The County will continue to provide LOS reports and potential mitigation options to County and local officials.

De Minimus Report

Escambia County reports on the level of capacity for roadways that are using de minimus provisions, as part of the annual update to the Capital Improvement Element. A de minimus impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service (LOS) of the affected transportation facility as determined by the local government. If the traffic from the development is 1% or less of the maximum threshold, or the new trips would push it over 110%. In either of these scenarios the development would not qualify as de minimus. The exception to this is for a single family home on an individual lot. These are always de minimis, regardless of the level of deficiency of the roadway. When the impact from a development would be more than 1%, the development cannot be de minimis. Each local government is required to maintain sufficient records to ensure the 110-percent criterion is not exceeded. No transportation facilities in the unincorporated area of Escambia County exceed the maximum LOS for this reporting period.

ALABAMA



Legend

- 01 - Principal Arterial - FIHS - SIS RURAL
- 02 - Principal Arterial - RURAL
- 06 - Minor Arterial RURAL
- 07 - Major Collector RURAL
- 08 - Minor Collector RURAL
- 11 - Principal Arterial- FIHS - SIS URBANIZED
- 14 - Principal Arterial URBANIZED
- 16 - Minor Arterial URBANIZED
- 17 - Collector URBANIZED - Major and Minor
- 20 - TRIP Funded Arterial
- 21 - Emerging SIS Connector Funded Arterial
- Local Street
- FL-AL TPO URBAN BOUNDARY OR CLUSTER

"This map was prepared by the Escambia County GIS Division and is provided for information purposes only. It is not to be used for development of construction plans or any type of engineering services based on the information depicted herein and is maintained for the function of this office only. It is not intended for conveyance, nor is it a survey. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered."



ALABAMA

SANTA ROSA COUNTY FLORIDA

ESCAMBIA COUNTY FLORIDA
2005 FEDERAL FUNCTIONAL CLASSIFICATIONS

FY 2013-2017

Schedule of Capital Improvements

Annual Update

Mass Transit LOS Analysis Report

w/ ECAT Bus Routes Map & ECAT System Map

BUREAU: NEIGHBORHOOD & ENVIRONMENT SERVICES
DEPARTMENT: PUBLIC WORKS
DIVISION: MASS TRANSIT

MISSION STATEMENT

The mission of the Escambia County Area Transit System is to provide the citizens with mass transportation services throughout the Escambia County urban area in a safe, comfortable, efficient, and timely manner at a reasonable cost.

PROGRAM DESCRIPTION

Mass Transit is responsible for the County bus transportation program. This service is managed through a contract with First Transit. The program receives funding from passenger revenue, contributions from Escambia County, SRIA, UWF, FDOT, and FTA grants for capital expenses. ECAT also administers the Escambia County Complimentary Paratransit Service in compliance with the Americans with Disabilities Act, the County contribution to TDAC, the Non-urbanized area transportation program, and provides maintenance services to non-transit vehicles.

GOALS & OBJECTIVES – AT RECOMMENDED FUNDING LEVEL

- Maintain passenger ridership at the highest-level possible consistent with a service level determined by fiscal constraints.
- Maintain fare box revenue at the highest-level possible consistent with ridership and the latest BCC approved service level and fare structure.
- Reduce operating expenses to a minimum consistent with service level, fare box revenues, and federal, state and local contributions.

SIGNIFICANT CHANGES FOR 2013-14

This FY14 ECAT budget is based on maintaining an overall cost that will allow Escambia County's capital contributions for Mass Transit to be covered by the recently implemented gasoline tax. Farebox revenues have increased over the past couple of years. The FY13 service level will be maintained with some possible adjustments.

PERFORMANCE MEASURES

Fixed Route	2011-12	2012-13	2013-14
<u>Description</u>	<u>Actual</u>	<u>Actual</u>	<u>Proposed</u>
Passenger Trips	1,473,412	1,558,617	1,560,000
Vehicle Miles per Capita	4.73	4.91	4.91
Passenger Trips per Capita	4.80	5.07	5.07
Revenue Miles between Roadcalls	10,755	14,805	14,800
Operating Revenue Per Operating Expense	21.8%	22.7%	22.7%
Operating Expense per Revenue Mile	\$5.60	\$5.48	\$5.75

PERFORMANCE MEASURES

<u>ADA Paratransit Service</u> <u>Description</u>	<u>2011-12</u> <u>Actual</u>	<u>2012-13</u> <u>Actual</u>	<u>2013-14</u> <u>Proposed</u>
Passenger Trips	49,687	43,907	44,000
Vehicle Miles per Capita	1.35	1.15	1.25
Passenger Trips per Capita	0.16	0.14	0.15
Operating Revenue Per Operating Expense	11.3%	12.7%	12.7%
Operating Expense per Revenue Mile	\$3.68	\$3.53	\$3.60

STAFFING ALLOCATION

<u>Position Classification</u>	<u>Pay</u> <u>Grade</u>	<u>2011-12</u> <u>Authorized</u>	<u>2012-13</u> <u>Authorized</u>	<u>2013-14</u> <u>Actual</u>
No County Employees at ECAT.				

ESCAMBIA COUNTY AREA TRANSIT

REVENUE ESTIMATE WORKSHEET
Fiscal Year 2013- 2014

FUND	MASS TRANSIT (104)
FUNCTION	Transportation
ACTIVITY	Transit Systems

DEPARTMENT	Public Works
DIVISION	Mass Transit
COST CENTER	Operations

CURRENT SERVICE LEVEL

Date: June 22, 2013

TreSun Revenue Code	Description	Source of Funding	FY 2010/11 Budget	FY 2011/12 Budget	FY 2012/13 Budget	FY 2013/14 Proposed
104-331431	FTA - Program Support and Administration	F	98,000	98,000	98,000	100,000
104-331440	FTA-Preventive Maintenance	F	1,568,152	1,570,989	1,692,210	1,643,000
104-331 441	FTA - ADA Capital Costs	F	307,028	300,000	300,000	300,000
	FTA - Operating Assistance	F	0	0	0	327,754
104-331 New	FTA-New Freedom Funding		0	51,527	51,527	40,000
104-331 New	FTA-JARC Funding			20,000	20,000	20,000
104-334401	FDOT - Operating Assistance	S	704,329	730,212	774,933	792,000
104-334402	FDOT - Urban Corridor - Blue Angel Service	S	13,858	0	0	0
104-334403	FDOT-Service Development, Beach Service	S	0	0	0	0
104-334406	FDOT - Service Development Beach Route	S	0	0	0	0
104-334407	FDOT - Service Development, Enhanced Service	S	0	0	0	0
104-334408	FDOT - Service Development- Century Route	S	0	0	0	0
104-334428	FDOT - Davis Highway - Urban Corridor	S	138,588	350,000	350,000	900,000
104-334431	Non-Urbanized Transportation	F/S	135,660	135,666	135,660	132,000
104-334433	FDOT TPO Service Development	S	0	1,498,333	1,498,333	500,000
104-334434	FDOT COA Service Development	S	0	0	0	0
104-334492	FDOT Service Development- UWF Trolley	S	0	0	0	0
104-334493	FDOT - Service Development Marketing	S	0	0	0	125,000
104-334495	FDOT Service Development- Crosstown	S	0	0	0	0
104-334496	FDOT Service Development-SW Pensacola	S	195,750	0	0	0
104-334497	FDOT Service Development-Perdido Key	S	44,000	0	0	0
104-337401	City of Pensacola - Contribution	O	0	0	0	0
104-337402	Pensacola CRA - Trolley Operations	O	0	0	0	0
104-337403	SRIA Trolley Contribution	L	84,116	87,525	156,064	171,700
104-337406	City of Pensacola CRA Trolley Contribution	L	0	0	0	0
104-337408	City CRA Contribution-Monday Juror Trolley	L	0	0	0	0
104-337409	City Contribution-Monday Juror Trolley	L	0	0	0	0
104-337410	University of West Florida Trolley Contribution	O	322,978	349,606	394,163	440,215
104-344301	Passenger Revenue	SC	1,076,106	945,052	931,958	1,100,000
104-344302	City Trolley Passenger Revenue	SC	0	0	0	0
104-344303	Bus Charter Revenue	SC	0	0	0	0
104-344304	SRIA Trolley Charter Revenue	SC	0	0	0	0
104-344305	City Trolley Charter Revenue	SC	0	0	0	0
104-344306	Contract Route Subsidy-Bus	SC	0	0	0	0
104-344308	County Juror Trolley Fares	SC	0	0	0	0
104-344309	Federal Juror Trolley Service	SC	15,789	26,316	26,316	25,000
104-344310	City Juror Trolley					
104-344311	Federal Court- Monday Juror trolley Service				0	
104-344902	Advertising	SC	18,421	26,316	26,316	25,000
104-344903	County Vehicle Maintenance	SC	807,575	794,280	640,755	300,000
104-361001	Interest	O	35,000	500	500	0
104-362003	Rents and Leases	O	4	4	4	0
104-364002	Sale of Equipment	O	0	0	0	0
104-369001	Miscellaneous Revenue	O	3,789	3,789	3,789	0
104-369002	Slate and Federal Tax Reimbursement	S	0	0	0	0
104-369004	Prior Year Refund		0	0	0	0
104-369008	Insurance Proceeds	O	0	0	0	0
104-369998	MR-Recovery of Bad Debt		0	0	0	0
104-381001	Transfer from Fund 001	L	3,610,702	2,781,256	2,654,465	0
104-381004	County Contribution-Gas Tax	L	0	0	0	3,360,000
104-381130	Transfer from Fund 130	L	0	0	0	0
104-389901	Estimated Fund Balance	FB	0	0	0	0
104-389905	Less 5% Anticipated Receipts	O	-96,084	-91,745	-81,457	-240,500
Total Revenue			9,083,761	9,677,626	9,673,536	10,061,169

ESCAMBIA COUNTY AREA TRANSIT

Fiscal Year 2014 Budget

FUND	MASS TRANSIT (104)
FUNCTION	Transportation
ACTIVITY	Transit Systems

DEPARTMENT	Public Works
DIVISION	Mass Transit
COST CENTER	Operations

Date: June 22, 2013

Account	Description	FY 10-11 Expenditures	FY 11-12 Budget	FY 12-13 Budget	FY 13-14 Request	Reductions/Justification
Cost Center -320401 -Mass Transit Operations						
53101	Management Fee	409,485	409,485	309,485	346,930	
53401	Operating Costs					
53404	Fixed Route Bus Costs	5,565,146	5,709,211	5,767,131	6,098,953	Salary increase/medical/marketing grant
53405	ADA Paratransit Costs	985,990	1,008,891	1,036,417	1,320,000	Current monthly cost projected thru 13/14
53406	Non-Sponsored TDAC Contribution	36,000	36,000	36,000	36,000	
54101	Communications & Freight	6,000	6,000	6,000	6,000	
54501	Insurance		0	0	0	
54502	Insurance Payment-Previous Year		0	0	0	
54901	TDAC Contribution		0	0	0	
55201	Fueling Operations	764,083	1,228,179	1,269,559	1,251,371	
57201	Debt Service	30,000	5,000	5,000	5,000	
59801	Reserve	4,065	0	0	0	
Mass Transit Sub-Total		7,800,769	8,402,766	8,429,592	9,064,254	

Cost Center - 320402-Pensacola Beach Trolley						
53101	Management Fee	16,109	16,109	24,163	20,000	
53401	Operating Costs	57,770	61,915	107,314	118,436	
55201	Fueling Operations	7,610	9,501	24,586	33,264	
Beach Trolley Sub-Total		81,489	87,525	156,064	171,700	

Cost Center - 320404 Transit (Outside Repairs)						
53101	Management Fee	41,200	41,200	41,200	0	
54601	County Veh. Maintenance	745,250	711,529	567,517	300,000	
Outside Repairs Sub-Total		786,450	752,729	608,717	300,000	

Cost Center - 320405 Non-Urbanized Transportation						
53401	Other Contractual Services	85,000	85,000	85,000	85,000	
Non-Urbanized Transportation-Total		85,000	85,000	85,000	85,000	

Cost Center - 320403 - University of West Florida Trolley						
53101	Management Fee	30,136	30,136	30,136	30,000	
53401	Operating Costs	260,951	270,281	294,779	338,033	
55201	Fueling Operations	38,966	49,189	69,248	72,182	
UWF Sub-Total		330,053	349,606	394,163	440,215	

Grand Total		9,083,761	9,677,626	9,673,536	10,061,169	
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Escambia County Area Transit System Map

Effective August 2012



ECAT Rosa L. Parks Complex
Transfer to Routes:
1 • 2 • 42 • 44 • 45 • 47
48 • 50 • 51 • 55 • 60 • 61

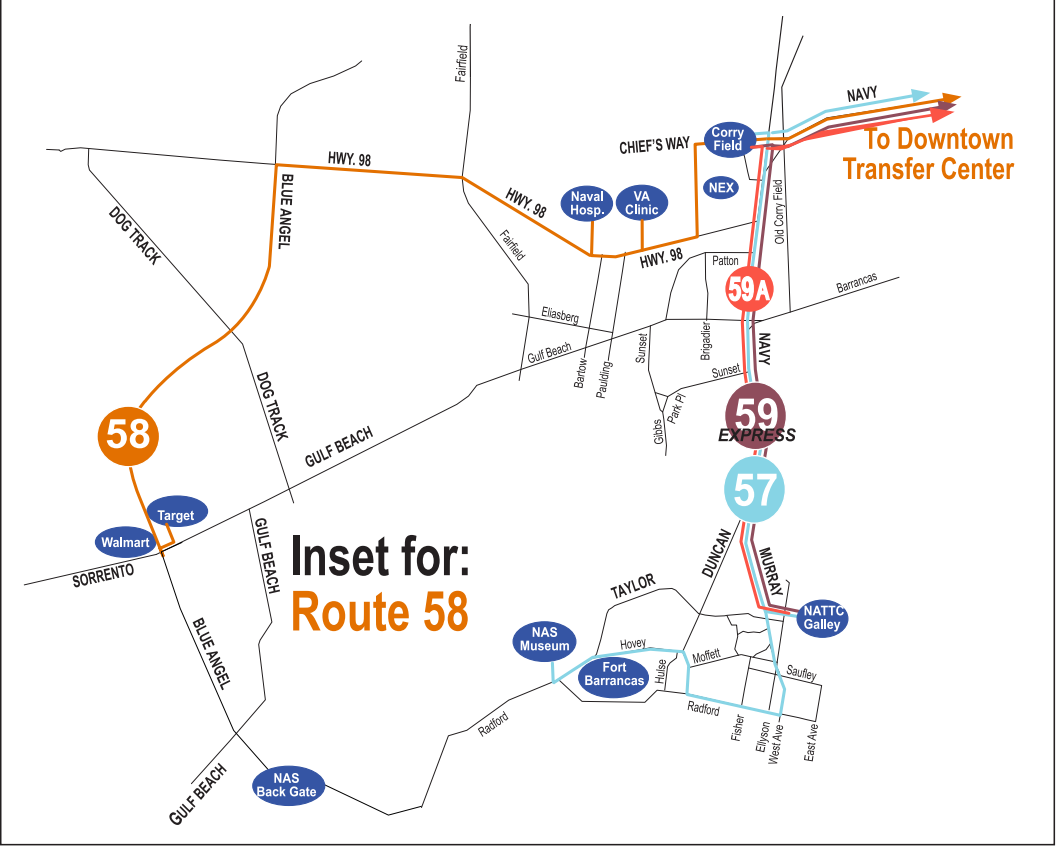
Target Transfer Center
Transfer to Route: 43

Pensacola State College Transfer Center
Transfer to Routes:
41 • 42 • 43 • 63

Downtown Transfer Center
(corner of Reus & Government Street)
Transfer to Routes:
2 • 41 • 42 • 44 • 45
48 • 57 • 58 • 61

Note: Some routes do not travel every trip as depicted on this map. Please see Ride Guide for route details or contact Customer Service.

See inset for Route 58.



2013



EXHIBIT B



Adopted: September 11, 2013

Amended: December 11, 2013

[FY 15-19 PROJECT PRIORITIES]

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<http://www.wfrpc.org/fl-al-projectpriorities>

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Table of Contents

Adoption Resolution iii

Amended Resolutioniv

Section 1: Introduction 1-1

 Purpose of this Report 1-1

 Project Priority Development Process 1-2

Section 2: Public Involvement..... 2-1

Section 3: Long Range Transportation Plan (LRTP) Capacity Project Priorities 3-1

Section 4: Transportation Systems Management (TSM) Project Priorities 4-1

Section 5: Transportation Alternatives Program (TAP) Project Priorities..... 5-1

Section 6: Bicycle and Pedestrian Project Priorities 6-1

Section 7: Public Transportation Project Priorities..... 7-1

Section 8: Aviation and Seaport Project Priorities..... 8-1

Section 9: Locally Funded Projects..... 9-1

Section 10: Major Bridge Replacement Projects 10-1

Tables

Table 1: FY 15-19 Committed Non Strategic Intermodal System (Non-SIS) Capacity Project Priorities 3-2

Table 2: FY 15-19 Non-Strategic Intermodal System (Non-SIS) Project Priorities 3-4

Table 3: FY 15-19 Committed Strategic Intermodal System (SIS) Project Priorities 3-11

Table 4: FY 15-19 Strategic Intermodal System (SIS) Project Priorities 3-14

Table 5: FY 15-19 Committed Transportation Systems Management (TSM) Project Priorities 4-2

Table 6: FY 15-19 Transportation Systems Management (TSM) Project Priorities 4-4

Table 7: FY 15-19 Committed Transportation Alternatives Program (TAP) Project Priorities- Florida..... 5-4

Table 8: FY 15-19 Transportation Alternatives Program (TAP) Project Priorities - Florida..... 5-5

Tables

Table 9: FY 15-19 Transportation Alternatives Program (TAP) Project Priorities - Alabama..... 5-7

Table 10: FY 15-19 Committed Bicycle & Pedestrian Projects - Florida..... 6-2

Table 11: FY 15-19 Bicycle & Pedestrian Project Priorities - Florida..... 6-3

Table 12: FY 15-19 Committed Bicycle & Pedestrian Project Priorities – Alabama..... 6-8

Table 13: FY 15-19 Bicycle & Pedestrian Project Priorities – Alabama..... 6-9

Table 14: FY 15-19 Escambia County Area Transit and Transportation Disadvantaged Project Priorities..... 7-2

Table 15: FY 15-19 Escambia County Area Transit Capital Improvement Project Priorities..... 7-4

Table 16: FY 15-19 Pensacola International Airport Aviation Project Priorities 8-2

Table 17: FY 15-19 Peter Prince Airport Aviation Project Priorities 8-6

Table 18: FY 15-19 Port of Pensacola Seaport Committed Project Priorities..... 8-9

Table 19: FY 15-19 Port of Pensacola Seaport Project Priorities 8-10

Table 20: FY 15-19 Locally Funded Capacity Projects 9-2

Table 21: FY 15-19 Potential Toll Project Priorities..... 9-5

Table 22: FY 15-19 Bridge Replacement Project Priorities 10-2

- Appendix A – Project Evaluation Criteria
- Appendix B – Strategic Intermodal System (SIS) Methodology Resolution
- Appendix C – Corridor Management Plans
- Appendix D – Traffic Signal Timing Projects
- Appendix E – Regional Intelligent Transportation System (ITS) Plan Projects
- Appendix F – List of Acronyms

RESOLUTION FL-AL 13-26

**A RESOLUTION OF THE FLORIDA-ALABAMA
TRANSPORTATION PLANNING ORGANIZATION
ADOPTING THE FY 2015-2019 PROJECT
PRIORITIES**

WHEREAS, the Florida-Alabama Transportation Planning Organization (TPO) is the organization designated by the Governors of Florida and Alabama as being responsible, together with the States of Florida and Alabama, for carrying out the continuing, cooperative and comprehensive transportation planning process for the Florida-Alabama TPO Planning Area; and

WHEREAS, the Transportation Improvement Program (TIP) is adopted annually by the TPO and submitted to the Governor of the State of Florida and the Governor of the State of Alabama, to the Federal Transit Administration, and through the State of Alabama and State of Florida to the Federal Highway Administration; and

WHEREAS, a public workshop was held on July 29, 2013 and a Technical Coordinating Committee/Public Workshop was held on August 19, 2013; and

WHEREAS, the initial step in the development of the TIP is for the TPO to submit its transportation project priorities for all modes of travel to the Florida Department of Transportation prior to October 1 each year;

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA-ALABAMA TRANSPORTATION PLANNING ORGANIZATION THAT:

The TPO adopts the FY2015-2019 Project Priorities, with any changes that may have been presented.

Passed and duly adopted by the Florida- Alabama Transportation Planning Organization on this 11th day of September 2013.



**FLORIDA- ALABAMA TRANSPORTATION
PLANNING ORGANIZATION**

BY: Gene M. Valentino
Gene Valentino, Chairman

ATTEST: [Signature]

RESOLUTION FL-AL 13-28

**A RESOLUTION OF THE FLORIDA-ALABAMA
TRANSPORTATION PLANNING
ORGANIZATION AMENDING THE
FY 2015-2019 PROJECT PRIORITIES**

WHEREAS, the Florida-Alabama Transportation Planning Organization (TPO) is the organization designated by the Governors of Florida and Alabama as being responsible, together with the States of Florida and Alabama, for carrying out the continuing, cooperative and comprehensive transportation planning process for the Florida-Alabama TPO Planning Area; and

WHEREAS, the Transportation Improvement Program (TIP) is adopted annually by the TPO and submitted to the Governor of the State of Florida and the Governor of the State of Alabama, to the Federal Transit Administration, and through the State of Alabama and State of Florida to the Federal Highway Administration; and

WHEREAS, the initial step in the development of the TIP is for the TPO to submit its transportation project priorities for all modes of travel to the Florida Department of Transportation prior to October 1 each year;

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA-ALABAMA TRANSPORTATION PLANNING ORGANIZATION THAT:

The TPO amends the FY2015-2019 Project Priorities for Perdido Key Drive.

Passed and duly adopted by the Florida- Alabama Transportation Planning Organization on this 11th day of December 2013.

**FLORIDA-ALABAMA TRANSPORTATION
PLANNING ORGANIZATION**

BY: 
Gene Valentino, Chairman



ATTEST: 

Section 1: Introduction

The Florida-Alabama Transportation Planning Organization (TPO) annually reviews and adopts transportation Project Priorities. The purpose of this document is to insure that transportation projects programmed by FDOT in the Five Year Work Program are consistent with local needs and plans for the TPO planning area. In accordance with state and federal laws, all modes of transportation must be addressed in the TPO's Project Priorities. These modes of transportation can be identified as Long Range Transportation Plan (LRTP) Capacity Projects, Transportation System Management (TSM) Projects, Transportation Alternative Program (TAP) Projects, Bicycle/Pedestrian Projects, Public Transportation Projects, Seaport Projects, and Aviation Projects.

The TPO's Transportation Improvement Program (TIP) for Fiscal Years 2014/2015 through 2018/2019 begins with preparing a list of Priority Projects to be used in developing the Tentative Five Year Work Programs for the Florida and Alabama Department of Transportation. The list of Priority Projects identifies potential projects to be funded in the new fifth year (2018/2019) of the Work Program.

Purpose of this Report

This report develops a list of needed, but unfunded, transportation projects. The projects listed later in this report are determined by the Florida-Alabama TPO to be necessary to effectively implement the adopted 2035 Long Range Transportation Plan. Projects selected for funding will be incorporated into the Florida-Alabama's Fiscal Years 2014-15 to 2018-19 Transportation Improvement Program (TIP).

Project Priority Development Process

1) Development of candidate projects (May – June)

a. The initial priority ranking is developed from the following:

- Projects in the previous year Priority Projects not funded through construction
- Local County/City submittals within the Florida-Alabama TPO area
- Local Airport, Port and Transit Agency submittals within the Florida-Alabama TPO area
- Adopted Long Range Transportation Plan
- Adopted Bicycle/Pedestrian Plan
- Transportation Alternatives Program Projects
- Congestion Management Process Plan
- Public Input

b. Projects submitted were reviewed by Florida-Alabama TPO Staff using the following criteria:

- Project must be within the Florida-Alabama TPO area.
- Capacity projects must be in the *Cost Feasible Plan* of the Adopted Long Range Transportation Plan

2) Ranking the List of Candidate Projects (July)

a) TPO Staff developed a preliminary List of Priority Projects to submit to the TCC, CAC, BPAC and TPO Board for review and approval.

b) Mass transit, port and aviation projects are prioritized by the submitting agency and forwarded to the TPO for inclusion in the project priority document.

3) Finalizing the List of Priority Projects (August)

- a) Draft project priorities are submitted for review and comment to the TPO Board, TCC, CAC and BPAC committees.
- b) Public workshops are held to review priorities and solicit public comment.

4) Adoption of the List of Priority Projects (September)

- a) Final draft project priorities are presented to the advisory committees for recommendations to the TPO Board.
- b) The TPO Board considers the advisory committees and public's comments/recommendations and adopts the Project Priorities.

Following Florida-Alabama TPO Board approval, the List of Priority Projects is submitted to both the Florida Department of Transportation (FDOT) and the Alabama Department of Transportation (ALDOT) for use in developing the Five Year Tentative Work Program.

Section 2: Public Involvement

The TPO's approach to ensuring the public is given opportunity to review the draft priorities is to run a local newspaper ad in the Pensacola News Journal and issue a general press release to all media. The ad and press release provided a TPO staff contact name, who will answer inquiries, provide requested information, and serve as liaison to community representatives or groups. Staff members are available for Public Meetings and informational gatherings. A letter and schedule of public involvement opportunities will be sent to a list of community organizations to encourage their participation, including representatives of Title VI communities. The following procedure is employed to ensure public involvement throughout the development of the Project Priorities:

- July - Initial Draft Priorities reviewed at a public workshop
- August - Draft Project Priorities reviewed by Technical Coordinating Committee (TCC), Citizens Advisory Committee (CAC), Bicycle/Pedestrian Advisory Committee (BPAC) and TPO Board
- August – Initial Draft Priorities reviewed by the CAC, TCC and at a public workshop
- August - Ad runs in Pensacola News Journal and general press release is issued asking for public comment. The Draft Project Priorities document is also placed on the TPO website at <http://www.wfrpc.org/fl-al-projectpriorities> for public review and comment
- September - Final Draft Project Priorities are reviewed by the TCC, CAC and BPAC and their recommendations are provided to the TPO
- October 1st – The Adopted Project Priorities are submitted to the ALDOT and the FDOT District 3 so they may begin revising their Work Programs for the next planning cycle. The revised FDOT and ALDOT Work Programs are then used in the creation

of the annually created 5-year Transportation Improvement Program (TIP), which is also made available to the public for review and comment

The following tables present the various project categories which are described on the tables. These project categories include:

- Capacity/Multimodal Priorities (SIS and Non-SIS Projects)
- Bicycle/Pedestrian Priorities
- Transportation Alternative Program Priorities
- Seaport Priorities
- Aviation Priorities (Pensacola International Airport and Peter Prince Field)
- Transit Priorities
- Major Bridge Replacement Priorities

The county in which the project is located is denoted as part of the project name. The following abbreviations are used:

- Escambia County = ESC
- Santa Rosa County = SRC
- Baldwin County, Alabama = BAL

Section 3: Long Range Transportation Plan (LRTP) Capacity Project Priorities

This category includes projects identified in the TPO's adopted 2035 Cost Feasible Long Range Transportation Plan. Two types of projects are addressed:

1. Major Capacity Projects - Includes the construction of new roads and highways, bridge capacity projects, interchanges and multi-lane upgrades of existing roads. This includes projects that are part of the Florida Strategic Intermodal System (SIS) as well as those off the SIS or Non-SIS.
2. Other Projects – Includes funding set-asides for Bicycle Pedestrian Projects, Public Transportation, Corridor Management Plans and Projects and Improved Traffic Signal Operations.



Table 1 on the following page presents the Non-Strategic Intermodal System (SIS) projects which are scheduled for construction in the FDOT Five Year Work Program, the Transportation Improvement Program (TIP) or a local Capital Improvement Program (CIP). Currently the list contains projects related to the ongoing construction of Avalon Boulevard in Santa Rosa County. This project came from the TPO's Long Range Transportation Planning (LRTP) process as a needed project to address future travel demands from I-10 to US 90. The Avalon Boulevard widening is in the final stages of construction.

**Table 1: FY 15-19 Committed Non Strategic Intermodal System (Non-SIS) Capacity Project Priorities
Not Subject to Priority Ranking**

Construction funded in the first three years of the Transportation Improvement Program or Underway

Project Name	From	To	Project Phase Status	Improvement
Avalon Boulevard	South of Moor's Lodge	North of CSX Railroad	PD&E Study – Complete	Widen to 4 lanes
			Design – Complete	
			ROW – Complete	
			Construction - Underway	
Avalon Boulevard	I-10	South of Moor's Lodge	PD&E Study – Complete	Widen to 4 lanes
			Design – Complete	
			ROW – Complete	
			Construction - Underway	

Table 2 below presents the Non-Strategic Intermodal System (Non-SIS) project priorities which are not scheduled for construction of the first three years of the FDOT Five Year Work Program. The status of the phases has been color coded to indicate funding. Phases in **GREEN** are considered Cost Feasible with State and/or Federal funds. This is based on the current 2035 Long Range Transportation Plan (LRTP) Cost Feasible Plan. If the phase is currently scheduled for completion in the FDOT Five Year Work Program, the fiscal year of funding and the project number are noted.

Phases in **RED** are not considered cost feasible with State and/or Federal funds based on the currently adopted 2035 LRTP Cost Feasible Plan.

The methodology used to initially rank these projects is based on the evaluation criteria developed as part of the 2035 LRTP process and has been included in Appendix A. Local, toll, bridge replacement, and projects committed for construction (construction funds are programmed in the first three years of the FDOT Work Program) are NOT subject to a priority ranking. These projects are provided for informational purposes only.

These projects were developed through the TPO's LRTP process. The boxed funds are dollars that are being set aside annually to fund mode specific plans such as the Bicycle/Pedestrian Master Plan.

While the TPO uses criteria to develop the Project Priorities, please note that the TPO is not required to set priorities according to the established criteria. The TPO has final authority to prioritize all projects as they see fit.

Table 2: FY 15-19 Non-Strategic Intermodal System (Non-SIS) Project Priorities

Project Name	From	To	Improvement	Phases in Green are Cost Feasible with State/Federal Funds in the 2035 LRTP - Red phases are NOT Cost Feasible with State/Federal Funds	FY15-19 Priority Ranking
Regional ITS Plan Projects¹	\$1,230,000 Annually				1
Corridor Management Plan/Studies²	\$130,000 Annually				2
Corridor Management Projects²	\$1,500,000 Annually				3
Public Transportation Capital Improvements³	\$300,000 Annually				4
Bicycle/Pedestrian Projects⁴	\$350,000 Annually				5
Traffic Signal Coordination⁵	\$300,000 Annually				6
Nine Mile Road (ESC)	Pine Forest Road	US 29	Widen to 4 lanes	PD&E Study - Complete	7
				Design - Underway	
				ROW - Funded FY14/15 through FY 16/17 Project # 2186053	
				Construction ⁶	
Nine Mile Road (ESC)	Mobile Highway	Pine Forest Road	Widen to 4 lanes	PD&E Study - Underway Project # 2186054	8
				Design ⁶	
				ROW ⁶	
				Construction	

^{1.} Regional ITS Plan projects are listed in Appendix E

^{2.} Corridor Management Plan/Studies information is included in Appendix C

^{3.} Table 15 presents the Public Transportation Capital Improvements

^{4.} Table 11 presents the Bicycle and Pedestrian Projects

^{5.} Traffic Signal Coordination Projects are listed in Appendix D

^{6.} Phase NOT currently funded in the Transportation Improvement Program (TIP) or FDOT Five Year Work Program

Table 2: FY 15-19 Non-Strategic Intermodal System (Non-SIS) Project Priorities

Project Name	From	To	Improvement	Phases in Green are Cost Feasible with State/Federal Funds in the 2035 LRTP - Red phases are NOT Cost Feasible with State/Federal Funds	FY15-19 Priority Ranking
Burgess Road (ESC)	US 29	I-110 Overpass	Widen to 4 lanes	PD&E Study - Complete	9
				Design - Underway	
				ROW- Funded FY 17/18 Project # 2184291	
				Construction ¹	
US 98 (SRC)	Bayshore Drive	Portside Drive	Widen to 6 lanes	PD&E Study - Complete	10
				Design - Underway Project # 2201101	
				ROW -Funded FY 14/15 Project # 2204401	
				Construction	
Pinestead-Longleaf Connector (ESC)	Pine Forest Road	US 29	Widen to 4 lanes	PD&E Study - Complete	11
				Design - Complete	
				ROW - Funded FY14/15 & FY16/17 with Local Funds Project # 4210141 ²	
				Construction ¹	
SR 87 North (SRC)	CR 87A (Langley Street)	TPO Urban Boundary	Widen to 4 lanes	PD&E Study- Complete	12
				DESIGN - Underway (FY12/13) Project #4167482	
				ROW	
				Construction	
US 90 (SRC)	Glover Lane/ Old Highway 90	SR 87 South	Widen to 4 lanes	PD&E – Underway	13
				Design	
				ROW	
				Construction	

¹ Phase NOT currently funded in the Transportation Improvement Program (TIP) or FDOT Five Year Work Program

² Phase funded with 100% local funds

Table 2: FY 15-19 Non-Strategic Intermodal System (Non-SIS) Project Priorities

Project Name	From	To	Improvement	Phases in Green are Cost Feasible with State/Federal Funds in the 2035 LRTP - Red phases are NOT Cost Feasible with State/Federal Funds	FY15-19 Priority Ranking
US 90 (SRC)	Avalon Boulevard	Stewart Street	Widen to 6 lanes	PD&E Study - Complete Design - Complete ROW ¹ Construction ¹	14
Gulf Beach Highway (ESC)	Fairfield Drive	Navy Boulevard	Widen to 4 lanes	PD&E Study Design ¹ ROW Construction	15
Gulf Beach Highway (ESC)	Blue Angel Parkway	Fairfield Drive	Widen to 4 lanes	PD&E Study Design ROW Construction	16
Sorrento Road (ESC)	South end of ICWW Bridge	Gulf Beach Highway/Innerarity Point Road	Widen to 4 lanes	PD&E Study - Underway Design - Underway ROW Construction	17

¹ Phase NOT currently funded in the Transportation Improvement Program (TIP) or FDOT Five Year Work Program

Table 2: FY 15-19 Non-Strategic Intermodal System (Non-SIS) Project Priorities

Project Name	From	To	Improvement	Phases in Green are Cost Feasible with State/Federal Funds in the 2035 LRTP - Red phases are NOT Cost Feasible with State/Federal Funds	FY15-19 Priority Ranking
Sorrento Road (ESC)	Gulf Beach Highway/Innerarity Point Road	Blue Angel Parkway	Widen to 4 lanes	PD&E Study - Underway	18
				Design	
				ROW- Funded FY16/17 with Local funds Project # 4210112- Priority for additional state/federal ROW funding	
				Construction Cost Feasible with Local Funds Only	
SR 87 Connector (SRC)	SR 87 South	SR 87 North	Widen to 4 lanes	PD&E Study – Underway	19
				Design ¹	
				ROW	
				Construction	
Main Street (PNS)	Tarragona Street	Chase Street	2 Lane Improvement	PD&E ¹	20
				Design ¹	
				ROW – Not Required	
				Construction ¹	
Main Street (PNS)	Barrancas Avenue	Baylen Street	2 Lane Improvement	PD&E ¹	21
				Design ¹	
				ROW – Not Required	
				Construction ¹	

¹ Phase NOT currently funded in the Transportation Improvement Program (TIP) or FDOT Five Year Work Program

Table 2: FY 15-19 Non-Strategic Intermodal System (Non-SIS) Project Priorities

Project Name	From	To	Improvement	Phases in Green are Cost Feasible with State/Federal Funds in the 2035 LRTP - Red phases are NOT Cost Feasible with State/Federal Funds	FY15-19 Priority Ranking
US 90 (SRC)	SR 87 South	S.A. Jones Road	Widen to 4 lanes	PD&E ¹	22
				Design	
				ROW	
				Construction	
Express Bus Service and Maintenance (ESC/SRC)	Pensacola	Navarre	New Bus Route	n/a	23
Blue Angel Parkway (ESC)	Sorrento Road	US 98	Widen to 4 lanes	PD&E Study - Complete	24
				Design - Underway	
				ROW - Funded FY17/18 with Local funds Project # 4210121 - Priority for additional state/federal ROW funding	
				Construction Cost Feasible with Local Funds Only	

¹ Phase NOT currently funded in the Transportation Improvement Program (TIP) or FDOT Five Year Work Program

Table 2: FY 15-19 Non-Strategic Intermodal System (Non-SIS) Project Priorities

Project Name	From	To	Improvement	Phases in Green are Cost Feasible with State/Federal Funds in the 2035 LRTP - Red phases are NOT Cost Feasible with State/Federal Funds	FY15-19 Priority Ranking
US 29 Connector (ESC)	US 90	US 29	New 4 lane facility	PD&E - Funded in FY 12/13 with Local Funds as Escambia County Project #1 - Priority for additional state/federal PD&E funding	25
				DESIGN ¹	
<p><i>FDOT is currently administering a PD&E Study for a new interchange at 1-10 @ Beulah Road. As this study progresses, it is the Department's intent to consider adding the Beulah Road interchange to the Strategic Intermodal System (SIS) by evaluating information obtained from the study to determine if the facility will function as a SIS corridor. If the information supports the need to add Beulah Road to the SIS, phases of the project beyond the PD&E phase would be eligible for SIS funds.</i></p>				ROW	
				Construction	
Langley Avenue/Tippin Avenue/9th Avenue (ESC)	Major Intersection Improvement			PD&E Study - Underway	26
				Design ¹	
				ROW ¹	
				Construction	
SR 292 Perdido Key Drive (ESC)	Alabama State Line	Gulf Beach Highway/ Innerarity Point Road	Widen to 4 lanes	PD&E Study - Underway funded and managed by FDOT	27
				Design - Funded in FY 14/15 with Local and TRIP Funds Project #4210111	
				ROW - Funded in FY 17/18 with Local Funds Project #4210111 - Priority for additional state/federal ROW funding	
				Construction - Cost Feasible with Local Funds Only	

¹ Phase NOT currently funded in the Transportation Improvement Program (TIP) or FDOT Five Year Work Program

Florida's Strategic Intermodal System (SIS) is a transportation system that . . .

- Is made up of facilities and services of statewide and interregional significance **(strategic)**
- Contains all forms of transportation for moving both people and goods, including linkages that provide for smooth and efficient transfers between modes and major facilities **(intermodal)**
- Integrates individual facilities, services, forms of transportation (modes) and linkages into a single, integrated transportation network **(system)**

The SIS was established to . . .

- Efficiently serve the mobility needs of Florida's citizens, businesses, and visitors; and
- Help Florida become a worldwide economic leader, enhance economic prosperity and competitiveness, enrich quality of life, and reflect responsible environmental stewardship.

Table 3 on the following page presents the Strategic Intermodal System (SIS) project priorities that are funded for construction in the FDOT Five Year Work Program and the TPO's TIP. Each of these projects was identified as a need through the FDOT's SIS planning process as well as the TPO's Long Range Transportation Plan (LRTP) process. In addition projects were originally ranked in accordance with FL-AL Resolution 06-14 (Adopted June 2006). This resolution has been included in Appendix B.

Additional information on FDOT's Strategic Intermodal System (SIS) please visit the FDOT SIS website at: <http://www.dot.state.fl.us/planning/sis/>

**Table 3: FY 15-19 Committed Strategic Intermodal System (SIS) Project Priorities
Not Subject to Priority Ranking**

Construction funded in the first three years of the Transportation Improvement Program or Underway

Project Name	From	To	Project Phase Status	Improvement
US 29 (ESC)	I-10	9 1/2 Mile Road	PD&E Study - Complete	Widen to 6 Lanes
			Design - Underway Project # 2186031	
			ROW -Funded FY13/14-14/15 Project # 2186031	
			Construction - Funded FY15/16 Project # 2186031	
SR 87 (SRC)	2 miles south of the Yellow River	CR 184	PD&E Study - Complete	Widen to 4 Lanes
			Design – Complete	
			ROW - Complete	
			Construction - Funded FY15/16 Project # 2204427	
SR 87 (SRC)	Eglin AFB Boundary	2 miles south of the Yellow River	PD&E Study – Complete	Widen to 4 Lanes
			Design – Complete	
			ROW – Complete	
			Construction - Funded FY14/15 Project # 2204424	
SR 87 (SRC)	North of Five Forks Road	Eglin AFB Boundary	PD&E Study - Complete	Widen to 4 Lanes
			Design – Complete	
			ROW - Complete	
			Construction – Underway (FY10-13)Project # 2204423	

**Table 3: FY 15-19 Committed Strategic Intermodal System (SIS) Project Priorities
Not Subject to Priority Ranking**

Construction funded in the first three years of the Transportation Improvement Program or Underway

Project Name	From	To	Project Phase Status	Improvement
I-10 (ESC)	Davis Highway	Scenic Highway	PD&E Study - Complete	Widen to 6 Lanes
			Design – Complete	
			ROW - Complete	
			Construction – Funded in FY 13/14 Project #2224771	

Table 4 presents the Strategic Intermodal System (SIS) project priorities which are not scheduled for construction in the first three years of the FDOT Five Year Work Program. FDOT allocates funding specifically for SIS projects and has requested local input into the SIS funding prioritization process. This year's top SIS project in the Florida-Alabama TPO area remains the I-10 at US 29 interchange improvements. Each of the projects listed in the tables on the following pages were identified through the development of several planning documents. These documents included the FDOT SIS Plan, the TPO's 2035 Long Range Transportation Plan (LRTP) process as well as the FDOT's Interstate Master Plan for I-10.



Table 4: FY 15-19 Strategic Intermodal System (SIS) Project Priorities

Project Name	From	To	Phases in Green are Cost Feasible with State/Federal Funds in the 2035 LRTP - Red phases are NOT Cost Feasible with State/Federal Funds	Improvement	FY 15-19 Priority Ranking
I-10 (ESC)	at US 29 (SR 95) Phase I		PD&E Study - Complete ----- Design - Funded FY13/14 Project # 2224762 ----- ROW not Required ----- Construction	Modify Interchange	1
I-10 (SRC)	Escambia Bay Bridge	Avalon Boulevard	PD&E Study - Complete ----- Design - Underway ----- ROW - Funded FY15/16 Project # 4130623 ----- Construction ¹	Widen to 6 lanes	2

¹ Phase NOT currently funded in the Transportation Improvement Program (TIP) or FDOT Five Year Work Program

Table 4: FY 15-19 Strategic Intermodal System (SIS) Project Priorities

Project Name	From	To	Phases in Green are Cost Feasible with State/Federal Funds in the 2035 LRTP - Red phases are NOT Cost Feasible with State/Federal Funds	Improvement	FY 15-19 Priority Ranking
Beulah Road Interchange (ESC)	@ I-10 (SR 8)		PD&E – Underway – Funded (FY12/13) Project # 4331131	New Interchange (I-10 at Beulah Road)	3
Design ¹					
ROW ¹					
Construction					

¹ Phase NOT currently funded in the Transportation Improvement Program (TIP) or FDOT Five Year Work Program

Section 4: Transportation Systems Management (TSM) Project Priorities

Transportation Systems Management (TSM) Projects are generally low cost operational improvements to the transportation system, as opposed to major capacity projects. TSM Projects can typically be implemented within a short period of time. Examples of TSM Projects include adding turn lanes at intersections, updating traffic signals, modifying median openings and making other operational improvements. The typical source for TSM Project Priorities is the annual FDOT Traffic Operations Project Candidate List, which contains projects that have been warranted based on FDOT study.

Table 5 presents the Transportation System Management (TSM) projects which are funded for construction in the FDOT Five Year Work Program and the TPO's TIP. Table 6 presents the FY 15-19 TSM priority projects.

TSM Projects are generally low cost operational improvements to the transportation system, as opposed to major capacity projects. TSM Projects can typically be implemented within a short period of time. Examples of TSM Projects include adding turn lanes at intersections, updating traffic signals, modifying median openings, and making other operational improvements. The typical methods by which TSM projects are identified are through traffic operations studies requested by citizens, local governments, or the TPO. If these studies determine that operational improvements are needed, those projects are added to the FDOT Traffic Operations Project Candidate List. The funding source for these projects is the District Three traffic operations funds.

**Table 5: FY 15-19 Committed Transportation Systems Management (TSM) Project Priorities
Not Subject to Priority Ranking**

(Funded for Construction within first 3 years of the Work Program)

Construction Scheduled	Project Description/Limits	Improvement
FY12/13 Project # 4256051 (ESC)	SR10A/US90 Scenic Hwy @ Blithewood Drive intersection	Add Northbound left turn lane w/100 ft of storage
FY13/14 Project # 4276481 (ESC)	SR296 Beverly Pkwy @ W St Intersection	Construct Eastbound right turn lane with 125 ft of storage
FY14/15 Project # 4298651 (SRC)	SR87 (Stewart Street) @ CR 191 (Munson Hwy)	Construct a Northbound right turn lane with 150 ft of storage
FY15/16 Project # 4317851 (ESC)	SR 742 (Creighton Road) @ SR 289 (9 th Avenue)	Construct dual Eastbound left turn lanes with 495 ft of storage.
FY16/17 Project # 4317852 (ESC)	SR 289 (9 th Avenue) @ SR 742 (Creighton Road)	Construct dual Northbound left turn lanes with 495 ft of storage
FY15/16 Project # 4317861 (ESC)	SR 296 (Bayou Boulevard) @ 12 th Avenue	Construct Eastbound left turn lane with 325 ft of storage
FY15/16 Project # 4317871 (ESC)	SR 727 (Fairfield Drive) @ North 65 th Avenue	Construct Eastbound right turn lane with 100 ft of storage
FY16/17 Project # 4334481 (ESC)	SR 10A (Mobile Highway) @ Woodside Drive	Construct a Westbound left turn lane with 150 ft of storage

**Table 5: FY 15-19 Committed Transportation Systems Management (TSM) Project Priorities
Not Subject to Priority Ranking**

(Funded for Construction within first 3 years of the Work Program)

Construction Scheduled	Project Description/Limits	Improvement
FY13/14 – Push Button Project (ESC)	SR 727 (Fairfield Drive) @ SR 10A (Mobile Highway)	Extend Southbound right turn lane to 500 ft
FY13/14 – Push Button Project (ESC)	SR 727 (Fairfield Drive) @ SR 10A (Mobile Highway)	Construct Eastbound right turn lane with 200 ft of storage
FY13/14 – Push Button Project (ESC)	SR 95/US 29 @ SR 742 (Burgess Road)	Construct a Westbound left turn lane with 425ft of storage and westbound right turn lane with 200 ft of storage
FY13/14 – Push Button Project (ESC)	SR 742 (Creighton Road) @ Hilltop Road	Construct a Westbound left turn lane with 100 ft of storage

Table 6: FY 15-19 Transportation Systems Management (TSM) Project Priorities

FY 15-19 Priority Ranking	Major Street	Minor Street	Description	Estimated Costs
1	SR 10A (Scenic Highway) (ESC)	Baywoods	Construct Northbound left turn lane with 100 ft of storage	\$808,000 for CST \$1,309,600 for ROW
2	SR 292 (Pace Blvd) (ESC)	Blount Street	Construct Northbound right turn lane with 100 ft of storage	Unknown

Note: The TPO is actively seeking additional projects for the TSM project priority list. These projects may come from existing and future corridor studies as well as requests from the TPO or the general public.

Section 5: Transportation Alternatives Program (TAP) Project Priorities

The Transportation Alternatives Program (TAP) authorized under Section 1122 of Moving Ahead for Progress in the 21st Century (MAP-21) (23 U.S.C. 213(b), 101(a)(29)) provides funding for programs and projects defined as transportation alternatives. Section 1122 of MAP-21 provides for the reservation of funds apportioned to a State under section 104(b) of title 23 to carry out TAP. The national total reserved for TAP is equal to 2 percent of the total amount authorized from the Highway Account of the Highway Trust Fund for Federal-aid highways each fiscal year (23 U.S.C. 213(a)). The Enhancement Program of Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) is now part of the TAP of MAP-21.

Under 23 U.S.C. 213(b) eligible activities under the TAP program consist of:

1. Transportation Alternatives as defined in 23 U.S.C. 101(a)(29) (MAP-21 1103):

- A. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.
- B. 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.
- C. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.

- D. Construction of turnouts, overlooks, and viewing areas.
 - E. Community improvement activities, including:
 - i. inventory, control, or removal of outdoor advertising;
 - ii. historic preservation and rehabilitation of historic transportation facilities;
 - iii. vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
 - iv. archaeological activities relating to impacts from implementation of a transportation project eligible under title 23.
 - F. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:
 - i. address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 133(b)(11), 328(a), and 329 of title 23; or
 - ii. reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
2. The recreational trails program under section 206 of title 23.
 3. The safe routes to school program under section 1404 of the SAFETEA-LU.
 - A. Infrastructure-related projects - planning, design, and construction of infrastructure-related projects on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities,

- off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.
- B. Non-infrastructure-related activities to encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and funding for training, volunteers, and managers of safe routes to school programs.
 - C. Safe Routes to School coordinator.
4. Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

Tables 7 through 9 present the Transportation Alternatives Program (TAP) projects. These projects come from the former Enhancement Program and the newly created TAP. These projects were identified by the local governments as potential candidate projects for this program. Applications have been developed in support of the projects and submitted to the appropriate DOT.

**Table 7: FY 15-19 Committed Transportation Alternatives Program (TAP) Project Priorities- Florida
Not Subject to Priority Ranking**

Construction funded in the first three years of the Transportation Improvement Program or Underway

Project Name	From	To	Description
Tiger Point Boulevard East (SRC)	US 98 (SR 30)	County Park Entrance	Construct sidewalk on the west side of Tiger Point Boulevard for .417 miles. Funded in FY 14/15 under Project # 4317011
Old US 90 (SRC)	Blackwater Heritage Trail	Henry Street	Design and construction of a 6 foot wide sidewalk on north side of Old Highway 90. Funded in FY 15/16 Project # 4335751

Table 8: FY 15-19 Transportation Alternatives Program (TAP) Project Priorities - Florida

FY 15-19 Priority Ranking Per Criteria	Project Name	From	To	Description
1	US 98 Navarre Pedestrian Overpass (SRC)	Pedestrian Overpass to be constructed over US98 between Presidio Street and Luneta Street. <i>Initial project development is funded in FY 14/15 under Project # 4335731</i>		
2	Michigan Avenue/ Saufley Field Rd Sidewalks (ESC)	Denver Avenue	NAS Saufley Field	Project will provide a complete pedestrian facility, 5-foot sidewalks on both sides, by connecting existing sidewalks within the corridor. Distance is approximately 1.87 miles. <i>Initial project development is funded in FY 14/15 under Project # 4335771</i>
3	Henry Street Sidewalk (SRC)	Old Bagdad Hwy	Canal St	Design to extend sidewalk from Old Bagdad Hwy to Canal St.
4	King Middle School Sidewalk Connection (SRC)	Project is located between SR87 (Stewart St) and SR89 (Dogwood Dr) with 5,945 feet of sidewalk installation. On the east side of Byrom St, north of Magnolia St, 2,640 feet of sidewalk will connect Magnolia St and Rosasco St. The 505 foot, north side of the King St sidewalk will connect SR87 (Stewart St) to Byrom St. Rosasco St is a <u>connector</u> between SR87 (Stewart St) and SR89 (Dogwood Dr). A 2,800 foot sidewalk will be located on the north side of Rosasco St.		
5	Hamilton Bridge Rd Sidewalk (SRC)	East Spencer Field Rd	Crystal Creek subdivision	Design and construction of 5,500 feet of sidewalk on the north side of Hamilton Bridge Rd. from East Spencer Field to Crystal Creek subdivision.

Table 8: FY 15-19 Transportation Alternatives Program (TAP) Project Priorities- Florida

FY 15-19 Priority Ranking Per Criteria	Project Name	From	To	Description
6	Pace Lane Sidewalks (SRC)	Skipper Lane	Highway 90	Design and construction of a six foot wide sidewalk on west side of Pace Lane from Skipper Lane to Highway 90
7	Pace Lane Sidewalks (SRC)	Skipper Lane	Mathew Road	Design of a six foot sidewalk from Skipper Lane to Matthew Road
8	Old Bagdad Highway Sidewalks (SRC)	Design and construction of a sidewalk on the north side of Old Bagdad Highway from Avalon Blvd to entrance to Optimist Park and sidewalk on east side of Parkmore Plaza from Old Bagdad Hwy to Highway 90		
9	Massachusetts Avenue Sidewalks (ESC)	Hollywood Ave	Mobile Hwy	Approx. 1.6 mile sidewalk project that will connect to existing sidewalks in addition to the Community Redevelopment Agencies' plans of implementing sidewalks to the east

Table 9: FY 15-19 Transportation Alternatives Program (TAP) Project Priorities - Alabama

FY 15-19 Priority Ranking Per Criteria	Project Name	From	To	Description
1	Back Country Trail & Neighborhood Connectivity – Phase I (BAL)	NA	NA	Construction of approximately 19,200 linear feet of 6 foot wide concrete sidewalks along Cotton Bayou Drive, Public Works Road, Gulf Bay Road, Oak Ridge Drive, and State Route 161. The project also includes the resurfacing of the 12 foot wide asphalt off-road trail known as Camp Ground Road which is a part of the Back Country Trail within the Gulf State Park. The proposed pedestrian and bicycle improvements will tie to existing pedestrian and bicycle facilities and provide connectivity between the residential areas of Orange Beach, the existing Back Country Trail, commercial areas, and the City's recreational sports complex.

Section 6: Bicycle and Pedestrian Project Priorities

Tables 10, 11, 12 and 13 present the bicycle and pedestrian project priorities. Table 10 depicts the committed projects located within Escambia and Santa Rosa Counties which have construction funding in the FDOT Five Year Work Program and the TPO's TIP. These projects are not subject to a priority ranking.

Table 11 presents the FY 15-19 Bicycle and Pedestrian project priorities within Escambia and Santa Rosa Counties. These projects are derived from the Florida-Alabama TPO's Bicycle & Pedestrian Master Plan. Projects identified in this plan may include the construction of bike lanes, sidewalks, paved shoulders, and restriping of the roadways to allow for wider outside lanes.

Tables 12 and 13 present the committed projects and priority projects for the portion of the TPO area located in Alabama.

Additional information on the TPO's Bicycle and Pedestrian Master Plan may be viewed on-line at:

<http://70.167.229.112/fatpo/documents/Florida-Alabama%20TPO%20Bike%20Ped%20Plan%20Final%20March%202012.pdf>

Table 10: FY 15-19 Committed Bicycle & Pedestrian Projects - Florida
Not Subject to Priority Ranking

Construction funded in the first three years of the Transportation Improvement Program or Underway

Project #	Road Name	From	To	Mode	Recommended Facility Type/Improvement
4257454	Fairfield Drive SR 727 (ESC)	69th Avenue	65th Ave	Pedestrian	Add Sidewalk (Minor Regrading) – Construction funded in FY 15/16
4257452	Navy Boulevard Alternative Sidewalk Project (2 nd Street)	Interbay Avenue	Barrancas Avenue	Bicycle	Add paved shoulders along 2 nd Street 0 Construction funded in FY14/15

Table 11: FY 15-19 Bicycle & Pedestrian Project Priorities - Florida

FY 15-19 Priority Ranking	Road Name	From	To	Mode	Recommended Facility Type/Improvement
1	Old Corry Field Road (CR 295A) - Navy Blvd Alternate Bike Route (ESC)	Barrancas Avenue	Navy Boulevard	Pedestrian	Add Paved Shoulders – Construction funded in FY 16/17 Project # 4257455
2	Navy Boulevard (ESC)	New Warrington Road	Pace Boulevard	Pedestrian	3 miles of sidewalks on Navy Blvd
3	Davis Highway (ESC)	Fairfield Drive	Schubert Drive	Bicycle	2.785 miles, Designate bike lane if possible or re-stripe for wide outside lane
4	Davis Highway(to include Alt.90 portion, sometimes referred to as 9 mile) (ESC)	Forsyth Street	Scenic Highway	Bicycle	2.462 miles, Designated Bike Lane if possible/If not, Re-stripe for wide outside lane. Conversion of un-utilized on-street parking between US90 overpass and Scenic Hwy to a designated bike lane
5	9 th Avenue (ESC)	Creighton Road	Bayou Boulevard	Bicycle	2.041 miles, Designated bike lane if possible or re-stripe for wide outside lane
6	9 th Avenue (ESC)	Cervantes Street	Bayfront Parkway	Bicycle	0.858 miles Designated bike lane if possible or re-stripe for wide outside lane
7	Sorrento Road/ Gulf Beach Highway (ESC)	CR 297	Patton Drive	Pedestrian	3.75 miles Sidewalks both sides
8	Johnson Avenue (ESC)	US 29	Olive Road	Bike	6.135 miles Paved shoulders
9	Langley Avenue (ESC)	Scenic Heights Elementary School	Leesway Boulevard	Pedestrian	Medians and pedestrian crossing

Table 11: FY 15-19 Bicycle & Pedestrian Project Priorities - Florida

FY 15-19 Priority Ranking	Road Name	From	To	Mode	Recommended Facility Type/Improvement
10	US 98 Gulf Islands National Seashore Eastbound alternative route (SRC)	3 Mile Bridge	Fairpoint Drive	Bicycle	2.07 miles Paved with shoulders and signage
		Fairpoint Drive	Sunset Drive		
		Sunset Drive	Shoreline Drive		
		Shoreline Drive	US 98		
11	US 98 Gulf Islands National Seashore Westbound alternative route (SRC)	McClure	Joachim		0.931 miles
		Joachim	Daniel		
		N. on Daniel / Kenilworth	Northcliff		
		Northcliff	US 98		
12	Park Ave (SRC)	SR 89	Byrom Street	Pedestrian	0.505 miles sidewalks north side
		Byrom Street	SR 87	Pedestrian	0.27 miles Sidewalks south side
		SR 87	Blackwater Heritage Trail	Pedestrian	.073 miles sidewalks on both sides
13	Creighton Road SR 742 (ESC)	Plantation Road	Davis Highway	Bicycle	Restripe Candidate
14	Garden Street/Alcaniz SR 30 (US 98) (ESC)	Tarragona Street	Gregory Street	Bicycle	Road Diet Candidate
15	12th Avenue (ESC)	Fairfield Drive	Bayou Boulevard	Bicycle	Restripe Candidate
16	E Street CR 443 (ESC)	Cross Street	Texar Drive	Bicycle	Restripe Candidate
17	SR 95 (US 29) (ESC)	Pace Boulevard/SR 292	Brent Lane/SR 296	Bicycle	Restripe Candidate
18	Saufley Field Road CR 296 (ESC)	Muldoon Road	Mobile Highway	Bicycle	Restripe Candidate
19	Gulf Beach Highway SR 292 (ESC)	Fairfield Drive/SR 727	Navy Boulevard/SR 295	Bicycle	Restripe Candidate
20	9th Avenue (SR 289) (ESC)	Bayou Boulevard/SR 296	Langley Avenue	Pedestrian	Add Sidewalk (Minor Regrading)
21	17th Avenue (ESC)	Bayfront Parkway	South of RR Tracks	Pedestrian	Add Sidewalk (Minor Regrading)
22	Fairfield Drive (SR 295) (ESC)	New Warrington Road	"W" Street/CR 453	Pedestrian	Add Sidewalk (Minor Regrading)
23	Scenic Highway SR 10A(US 90) (ESC)	Strong Street	Hyde Park Road	Pedestrian	Add Sidewalk (Minor Regrading)

Table 11: FY 15-19 Bicycle & Pedestrian Project Priorities - Florida

FY 15-19 Priority Ranking	Road Name	From	To	Mode	Recommended Facility Type/Improvement
24	SR 10 (US 90) (SRC)	SR 281/Avalon Boulevard	SR 87/Stewart Street	Bicycle	Restripe Candidate
25	Chiefs Way (SR 294) (ESC)	SR 295/New Warrington Road	US 98/Navy Boulevard	Bicycle	Add Paved Shoulders - Minor
26	Garden Street/Alcaniz SR 30 (US 98) (ESC)	Tarragona Street	Gregory Street	Pedestrian	Add Sidewalk (Minor Regrading)
27	Chiefs Way (SR 294) (ESC)	SR 295/New Warrington Road	US 98/Navy Boulevard	Pedestrian	Add Sidewalk (Minor Regrading)
28	Chase Street/1 Way EB (Bus US 98) (ESC)	North Palafox Street	9th Avenue	Pedestrian	Add Sidewalk (Minor Regrading)
29	E Burgess Road (SR 742) (ESC)	Plantation Road	Davis Highway/SR 291	Bicycle	Add Paved Shoulders - Major
30	Bayou Boulevard & Perry Avenue (ESC)	Hyde Park Road	Baldwin Avenue	Bicycle	Add Paved Shoulders - Minor
31	Bayou Boulevard & Perry Avenue (ESC)	Hyde Park Road	Baldwin Avenue	Pedestrian	Add Sidewalk (Minor Regrading)
32	17th Avenue (ESC)	Bayfront Parkway	South of RR Tracks	Bicycle	DCSN
33	Fairfield Drive (SR 727) (ESC)	Bruce St	Mobile Highway/US 90	Bicycle	Add Paved Shoulders - Minor
34	17th Avenue (ESC)	S of RR Tracks	Cervantes Street/US 90	Bicycle	DCSN
35	W Burgess Road (SR 742) (ESC)	SR 95/Pensacola Boulevard	CR 95A/Old Palafox Highway	Bicycle	Add Paved Shoulders - Major
36	Navy Boulevard (SR 295) (ESC)	Bayou Grande Bridge NE	SR 292/Barrancas Avenue	Pedestrian	Add Sidewalk (Minor Regrading)
37	12th Avenue (ESC)	Fairfield Drive	Bayou Boulevard	Pedestrian	Add Sidewalk (Minor Regrading)
38	Bayou Boulevard & Perry Avenue (ESC)	Baldwin Avenue	DuPont Drive	Bicycle	Add Paved Shoulders - Minor
39	Davis Highway (SR 291) (ESC)	University Parkway	Nine Mile Road/US 90A	Pedestrian	Add Sidewalk (Minor Regrading)
40	Lillian Highway (SR 298) (ESC)	Blue Angel Parkway/SR 173	Fairfield Drive/SR 727	Bicycle	Add Paved Shoulders - Major

Table 11: FY 15-19 Bicycle & Pedestrian Project Priorities - Florida

FY 15-19 Priority Ranking	Road Name	From	To	Mode	Recommended Facility Type/Improvement
41	9th Avenue (SR 289) (ESC)	Dunmire Street	Beau Terra Lane	Bicycle	DCSN
42	Jackson Street (CR 298A) (ESC)	"W" Street	Pace Boulevard	Bicycle	Add Paved Shoulders - Minor
43	Fairfield Drive (SR 727) (ESC)	Bruce Street	Mobile Highway/US 90	Pedestrian	Add Sidewalk (Minor Regrading)
44	Saufley Field Road (CR 296) (ESC)	Blue Angel Parkway	Muldoon Road	Pedestrian	Add Sidewalk (Minor Regrading)
45	Oriole Beach Road (SRC)	Palm Rd	US 98	Bicycle	DCSN
46	Scenic Highway SR 10A(US 90) (ESC)	I-10/SR 8	Baybrook Drive	Pedestrian	Add Sidewalk (Major Regrading)
47	Bayou Boulevard & Perry Avenue (ESC)	Baldwin Avenue	DuPont Drive	Pedestrian	Add Sidewalk (Minor Regrading)
48	Sorrento Road (SR 292) (ESC)	Gulf Beach Highway	Doug Fort Drive	Bicycle	Add Paved Shoulders - Major
49	Main Street (ESC)	Baylen Street	Tarragona Street	Bicycle	DCSN
50	E Street (CR 443) (ESC)	Yonge Street	Cross Street	Bicycle	DCSN
51	Fairfield Drive (SR 295) (ESC)	Davis Highway	SR 289/9th Avenue	Bicycle	DCSN
52	E Burgess Road (SR 742) (ESC)	Plantation Road	Davis Highway/SR 291	Pedestrian	Add Sidewalk (Major Regrading)
53	Gregory Street/1 Way WB (US 98) (ESC)	9th Street	Bayfront Parkway/Chase Street	Pedestrian	Add Sidewalk (Minor Regrading)
54	Olive Road (SR 290) (ESC)	9th Avenue/SR 289	Scenic Highway/SR 10A	Pedestrian	Add Sidewalk (Minor Regrading)
55	Navy Boulevard (SR 295) (ESC)	US 98	SR 295/New Warrington Road	Bicycle	DCSN
56	W Street (CR 453) (ESC)	Cervantes Street	Fairfield Drive	Pedestrian	Add Sidewalk (Minor Regrading)
57	Bauer Road (CR 293) (ESC)	Sorrento Road	Meadson Road	Pedestrian	Add Sidewalk (Major Regrading)
58	New Warrington Road (SR 295) (ESC)	US 98/Navy Boulevard	Martha Lane	Bicycle	Add Paved Shoulders - Minor
59	Mobile Highway SR 10A (US 90) (ESC)	Bellview Avenue	Pine Forest Road/CR 297	Pedestrian	Add Sidewalk (Major Regrading)

Table 11: FY 15-19 Bicycle & Pedestrian Project Priorities - Florida

FY 15-19 Priority Ranking	Road Name	From	To	Mode	Recommended Facility Type/Improvement
60	Sorrento Rd /Gulf Beach Hwy SR 292 (ESC)	Blue Angel Parkway/SR 173	Dog Track Road	Bicycle	Add Paved Shoulders - Major
61	SR 30 (US 98) (SRC)	Fairpoint Drive	Bay Bridge Drive	Bicycle	DCSN
62	Main Street (ESC)	"A" Street	Baylen Street	Pedestrian	Add Sidewalk (Minor Regrading)
63	Bayou Boulevard & Perry Avenue (ESC)	Cervantes Street/US 90	Hyde Park Road	Pedestrian	Add Sidewalk (Minor Regrading)
64	New Warrington Spur (SR 295) (ESC)	Martha Lane	Mobile Highway Interchange	Pedestrian	Add Sidewalk (Minor Regrading)
65	Jackson Street (CR 298A) (ESC)	"W" Street	Pace Boulevard	Pedestrian	Add Sidewalk (Minor Regrading)
66	SR 95 (US 29) (ESC)	Tree Street	Morris Avenue	Pedestrian	Add Sidewalk (Minor Regrading)
67	Olive Road (SR 290) (ESC)	Davis Highway/SR 291	Kipling Street	Pedestrian	Add Sidewalk (Major Regrading)
68	Mobile Highway SR 10A (US 90) (ESC)	Massachusetts Avenue	Saufley Field Road/CR 296	Pedestrian	Add Sidewalk (Major Regrading)
69	Jackson Street(CR 298A) (ESC)	Pace Boulevard	"A" Street	Pedestrian	Add Sidewalk (Minor Regrading)
70	Pensacola Beach Boulevard CR 399 (ESC)	North end of Bob Sikes Bridge	Via de Luna Drive	Pedestrian	Add Sidewalk (Minor Regrading)
71	W Burgess Road (SR 742) (ESC)	SR 95/Pensacola Boulevard	CR 95A/Old Palafox Highway	Pedestrian	Add Sidewalk (Major Regrading)
72	E Burgess Road (SR 742) (ESC)	Confederate Drive	Creighton Road	Pedestrian	Add Sidewalk (Major Regrading)
73	Davis Highway (SR 291) (ESC)	Brent Lane/SR 296	Burgess Road/SR 742	Pedestrian	Add Sidewalk (Minor Regrading)
74	Fairfield Drive (SR 727) (ESC)	65th Avenue	Bruce Street	Pedestrian	Add Sidewalk (Minor Regrading)
75	E Burgess Road (SR 742) (ESC)	Sanders Street	Lanier Drive	Pedestrian	Add Sidewalk (Major Regrading)

**Table 12: FY 15-19 Committed Bicycle & Pedestrian Project Priorities – Alabama
Not Subject to Priority Ranking**

Construction funded in the first three years of the Transportation Improvement Program or Underway

Road Name	From	To	Mode	Recommended Facility Type/Improvement
CR 99 (BAL)	US 98	Spanish Cove Drive	Bicycle	Add Paved Shoulders (Minor Regrading) Funded FY 13/14 Project # 1000060019
S 7 th Street (BAL)	CR 99	Boat Ramp		
CR 99 (BAL)	Hyde Park Road	Spanish Cove Drive	Pedestrian	Add sidewalk (Minor Regrading) Funded FY 14/15 & FY 15/16 Project # 100060025 & 100060026
SR 42 (Alabama US 98) (BAL)	Barclay Avenue	Alabama State Line	Bicycle	Add Paved Shoulder – Major Funded FY 16/17 & FY 17/18 Project # 100060027 & 100060029

Table 13: FY 15-19 Bicycle & Pedestrian Project Priorities – Alabama

FY 15-19 Priority Ranking	Road Name	From	To	Mode	Recommended Facility Type/Improvement
1	CR 99 (BAL)	Carrier Drive	Spanish Cove Drive	Bicycle	Add Paved Shoulders (Major Regrading)
2	CR 99 (BAL)	CR 91	Carrier Drive	Bicycle	Add Paved Shoulders (Major Regrading)
3	SR 42 Alabama US 98 (BAL)	Hillcrest Road	Barclay Avenue	Bicycle	Add Paved Shoulders – Major
3	SR 42 Alabama US 98 (BAL)	Barclay Avenue	Alabama State Line	Pedestrian	Add Sidewalk (Major Regrading)
4	CR 99 (BAL)	Carrier Drive	Spanish Cove Drive	Pedestrian	Add Sidewalk (Major Regrading)
5	SR 42 Alabama US 98 (BAL)	SR 91 Sycamore	Hillcrest Road	Bicycle	Add Paved Shoulders – Major
6	SR 42 Alabama US 98 (BAL)	Hillcrest Road	Barclay Avenue	Pedestrian	Add Sidewalk (Major Regrading)
6	CR 91 (BAL)	CR 99	US 98	Pedestrian	Add Sidewalk (Major Regrading)

Table 13: FY 15-19 Bicycle & Pedestrian Project Priorities – Alabama

FY 15-19 Priority Ranking	Road Name	From	To	Mode	Recommended Facility Type/Improvement
7	SR 42 Alabama US 98 (BAL)	SR 91 Sycamore	Hillcrest Road	Pedestrian	Add Sidewalk (Major Regrading)
7	CR 99 (BAL)	CR 91	Carrier Drive	Pedestrian	Add Sidewalk (Major Regrading)

Section 7: Public Transportation Project Priorities

Public Transportation Project Priorities are developed by the Escambia County Area Transit System (ECAT) and approved by the Escambia County Commission. These projects fall into two categories: Capital Improvements and Operating Assistance. Capital Improvements include the construction of facilities or purchase of equipment to maintain or expand service, while Operating Assistance provides the funds necessary to make up the difference between the revenue generated by the service and the actual cost of the service (commonly known as the operating deficit). The source of public transportation projects is the Escambia County Transit Development Plan (TDP). Public Transportation Project Priorities are provided annually by ECAT. Priorities are shown for each year from 2015 through 2019.

Tables 14 and 15 present the public transportation and transportation disadvantaged project priorities for FY 15-19.

Table 14: FY 15-19 Escambia County Area Transit and Transportation Disadvantaged Project Priorities

Work Program #	Project Description	Funding Source	%	Proposed 2015	Proposed 2016	Proposed 2017	Proposed 2018	Proposed 2019
NA	TD Escambia Trip & Equipment	State	90	\$548,754	\$548,754	\$548,754	\$548,754	\$548,754
NA	TD Santa Rosa Trip & Equipment	State	90	\$330,322	\$ 330,322	\$330,322	\$330,322	\$330,322
NA	TD Escambia Planning	State	100	\$23,058	\$ 23,058	\$23,058	\$23,058	\$23,058
NA	TD Santa Rosa Planning	State	100	\$20,099	\$ 20,099	\$20,099	\$20,099	\$20,099
4222571	Block Grant (Operating Assistance)	State	50	\$769,539	\$776,505	\$793,920	\$793,920	\$793,920
4222591	Urban Corridor Program Davis Highway Service	State	100	\$1,834,512	\$400,000	\$420,000	\$420,000	\$420,000
4217331	Preventative Maintenance (Enhancement STP/Flex from FHWA/Non-SIS Priority #4)	FTA	80	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000
4222581	Capital projects Section 5307	FTA	80	\$2,200,000	\$2,200,000	\$2,200,000	\$2,200,000	\$2,200,000
NA	Operating Assistance Section 5307	FTA	50	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000

Table 14: FY 15-19 Escambia County Area Transit and Transportation Disadvantaged Project Priorities

Work Program #	Project Description	Funding Source	%	Proposed 2015	Proposed 2016	Proposed 2017	Proposed 2018	Proposed 2019
4213681	Section 5311 Non-Urbanized Area Transportation (Escambia)	State	50	\$180,000	\$180,000	\$180,000	\$180,000	\$180,000
NA	Section 5311 Non-Urbanized Area Transportation (Santa Rosa)	State	50	\$167,812	\$167,812	\$167,812	\$167,812	\$167,812
4202762	Section 5309 State of Good Repair	FTA	80	\$1,053,401				
NA	FTA Section 5339 Bus & Bus Facilities	FTA	80	\$300,084	\$300,084	\$300,084	\$300,084	\$300,084
NA	FTA Section 5310 Enhanced Mobility for Seniors and Persons with Disabilities Capital	FTA	80	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000
NA	FTA Section 5310 Enhanced Mobility for Seniors and Persons with Disabilities Operating	FTA	50	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000
4202762	Veterans Transportation & Community Living Initiative Grant D2012-BUSP-004	FTA	80	\$222,387				

Table 15: FY 15-19 Escambia County Area Transit Capital Improvement Project Priorities

FY 15-19 Priority Ranking	Project Name	Cost	Scope
1	Fixed Route Bus Purchase	\$1,800,000	Purchase (6) replacement buses for fixed route ¹
2	Paratransit Bus Purchase	\$1,564,000	Purchase (19) paratransit replacement buses ²
3	Website Redesign	\$25,000	Creation of a new interactive website that will be user-friendly and to increase public awareness. The website will also include survey capabilities, Google Transit/trip planning features, and online ticket purchases as an additional function to the website.
4	Interactive Passenger Information Kiosks	\$45,000	Purchase of two interactive passenger information kiosks for enhancement of our customer service and support at the passenger terminal facility.
5	WIFI - For Buses	\$45,000	Purchase software, hardware and support for all revenue vehicles to allow internet access for passengers.
6	Automatic Passenger Counters	\$160,000	Purchase and install automatic passenger counters on all buses
7	ADA Automatic Annunciators	\$329,500	Purchase and install automatic annunciator system on all buses that announces stops will be automatically based on GPS information.
8	Bus Shelters	\$90,000	Purchase (7) bus shelters with solar lighting
9	Bus AC Replacement	\$75,000	Purchase AC parts for continual repairs of units
10	Exterior Sign for Main Building Facility	\$30,000	Purchase a new exterior sign with the updated logo for the main building facility
11	Maintenance Area Repair and Improvements	\$260,000	Maintenance Floor resurfacing, additional lighting and fencing for improved security

¹ Escambia County BOCC approved the purchase of 4 replacement buses for fixed route on July 25, 2013. ECAT expects to request replacement of 2 additional fixed route buses.

² Escambia County BOCC approved to proceed with Grant Application for purchase of 15 replacement vehicles for paratransit on June 20, 2013.

Section 8: Aviation and Seaport Project Priorities

Seaport and aviation projects do not compete with transit and highway projects for funding. The following facilities are located in the TPO planning area:

- Port of Pensacola
- Pensacola International Airport
- Peter Prince Field

Priorities for the Port of Pensacola and Pensacola Regional Airport are submitted annually to the TPO. Santa Rosa County provides priorities for Peter Prince Field. The sources of seaport and aviation projects are master plans for each facility. Priorities are shown for each year from 2015 through 2019.

Table 16: FY 15-19 Pensacola International Airport Aviation Project Priorities

2015

Priority Ranking	FM Item	Description	Local	FDOT	FAA/Federal	Total
1	42030019401	Commerce Park Improvements - Phase II	\$ 166,667	\$ 500,000		\$ 666,667
2	TBA	Airfield Pavement and Lighting (LED) Rehabilitation - Construction	\$ 250,000		\$ 2,250,000	\$ 2,500,000
3	TBA	Retention Pit Improvements - Construction	\$ 45,000		\$ 855,000	\$ 900,000
4	4054931	EA/EIS for Runway 17/35 Extension	\$ 11,450		\$ 217,550	\$ 229,000
5	TBA	Strengthen SW Ramp - Design	\$ 10,000		\$ 190,000	\$ 200,000
6	TBA	Relocate Fuel Farm - Design Phase I	\$ 20,000		\$ 380,000	\$ 400,000
7	TBA	Remove Old TRACON Building	\$ 50,000		\$ 950,000	\$ 1,000,000
8	TBA	Pave Interior Perimeter Road	\$ 24,500		\$ 465,500	\$ 490,000
9	4054901	Construct Hold Pads	\$ 60,500		\$ 1,149,500	\$ 1,210,000
		FY15 Total	\$ 638,117	\$ 500,000	\$ 6,457,550	\$ 7,595,667

Table 16: FY 15-19 Pensacola International Airport Aviation Project Priorities

2016

Priority Ranking	FM Item	Description	Local	FDOT	FAA/Federal	Total
1	42030019401	Commerce Park Improvements - Phase II	\$ 307,297	\$ 921,890		\$ 1,229,187
2	TBA	Relocate Fuel Farm - Construction	\$ 45,000		\$ 855,000	\$ 900,000
3	TBA	Runway 8/26 Pavement Rehabilitation - Design	\$ 5,000		\$ 45,000	\$ 50,000
4	TBA	Strengthen SW Ramp - Construction	\$ 500,000		\$ 4,500,000	\$ 5,000,000
5	TBA	Parallel Taxiway - Design	\$ 30,000		\$ 270,000	\$ 300,000
6	TBA	Environmental Assessment for ILS at Runway 35	\$ 12,500		\$ 237,500	\$ 250,000
7	TBA	Purchase Replacement ARFF Vehicle	\$ 35,000		\$ 665,000	\$ 700,000
		FY16 Total	\$ 934,797	\$ 921,890	\$ 6,572,500	\$ 8,429,187

Table 16: FY 15-19 Pensacola International Airport Aviation Project Priorities

2017

Priority Ranking	FM Item	Description	Local	FDOT	FAA/Federal	Total
1	4203002	Commerce Park Improvements - Phase II	\$ 266,667	\$ 800,000		\$ 1,066,667
2	TBA	Runway 17/35 Joint Repair	\$ 100,000		\$ 900,000	\$ 1,000,000
3	TBA	Runway 8/26 Pavement Rehabilitation - Construction	\$ 800,000		\$ 7,200,000	\$ 8,000,000
4	4074311	Runway 17/35 Extension - Design	\$ 37,000		\$ 703,000	\$ 740,000
5	TBA	Industrial Apron - Design	\$ 30,000		\$ 270,000	\$ 300,000
6	TBA	GA Ramp Expansion - Design	\$ 30,000		\$ 570,000	\$ 600,000
7	TBA	Relocate Helicopter Operations	\$ 85,000		\$ 1,615,000	\$ 1,700,000
		FY17 Total	\$ 1,348,667	\$ 800,000	\$ 11,258,000	\$ 13,406,667

Table 16: FY 15-19 Pensacola International Airport Aviation Project Priorities

2018

Priority Ranking	FM Item	Description	Local	FDOT	FAA/Federal	Total
1	4296092	Commerce Park Improvements - Phase II	\$ 1,500,000	\$ 1,500,000		\$ 3,000,000
2	TBA	Terminal Building Apron Expansion	\$ 1,500,000	\$ 1,500,000		\$ 3,000,000
3	TBA	GA Ramp Expansion - Construction	\$ 150,000		\$ 2,850,000	\$ 3,000,000
4	4096971	Taxiway to the SW - Design/Construction	\$ 425,500	\$ 425,500		\$ 851,000
		FY18 Total	\$ 3,575,500	\$ 3,425,500	\$ 2,850,000	\$ 9,851,000

2019

Priority Ranking	FM Item	Description	Local	FDOT	FAA/Federal	Total
1	TBA	Commerce Park Improvements - Phase III	\$ 500,000	\$ 1,500,000		\$ 2,000,000
2	TBA	Runway 17/35 Extension - Construction	\$ 750,000	\$ 750,000	\$ 13,500,000	\$ 15,000,000
3	4181921	ILS/GPS Approach Runway 17/35 Extension	\$ 50,000	\$ 50,000	\$ 900,000	\$ 1,000,000
4	TBA	Parallel Taxiway - Construction	\$ 750,000	\$ 750,000	\$ 13,500,000	\$ 15,000,000
5	TBA	Industrial Apron - Construction	\$ 500,000	\$ 500,000	\$ 9,000,000	\$ 10,000,000
		FY19 Total	\$ 2,550,000	\$ 3,550,000	\$ 36,900,000	\$ 43,000,000

**Table 17: FY 15-19 Peter Prince Airport Aviation Project Priorities
2015**

Priority	FM Item	Description	Local	FDOT	FAA	Total
1	TBA	Runway Overlay/Pavement Maintenance	38,562	38,562	1,465,376	\$1,542,500
2	TBA	Construct Entrance/Exit Taxiways	32,250	129,000	-	\$ 161,250

2016

Priority	FM Item	Description	Local	FDOT	FAA	Total
1	TBA	Construct East Access Taxiways	56,800	227,200	-	\$ 284,000

2017

Priority	FM Item	Description	Local	FDOT	FAA	Total
1	TBA	Construct T-Hangars (12 units)	120,000	480,000	-	\$ 600,000

Table 17: FY 15-19 Peter Prince Airport Aviation Project Priorities

2018

Priority	FM Item	Description	Local	FDOT	FAA	Total
1	TBA	Rehabilitate West Apron Tie-Down area	-	250,000	-	\$ 250,000

2019

Priority	FM Item	Description	Local	FDOT	FAA	Total
1	TBA	Construct three (3) new East apron T hangar taxiways	39,000	39,000	702,000	\$ 780,000
2	TBA	Construct parking area (adjacent to existing east apron)	13,600	54,000	-	\$ 67,600

Tables 18 and 19 presents the port related project priorities for the Port of Pensacola. These projects were developed by the port as part of the Port Master Plan efforts. The City has determined the appropriate priority based on the needs at the Port. More information on the Port Development Strategy may be found at: <http://portofpensacola.com/port-information/port-development-strategy/>



Table 18: FY 15-19 Port of Pensacola Seaport Committed Project Priorities**Not Subject to Priority Ranking**

Construction funded in the first three years of the Transportation Improvement Program or Underway

Funding Year	Project Number	Project Description
FY 2016	NA	Berth 6 Repairs
FY 2017	NA	Complete on-dock rail reconstruction/replacement - Phase I
FY 2018	NA	Complete on-dock rail reconstruction/replacement - Phase II

Table 19: FY 15-19 Port of Pensacola Seaport Project Priorities

Project Priority	Year Needed	Project Description	Estimated Cost
1	FY 2016	Construction of a 600 ft. east berth	\$10,000,000
2	FY 2017	Construction of road and utility infrastructure required for private sector development of available acreage	\$10,000,000
3	FY 2018	Resurfacing of port roads, open lay down areas and berth aprons	\$4,000,000

Section 9: Locally Funded Projects

This section provides a listing of projects that are being implemented with local funds or projects that are being studied as toll facilities. Table 20 presents projects funded entirely with local funds or with toll revenues. These projects do not receive funding from the state or federal DOTs. Projects contained on this list come from a variety of sources and are shown for informational purposes. All of the projects are included in the TPO's LRTP with several being linked to on-going development such as the Woodbine Road improvements. Other projects are being funded with local dollars to help expedite the project, such as the proposed widening of Perdido Key Drive (SR 292).



**Table 20: FY 15-19 Locally Funded Capacity Projects
Not Subject to Priority Ranking**

Project Name	From	To	Phases Cost Feasible with Local Funds	Improvement
Berryhill Road (SRC)*	Five Points Intersection	West Spencer Field Road	Design	Widen to 4 lanes
			ROW	
			Construction	
Woodbine Road (SRC)*	US 90	Five Points Intersection	Construction	Widen to 4 lanes and intersection improvement/realignment
East Spencer Field Road (SRC)*	US 90	South Spencer Field Road	Construction	Widen to 4 lanes
Bell Lane (SRC)*	Sterling Way	US 90	Construction	
Sterling Way (SRC)*	Bell Lane	Avalon Boulevard	Construction	
Blue Angel Parkway (SR 173) (ESC)	Sorrento Road	US 98	ROW - Funded FY17/18 with Local Funds Project # 4210121	Widen to 4 lanes
			Construction	
Burgess Road (ESC)	US 29	I-110 Overpass	ROW – Funded in FY 17/18 with Local Funds Project # 2184291	Widen to 4 lanes
Pinestead-Longleaf Connector (ESC)	Pine Forest Road	US 29	ROW - Funded FY14/15 & FY 16/17 with Local Funds Project # 4210141	Widen to 4 lanes
			Construction	
Sorrento Road (ESC)	Gulf Beach Highway/Innerarity Point Road	Blue Angel Parkway	ROW - Funded FY16/17 with Local funds Project # 4210112	Widen to 4 lanes
			Construction	

*Santa Rosa County has requested these projects be removed from the TIP. As the projects remain in the adopted LRTP, they will remain on this list until the LRTP is amended to remove them.

**Table 20: FY 14-19 Locally Funded Capacity Projects
Not Subject to Priority Ranking**

Project Name	From	To	Phases Cost Feasible with Local Funds	Improvement
US 29 Connector (ESC) ¹	US 90	US 29	PD&E - Funded in FY 12/13 with Local Funds as Escambia County Project #1 - Priority for additional state/federal PD&E funding	New 4 lane facility
			Design	
<p><i>FDOT is currently administering a PD&E Study for a new interchange at 1-10 @ Beulah Road. As this study progresses, it is the Department's intent to consider adding the Beulah Road interchange to the Strategic Intermodal System (SIS) by evaluating information obtained from the study to determine if the facility will function as a SIS corridor. If the information supports the need to add Beulah Road to the SIS, phases of the project beyond the PD&E phase would be eligible for SIS funds.</i></p>				
Langley Avenue/Tippin Avenue/9th Avenue (ESC)			PD&E Study – Underway	Major Intersection Improvement/realignment
SR 292 Perdido Key Drive (ESC)	Alabama State Line	Gulf Beach Highway/Innerarity Point Road	PD&E – Underway funded and managed by FDOT Project # 4210011	Widen to 4 lanes
			Design - Funded FY14/15 with Local and TRIP Funds Project # 4210111	
			ROW – Funded FY 17/18 with Local Funds Project #421001	
			Construction	

¹ The PD&E Study for the Beulah Road Interchange is funded under project # 4331131 with state and federal SIS funds.

Table 21 presents two potential toll projects that were identified as part of the TPO's LRTP process. These projects would create new facilities that would be operated as toll facilities. In the case of the new Pensacola Bay crossing, the project would be a bridge connecting Santa Rosa County with the City of Pensacola. It should be noted that since this project was identified in the LRTP and initially placed on this priority list, the FDOT has determined that the replacement of the existing Pensacola Bay Bridge on US98 will be a six lane facility. In light of this, it may be necessary to revisit the need for this project.

The second project on this list is primarily located in Okaloosa County but does provide a connection to US 98 in Santa Rosa County. This project is listed in the TPO's LRTP and is included in the Northwest Florida Transportation Authority's (NWFTA) Master Plan. The Florida Turnpike Authority, at the request of the NWFTA, conducted a toll feasibility study on this project and determined it would not be feasible to move it forward at this time. Therefore, as with the bridge project, it may be necessary to revisit the need for this project.

**Table 21: FY 15-19 Potential Toll Project Priorities
Not Subject to Priority Ranking**

Project Name	From	To	Project/Phase Status	Improvement
New Pensacola Bay Crossing (ESC/SRC)	Pensacola	Gulf Breeze	NA	New 4 lane toll bridge
Eglin AFB/Hurlburt Field (SRC)	Bypass		Initial toll feasibility study was completed and determined project was not toll feasible at the present time.	4 lanes of new capacity

Section 10: Major Bridge Replacement Projects

As mentioned earlier, the FDOT is working on a project to replace the Pensacola Bay Bridge with a six lane facility. Table 22 presents the priority for the bridge replacement project. The need for this project comes from two sources. First the TPO's LRTP process identified the need to provide additional capacity across the bay to meet existing and forecasted travel demand. Additionally, the FDOT determined the existing bridge was nearing the end of its useful life from a structural standpoint.



**Table 22: FY 15-19 Bridge Replacement Project Priorities
Not Subject to Priority Ranking**

Project Name	From	To	Phases in Green are Cost Feasible with State/Federal Funds in the 2035 LRTP - Red phases are NOT Cost Feasible with State/Federal Funds	Improvement
<p>US98 (SR 30) Phillip D. Beall Bridge (ESC/SRC)</p>	<p>Pensacola</p>	<p>Gulf Breeze</p>	<p>PD&E Study - Underway Project # 4093341</p>	<p>Replacement of existing bridge with a 6 lane facility</p>
			<p>Design Funded in FY 13/14 Project #4093341</p>	
			<p>ROW - Funded in FY 14/15-16/17 Project # 4093341</p>	
			<p>Construction Funded in FY 16/17 Project # 4093341</p>	

Appendix A – Project Evaluation Criteria

LRTP Project Evaluation Criteria

Transportation Systems Management (TSM) Priority Selection Criteria

Transportation Alternatives Projects (TAP) Priority Selection Criteria

CAPACITY PROJECT EVALUATION CRITERIA

Project Status (weight 15)

- Project Scheduled for Construction in the Five Year Work Program /Capital Improvement Program or Project Scheduled for Right-of-Way or Design in First three years of Work Program
(Committed Project in Long Range Plan not subject priority ranking)
- Right-of-Way scheduled in 4th or 5th year of Work Program 3 points
- Final Design scheduled in 4th or 5th year of Year Work Program 2 points
- Project Development and Environmental Study (PD&E), Completed, underway, or scheduled in the 5 Year Work Program 1 point
- No Project Phases scheduled 0 points

Source: DOT Five Year Work Program and Local Government Capital Improvement Program
Related Objectives: C.2 and E.1

Level of Service

A. Existing Level of Service based on TPO's Congestion Management System (weight 15)

- Level of Service E or F 3 points
- Level of Service D 2 points
- Level of Service C 1 point
- Level of Service A or B 0 points

B. Future Level of Service in 2035 for all project in the Needs Assessment (weight 10)

- Level of Service A, B, or C 3 points
- Level of Service D 2 points
- Level of Service E 1 point
- Level of Service F 0 points

Source: Florida-Alabama TPO and PBS&J
Related Objectives: A.8, C.4 and E.1

Hurricane Evacuation (weight 10)

- Hurricane Evacuation Route 3 points
- Not an Hurricane Evacuation Route 0 points

Source: Northwest Florida Hurricane Evacuation Restudy

Related Objectives: G.4 and G.5

Total Project Cost (weight 10)

- Less than \$15,000,000 3 points
- \$15,000,000 to Less than \$30,000,000 2 points
- \$30,000,000 to Less than \$60,000,000 1 point
- \$60,000,000 or Greater 0 points

Source: DOT Project Cost Estimates

Related Objectives: C.7

Project Cost Sharing (Weight 10)

- 50% or more of project cost is included in local government funded Five Year Capital Improvements Program 3 points
- 25% to less than 50% of project cost is included in local government funded Five Year Capital Improvements Program 2 points
- 15% to less than 25% of project cost is included in local government funded Five Year Capital Improvements Program 1 point
- 0 to less than 15% of project cost is included in local government funded Five Year Capital Improvements Program 0 points

Source: Local Governments Capital Improvement Program.

Related Objectives: C.6

Project Environmental/Social Impacts (Weight 10)

- Project has gone through Project Development and Environmental Study and/or Efficient Transportation Decision Making review, which includes social and community impacts, and has no impacts or impacts are addressed 3 points
- Project has moderate impacts 2 points
- Project has substantial impacts 1 points
- Project has impacts of potential dispute 0 points

Source: Efficient Transportation Decision Making Process.

Related Objectives: D.4, D.6

Economic Development and Freight Movement (Weight 10)

- Project provides a direct connection to long term employment center (airports, industrial parks, tourist centers, military installations, and major economic activity centers identified in the Regional Freight Network Plan) 3 points
- Project provides regional connection to facilitate freight movement (Strategic Intermodal System, Regional Significant Facilities, and “Highways of Commerce” identified in the Regional Freight Network Plan) 2 points
- Project provides a connector to employment or freight routes listed above 1 point
- Project does not directly Facilitate Economic Development or Freight Movement 0 points

Source: SIS and Northwest Florida Regional TPO

Related Objectives: A.2, A.4, A.5, A.8, A.10, E.5, E.6, E.7, F.4, F.7, and F.8

Defense Access Route or Regionally Significant Facility that Crosses County and/or State Boundary (Weight 10)

- Project on Defense Access Route or Regionally Significant Facility 3 points
- Project not on Defense Access Route or Regionally Significant Facility 0 points

Source: DOT, Strategic Highway Network (STRAHNET), and Northwest Florida Regional TPO
Related Objectives: A.6., A.7, A.10, D.8, and E.7

Notes: (a) The maximum points a project can have in any one category is 3.

(b) The maximum total points a project can receive is **300** points:

Project Status	3*15 =45
Level of Service (Existing CMP)	3*15 =45
Level of Service (2035 Needs Assessment)	3*10 =30
Hurricane Evacuation	3*10 =30
Project Cost	3*10 =30
Project Cost Sharing	3*10 =30
Environmental/Social Impacts	3*10 =30
Economic Development and Freight Movement	3*10 =30
Defense Access Route	3*10 =30
Maximum Total Points	300

(c) The Florida-Alabama TPO has final authority to select the projects for inclusion in the Cost Feasible Plan and to rank them in the Project Priorities.

Transportation Systems Management (TSM) Priority Selection Criteria

CRITERIA	SCORE
A. Level of Service Issue Addressed	
Current Deficiency	5 Points
2010 Deficiency	3 Points
2015 Deficiency	1 Point
Not Deficient	0 Points
B. Regionally Significant Roadway	
Yes	2 Points
No	1 Point
C. Crash Rate	
Safety Ratio Greater than 2.00	3 Points
Safety Ratio from 1.00 to 2.00	2 Points
Safety Ratio less than 1.00	1 Point
D. Has an Existing TPO Priority	
Yes	2 Points
No	1 Point

CRITERIA	SCORE
E. Local Project Support	
High	5 Points
Medium	4 Points
Low	3 Points
F. Significant Freight Corridor	
Designated NHS Intermodal Connector of Truck Traffic is greater than 10% of the AADT	3 Points
Truck Traffic is between 8-10% of the AADT	2 Points
Truck Traffic is between 5-7.99% of the AADT	1 Point

Transportation Alternatives Projects (TAP) Priority Selection Criteria and Scores

CRITERIA	SCORE
<p>1. Enhances public safety</p> <p>Ten (10) points should be given to any on-road bicycle project (paved shoulders, designated bike lane) or sidewalk project that creates a safer travel situation for the bicyclist, the walker, and/or the motorist. Off-road facilities such as trails may also qualify, but only if they can feasibly be used as an alternative to a highway in order to reach a destination/attractor. Mitigation, historic preservation, highway beautification projects, etc. would not normally qualify for these points.</p>	10 Points
<p>2. Enhances public safety within a two mile radius of a school</p> <p>Fifteen (15) points should be assigned to any project providing a safer connection to a school within a two mile radius. After all projects have been ranked, this criterion can serve as a possible tie-breaker for any projects with the same score. One (1) extra point can be given to a project if it falls within a one mile radius of a school. Another point (1) may be given to projects serving an elementary school.</p>	15 Points
<p>3. Links existing transportation corridors</p> <p>Ten (10) points should be given to a project if it connects to non-motorized facilities which already exist, thus completing a network.</p>	10 Points

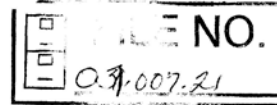
CRITERIA	SCORE
<p>4. Provides mobility by non-motorized transportation to destinations and attractions Eight (8) points should be given to any project that provides user access to any of the following: shopping centers, libraries, government offices, hospitals, tourist attractions, recreation areas, and parks. Only projects providing access to destinations more likely to be accessed by cyclists and pedestrians will receive these points.</p>	8 Points
<p>5. Supports non-motorized transportation Assign three (3) points to a project if it serves a bicyclist, three (3) points if it serves a walker, and three (3) points if it connects to a transit stop [ex: a sidewalk leading to a bus stop would get six (6) points].</p>	3 Points for each mode
<p>6. Deals with roadside or medial beautification or removal of billboards Assign six (6) points to any project in which the applicant is applying for funds for any of these purposes.</p>	6 Points
<p>7. Promotes historic preservation or rehabilitation of historic transportation facilities, or acquisition of scenic easements Assign five (5) points to any project in which the applicant is applying for funds for any of these purposes. It is possible that a trail project may be part of historic preservation.</p>	5 Points
<p>8. Mitigates transportation impacts to the environment Assign eight (8) points to any project that minimizes environmental impacts, such as drainage outfall projects.</p>	8 Points

CRITERIA	SCORE
<p>9. Provides greenway to maintain wildlife habitat connectivity Assign five (5) points to any project in which the applicant is applying funds for these purposes.</p>	5 Points
<p>10. Has an existing TPO priority ranking One (1) point should be assigned for each year that a project has been on the TPO list Enhancement Program list. There is no cap to the number of points a project can receive for this criterion.</p>	1 Point for each year on the
<p>11. Provides for safety and education activities for pedestrians and bicyclists Assign eight (8) points to any project which includes any type of education/safety training for children, such as the production of educational material, bicycle facility maps, etc.</p>	8 Points
<p>12. Has documented support from the general public and other organizations Staff will provide this information. Documented support is in the form of resolutions, letters, petitions, and/or minutes of public record. Support for projects by a large percentage of persons/businesses affected by the project will receive higher points. Eight (8) of these points will be given if the conceptual design presentation has been presented to the public and included with the application or resubmittal.</p>	16 Points

NOTE: Each Transportation Alternative Project must have a local government applicant/sponsor. The local government must support the project and sign a maintenance agreement in order for the project to be constructed. Scores are tabulated to determine each project's total score. The project with the highest total score is ranked number one, the second highest score number two, and so on. In the case of a tie score, the TPO decides which project should be ranked higher.

Appendix B – Strategic Intermodal System (SIS) Methodology Resolution

RESOLUTION FL-AL 06-14



A RESOLUTION OF THE FLORIDA-ALABAMA TRANSPORTATION PLANNING ORGANIZATION ENDORSING THE FLORIDA DEPARTMENT OF TRANSPORTATION STRATEGIC INTERMODAL SYSTEM COST FEASIBLE PLAN HIGHWAY COMPONENT PROJECT PRIORITIES FOR THE FLORIDA-ALABAMA METROPOLITAN PLANNING AREA.

WHEREAS, the Florida - Alabama Transportation Planning Organization (TPO) is the metropolitan planning organization designated by the Governor of Florida as being responsible for carrying out a continuing, cooperative and comprehensive transportation planning process for the Florida - Alabama Metropolitan Planning Area; and

WHEREAS, the Florida - Alabama TPO annually adopts Project Priorities as part of the Transportation Improvement Program (TIP) development process that are consistent with the TPO's Cost Feasible Long Range Transportation Plan; and

WHEREAS, the Florida Department of Transportation (FDOT) is in the process of developing the State's Strategic Intermodal System (SIS) with the goal of providing a safe, balanced, economical intermodal transportation system; and

WHEREAS, FDOT District 3 has requested the TPO to endorse SIS Highway Component Cost Feasible Plan Project Priorities;

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA-ALABAMA TRANSPORTATION PLANNING ORGANIZATION THAT:

The TPO endorses the following SIS Highway Component Cost Feasible Plan Project Priorities:

A. PROJECTS NOT SCHEDULED FOR CONSTRUCTION IN FDOT FIVE YEAR WORK PROGRAM

PRIORITY	PROJECT
1.	Six-lane I-10, from Davis Highway to Scenic Highway
2.	Six-lane US29, from I-10 to Nine/Ten Mile Road
3.	Six-lane I-10, from east end of Escambia Bay Bridge to Avalon Boulevard
4.	Four-lane SR87, from Eglin AFB Boundary to CR184 (Hickory Hammock Road)
5.	I-10 / US29 Interchange
6.	Six-lane US29, from Nine/Ten Mile Road to Alabama State Line

B. PROJECTS SCHEDULED FOR CONSTRUCTION IN FDOT FIVE YEAR WORK PROGRAM (These projects are considered committed for construction by the TPO and not subject to a priority ranking)

- PROJECTS**
- I-110 / Airport Boulevard Interchange (Construction FY2007)
 - Four-lane SR87, from Five Forks Road to Eglin AFB Boundary (Construction FY2011)

Duly passed and adopted by the Florida - Alabama Transportation Planning Organization on this 7th day of June 2006.

(Seal)

FLORIDA-ALABAMA TRANSPORTATION PLANNING ORGANIZATION

BY: [Signature] J. D. Smith, Chairman

ATTEST:

[Signature] Michael W. Ziegler, Director Transportation Planning

Appendix C – Corridor Management Plans

FY 15-19 Corridor Management Studies and Projects List

Project Description	Project Name	From	To
\$130,000 Annually for Corridor Management Plans/Studies	(1) Old Palafox Street	US 29	Nine Mile Road
	(2) US90 (SRC) ¹	Airport Road	SR87S
\$1,500,000 Annually for Corridor Management Projects (Funding will alternate between counties at five year intervals funding will go to Santa Rosa County beginning in 2017)	<i>Starting in FY 17, funding is programmed in Santa Rosa County for implementation of projects on US 98 and US 90</i>		
	(1) Olive Road (ESC)	Old Palafox Highway	Scenic Highway
	(2) Gulf Beach Highway (ESC)	Navy Boulevard	Blue Angel Parkway
	(3) Fairfield Drive (ESC)	Mobile Highway	Lillian Highway
	(4) Main Street (ESC)	Barrancas Avenue	Clubbs Street
	(5) Old Palafox Highway (ESC)	US 29	Nine Mile Road

¹ Funds are to extend the limits of the existing Safety Study east to SR87S

Appendix D – Traffic Signal Timing Projects

Proposed Year 5 Task Level of Review

September 5, 2012

Task Level A - Review of weekend timing plans and corridor progression. Professional Engineer review of the corridor and traffic signal operation, weekend mainline machine traffic counts (Friday evening through Monday morning), turn movement counts for defined peak hours, Synchro Analyses of existing timings and traffic, recommendation and implementation of timing adjustments, fine tuning of timings, and final report summarizing the findings of the review and documenting studies.

Task Level B - Review of coordinated timing plans and corridor progression. Professional Engineer review of the corridor and traffic signal operation, 24 hour mainline machine traffic counts, peak hour turn movement counts, travel time studies, Synchro Analyses of existing timings and traffic, recommendation and implementation of timing adjustments, follow up travel time studies, fine tuning of timings, and final report summarizing the findings of the review and documenting studies.

Task Level C - Traffic engineering studies including mainline counts, turn movement counts, timing studies, timing implementation, and timing fine tuning. Professional Engineer review of the traffic signal and operation, peak hour, off peak hour, and weekend monitoring of the intersection, 24 hour mainline machine traffic counts, peak hour turn movement counts on weekdays and weekends, weekday travel time studies, Synchro analyses of existing timings and traffic, recommendation and implementation of new timings, fine tuning of timings, and final report summarizing the finding of the review and documenting studies.

Task Level D- Review of timing plans and signal operation for special events. Peak hour turn movement counts before and after event, Synchro Analyses of existing timings and event traffic, recommendation and implementation of event timing plans, and final report summarizing the finding of the review and documenting studies.

Task Level E – Review of timing plans and corridor progression for seasonal traffic patterns. Professional Engineer review of the corridor and traffic signal operation, review of traffic data provided by the FDOT, peak hour turn movement counts based on percentages of volumes, Synchro analyses of existing timings and seasonal traffic projections, recommendation and implementation of new timings, and final report summarizing the finding of the review and documenting studies.

Task Level F – Review of Arterial timing plans for Freeway incident Detour Signal Timing. Professional Engineer review of the arterial and traffic signal operation, development of traffic projections for incidents based on traffic data provided by the FDOT, projections of traffic volumes for the detour routes, recommendations for temporary traffic control devices for maintenance of traffic.

Task Level G - Review of Arterial timing plans for Evacuation Signal Timing. Professional Engineer review of the arterial and traffic signal operation, development of traffic projections for evacuations routes, recommendations for temporary traffic control devices for maintenance of traffic.

**Area Wide Coordinated Signal Timing Program – Year 5
Final Signal List**

	Main Line	Side Street	Task Level	System	Cost	Last Review
1	Davis Highway	Johnson Avenue	C	E-5	\$5,009.04	Year 3
2	Davis Highway	Klinger Street	C		\$5,009.04	Year 3
3	Davis Highway	University Parkway	C	E-5-M	\$5,009.04	Year 3
4	Davis Highway	Olive Road	C	E-5	\$5,009.04	Year 3
5	Davis Highway	Northcross Lane	C	E-5	\$5,009.04	Year 3
6	Davis Highway	I-10 WB Ramp	C	E-5	\$5,009.04	Year 3
7	Davis Highway	I-10 EB Ramp	C	E-5	\$5,009.04	Year 3
8	Davis Highway	Bloodworth Lane	C	E-5	\$5,009.04	Year 3
9	Davis Highway	Creighton Road	C	E-6	\$5,009.04	Year 3
10	Davis Highway	Burgess Road	C	E-6	\$5,009.04	Year 3
11	Davis Highway	Langely Avenue	C	E-6	\$5,009.04	Year 2
1	Caroline Street (US 90)	Woodbine Road	C	E-6	\$5,009.04	Year 3
2	Caroline Street (US 90)	Chumuckla Highway	C	E-6	\$5,009.04	Year 3
3	Caroline Street (US 90)	West Spencer Field Rd	C	E-6	\$5,009.04	Year 3
4	Caroline Street (US 90)	East Spencer Field Rd	C	E-6	\$5,009.04	Year 3
5	Caroline Street (US 90)	Broad Street/Target	C		\$5,009.04	Year 3
6	Caroline Street (US 90)	Spears Street/ Home Depot	C	E#	\$5,009.04	Year 3
7	Caroline Street (US 90)	Cardinal Dr/ Walmart	C	E#M	\$5,009.04	Year 3
8	Caroline Street (US 90)	Bell Lane /School Lane	C		\$5,009.04	Year 3
9	Caroline Street (US 90)	Avalon Boulevard (SR 281)	C		\$5,009.04	Year 2
1	Pensacola Boulevard (US 29)	Hood Drive	A		\$3,176.40	Year 2
2	Pensacola Boulevard (US 29)	Detroit Boulevard	A	E-1	\$3,176.40	Year 2
3	Pensacola Boulevard (US 29)	Broad Street	A	E-1	\$3,176.40	Year 2

	Main Line	Side Street	Task Level	System	Cost	Last Review
4	Pensacola Boulevard (US 29)	Diamond Dairy Road	A	E-1	\$3,176.40	Year 2
5	Pensacola Boulevard (US 29)	Burgess Road	A	E-1	\$3,176.40	Year 2
6	Pensacola Boulevard (US 29)	Pinestead Road	A	E-1	\$3,176.40	Year 2
7	Pensacola Boulevard (US 29)	"W" Street	A		\$3,176.40	Year 2
8	Pensacola Boulevard (US 29)	Stumpfield Rd/ Marcus Pt Blvd	A	E-7-M	\$3,176.40	Year 2
9	Pensacola Boulevard (US 29)	Industrial Boulevard	A		\$3,176.40	Year 2
10	Pensacola Boulevard (US 29)	Airport Boulevard	A		\$3,176.40	Year 2
11	Pensacola Boulevard (US 29)	Brent Ln / Beverly Pkwy (SR296)	A		\$3,176.40	Year 3
1	Gulf Breeze Pkwy (US 98)	Fairpoint Dr/ Northcliff Dr	C		\$5,001.04	Year 3
2	Gulf Breeze Pkwy (US 98)	Gulf Breeze High School (signal for school zone *)			\$5,001.04	
3	Gulf Breeze Pkwy (US 98)	Daniel Drive	C		\$5,001.04	Year 3
4	Gulf Breeze Pkwy (US 98)	Gulf Breeze Hospital	C		\$5,001.04	Year 3
5	Gulf Breeze Pkwy (US 98)	Gondolier Blvd / Kelton Boulevard	C		\$5,001.04	Year 1
6	Gulf Breeze Pkwy (US 98)	Wisper Bay Boulevard	C		\$5,001.04	New Signal
7	Gulf Breeze Pkwy (US 98)	Oriole Beach Road	C		\$5,001.04	Year 1
8	Gulf Breeze Pkwy (US 98)	College Parkway	C		\$5,001.04	Year 1
9	Gulf Breeze Pkwy (US 98)	Country Club Rd / Green Briar Parkway	C		\$5,001.04	Under Construction
10	Gulf Breeze Pkwy (US 98)	Avalon Blvd (SR 281) Walmart/ Garcon Point Bridge	C		\$5,001.04	Year 1
11	Gulf Breeze Pkwy (US 98)	Portside Drive/ Tiger Park Lane	C		\$5,001.04	Year 1
12	Gulf Breeze Pkwy (US 98)	Tiger Point Blvd (Tiger Point East)	C		\$5,001.04	Year 1
1	Nine Mile Rd (US90/SR10)	Fowler Avenue	A		\$3,176.40	Year 4

	Main Line	Side Street	Task Level	System	Cost	Last Review
2	Nine Mile Rd (US90/SR10)	US 29 NB Ramp	A		\$3,176.40	Year 4
3	Nine Mile Rd (US90/SR10)	US 29 SB Ramp	A		\$3,176.40	Year 4
4	Nine Mile Rd (US90/SR10)	Palafox Road (CR 95A)	A		\$3,176.40	Year 4
5	Nine Mile Rd (US90/SR10)	Holsberry Road	A		\$3,176.40	Year 4
6	Nine Mile Rd (US90/SR10)	Chemstrand Road	A		\$3,176.40	Year 4
7	Nine Mile Rd (US90/SR10)	Hummingbird Boulevard	A		\$3,176.40	Year 4
8	Nine Mile Rd (US90/SR10)	Guidy Lane	A		\$3,176.40	Year 4
9	Nine Mile Rd (US90/SR10)	Baldrige Drive / Plainfield Ave	A		\$3,176.40	Year 4
10	Nine Mile Rd (US90/SR10)	University Parkway	A		\$3,176.40	Year 4
11	Nine Mile Rd (US90/SR10)	Copter Road	A		\$3,176.40	Year 4
1	Ninth Avenue (SR 289)	Creighton Road	A	P-10	\$3,176.40	Year 1
2	Ninth Avenue (SR 289)	Tippin Avenue	A		\$3,176.40	Year 1
3	Ninth Avenue (SR 289)	Langely Avenue	A		\$3,176.40	Year 1
4	Ninth Avenue (SR 289)	Underwood Avenue	A	P-8	\$3,176.40	Year 1
5	Ninth Avenue (SR 289)	College Boulevard	A	P-8	\$3,176.40	Year 1
6	Ninth Avenue (SR 289)	Airport Boulevard (SR 750)	A	P-8	\$3,176.40	Year 1
7	Ninth Avenue (SR 289)	Sacred Heart Hospital / Cordova Mall	A	P-8	\$3,176.40	Year 1
8	Ninth Avenue (SR 289)	Bayou Boulevard (SR 296)	A	P-8	\$3,176.40	Year 1
1	Caroline Street (US 90)	K-mart	C		\$5,001.04	Year 2
2	Caroline Street (US 90)	Parkmore Plaza Drive	C		\$5,001.04	Year 2
3	Caroline Street (US 90)	Glover Lane	C		\$5,001.04	Year 2
4	Caroline Street (US 90)	Dogwood Drive (SR 89)	C		\$5,001.04	Year 2
5	Caroline Street (US 90)	Stewart Street (SR 87)	C		\$5,001.04	Year 2
6	Caroline Street (US 90)	Canal Street (CR 191)	C		\$5,001.04	Year 2
7	Caroline Street (US 90)	Elmira Street	C		\$5,001.04	Year 2

	Main Line	Side Street	Task Level	System	Cost	Last Review
8	Caroline Street (US 90)	Willing Street	C		\$5,001.04	Year 2
9	Caroline Street (US 90)	Ward Basin Road (CR 89)	C		\$5,001.04	Year 3
10	Caroline Street (US 90)	SR 87/ East Milton Road	C		\$5,001.04	Year 3
72	Option 2			Grand Total	\$299,999.99	

Total Signals Studied = 72

*School Zone signal operation needs to be included in US98 corridor study only as it influences function of the rest of the corridor.

Appendix E – Regional Intelligent Transportation System (ITS) Plan Projects

ITS consists of a wide variety of applications intended to improve the safety and mobility of the traveling public, while enabling organizations responsible for providing transportation facilities and services to do so more efficiently. ITS is only a part of the solution to resolving current transport issues when the existing road infrastructure is insufficient for the amount of transportation demand causing congestion, growing accident rates, and environmental pollution.

While expanding roadway infrastructure is the traditional solution, this approach is becoming more difficult to apply in urbanized areas due to huge investments in right of way and environmental risks. ITS can be an efficient way of resolving these matters:

- Traffic signal control system improves traffic flow and safety.
- Transit signal priority systems can ease the travel of buses or light-rail vehicles traveling arterial corridors and improve on-time performance.
- Signal preemption for emergency vehicles enhances the safety of emergency responders, reducing the likelihood of crashes while improving response times.
- Advanced signal systems include coordinated signal operations across neighboring jurisdictions, as well as centralized control of traffic signals which may include some necessary technologies for the later development of adaptive signal control.
- Pedestrian detectors, specialized signal heads, and bicycle-actuated signals can improve the safety of all road users at signalized intersections.
- Arterial management systems with unique operating schemes can also smooth traffic flow during special events and incidents.

Escambia County has numerous signalized intersections and roadway corridors that could benefit from ITS expansion. The City of Pensacola and Escambia County both require a TMC to monitor and operate their ITS components. Installing CCTV cameras and additional buried fiber cable for coordination of signals can be controlled by the new TMC. The cost-effective approach would be for both agencies to share a TMC. This would also allow for efficient communication between the agencies. This is a trend that is growing around the country. Note that the future ITS map indicates fiber cable extending to some locations where signalized intersections are not present. This cable is being proposed by the county for connections to other county facilities, schools and colleges. Escambia County has an Emergency Operations Center (EOC) to which these ITS devices can also benefit. The video from the cameras and the information from the weather station can be sent to the EOC, along with the ability to disseminate messages to the DMS on the highways.

Two (2) additional technicians would be recommended for the proposed ITS needs.

Installation of fiber optic cables along US 98 corridor and CCTV cameras at the signalized intersections in the unincorporated community of Lillian in Southwest Baldwin County, Alabama is recommended. These cameras/signals can be monitored by a small TMC. No additional technicians is required for the proposed ITS needs in this portion of Baldwin County.

The FDOT is funding a study that will further refine the 2010 Regional ITS Plan projects listed below.

The following table presents the ITS needs for the Florida-Alabama TPO area as identified in the Regional ITS Plan.

Regional ITS Plan Projects

Project	Unit	County
Fiber Optic Cable and Conduit	1,275,602 Linear Feet	Escambia
Fiber Optic Cable and Conduit	240,416 Linear Feet	Santa Rosa
Fiber Optic Cable and Conduit	56,321 Linear Feet	Baldwin
CCTV Cameras	63	Escambia
CCTV Cameras	29	Santa Rosa
CCTV Cameras	5	Baldwin
Dynamic Message Signs	4	Escambia
Dynamic Message Signs	4	Santa Rosa
Traffic Management Center (TMC)	1	Escambia
Small office TMC	1	Santa Rosa
Video Detection	3	Santa Rosa

Source: Regional Intelligent Transportation Systems (ITS) Plan- September 2010

The Regional ITS Plan may be viewed here: <http://70.167.229.112/Final%20Regional%20ITS%20Plan%20Adopted%2009-2010.pdf>

Appendix F – List of Acronyms

ALDOT Alabama Department of Transportation: State agency responsible for transportation issues and planning in Alabama

BPAC Bicycle/Pedestrian Advisory Committee: Advisory committee utilized by metropolitan planning organizations (MPOs) for specialized citizen input into the transportation planning process.

BRATS Baldwin Rural Area Transportation System: Public Transit System

CAC Citizens' Advisory Committee: Advisory committee utilized by most metropolitan planning organizations (MPOs) for citizen input into the transportation planning process.

CFR Code of Federal Regulations: Compilation of the rules of the executive department and agencies of the federal government

CMAQ Congestion Mitigation and Air Quality Improvement Program: A new categorical funding program created under ISTEA which directs funding to projects that contribute to meeting national air quality standards in non-attainment areas for ozone and carbon monoxide.

CMPP Congestion Management Process Plan: This plan assists decision-makers in selecting cost effective, short term strategies to enhance the mobility of people and goods by rating the performance of existing transportation facilities

CTC Community Transportation Coordinators: People contracted by the Transportation Disadvantaged Commission to provide complete, cost-effective and efficient transportation services to transportation disadvantaged (TD) persons.

CTST Community Traffic Safety Team: Florida's Community Traffic Safety Teams (CTSTs) are locally based groups of highway safety advocates who are committed to solving traffic safety problems through a comprehensive, multi-jurisdictional, multi-disciplinary approach. Members include local city, county, state, and occasionally federal agencies, as well as private industry representatives and local citizens.

DCSN Detailed Corridor Study Needed. This is a reference from the Bicycle/Pedestrian Master Plan. It refers to additional study that is needed along a corridor in order to identify specific bicycle and pedestrian projects.

DDR District Dedicated Revenue.

DEO Department of Economic Opportunity: State land planning agency responsible for a number of programs, including administering regulation contained in Chapters 163 and 380 of the Florida Statutes (F.S.).

DEP Florida Department of Environmental Protection: State agency responsible for the implementation of most of Florida's environmental regulations, including air monitoring and assessment; formerly the Departments of Natural Resources and Environmental Regulation.

DTPO State Public Transportation Office (PTO) funds. These funds are typically used for Aviation and Public Transportation projects.

ECAT Escambia County Area Transit: Public transportation system.

EMO Environmental Management Office: The office at the Florida Department of Transportation responsible for protecting and enhancing a sustainable human and natural environment while developing safe, cost effective, and efficient transportation systems.

EPA Environmental Protection Agency: A federal agency responsible for dealing with national environmental issues.

FAA Federal Aviation Administration: Federal entity responsible for overseeing air commerce, air traffic control, noise abatement and other related issues.

FDOT Florida Department of Transportation: State agency responsible for transportation issues and planning in Florida.

FHWA Federal Highway Administration: Division of the U.S. Department of Transportation responsible for administering federal highway transportation programs.

F.S. Florida Statutes: Documents in which Florida's laws are found.

FTA Federal Transit Administration: A statewide, comprehensive transportation plan which establishes long-range goals to be accomplished over a 20-25 year time frame; developed by Florida Department of Transportation (FDOT); updated on an annual basis.

FTP Florida Transportation Plan: A statewide, comprehensive transportation plan which establishes long-range goals to be accomplished over a 20-25 year time frame; developed by Florida Department of Transportation (FDOT); updated on an annual basis.

FY Fiscal Year: A budget year; runs from July 1 through June 30 for the state of Florida, and from October 1 through September 30 for the federal government.

ICE Intergovernmental Coordination Element: Required element of a local government comprehensive plan addressing coordination between adjacent local governments, and regional and state agencies; requirements for content are found in Rule 9J-5.015, F.A.C. and 163.3177(6)(h), F.S.

ITS Intelligent Transportation System: The use of computer and communications technology to facilitate the flow of information between traveler and system operators to improve mobility and transportation productivity.

JPA Joint Participation Agreement: Legal instrument describing intergovernmental tasks to be accomplished and/or funds to be paid between government agencies. **K** Design Hour Factor: Used to convert daily traffic counts to hourly traffic counts, and annual average traffic counts to peak season traffic counts; most road are designed for peak hour, peak season traffic counts. **LDR** Land Development Regulations: Local development regulations used to implement comprehensive plans; required by 9J-5.006, F.A.C. and Chapter 163.3177(6)(a), F.S.

LAP Local Agency Program: Agreement negotiated between a Local Agency and FDOT allocating Federal funds to a transportation project.

LRC Long Range Component: The part of the Florida Transportation Plan (FTP) that addresses a time span of about 20 years; updated at least every five years to reflect changes in the issues, goals and long range objectives.

LRTP Long Range Transportation Plan: A 20 year forecast plan required of state planning agencies and TPO/MPOs; it must consider a wide range of social, environmental, energy and economic factors in determining overall regional goals and consider how transportation can best meet these goals.

MAP 21 Moving Ahead for Progress in the 21st Century Act. Federal legislation that was signed into law on July 6, 2012 that funds surface transportation programs at over \$105 billion for fiscal years 2013 and 2014.

MPO See TPO

MPOAC Metropolitan Planning Organization Advisory Council: An advisory council, consisting of one member from each TPO, which serves the principal forum for collaborative policy discussion in urban areas; it was created by law to assist the TPO/MPOs in carrying out the urbanized area transportation planning process.

NHS National Highway System: Specific major roads to be designated by September 30, 1995; the NHS will consist of 155,000 (plus or minus 15%) miles of road and represents one category of roads eligible for federal funds under ISTEA.

PD&E Project Development and Environmental Study

RTPO Regional Transportation Planning Organization:

ROW Right-of-Way: Real property that is used for transportation purposes; defines the extent of the corridor that can be used for the road and associated drainage.

RPC Regional Planning Council: A multipurpose organization composed of representatives of local governments and appointed representatives from the geographic area covered by the council, and designated as the primary organization to address problems and plan solutions that are of greater than local concern or scope; currently 11 regional planning councils exist in Florida.

SAFETEA-LU Safe, Accountable, Flexible, and Efficient Transportation Equity Act, a Legacy for Users: Federal legislation that was signed into law on August 10th 2005. This legislation built upon the ISTEA and TEA-21 premises but advocated a new direction in transportation planning, as evidenced by its name.

SIS Strategic Intermodal System: The SIS is a transportation system that is made up of statewide and regionally significant facilities and services (strategic), that contains all forms of transportation for moving both people and goods, including linkages that provide for smooth and efficient transfers between modes and major facilities (intermodal), and that integrates individual facilities, services, forms of transportation (modes) and linkages into a single, integrated transportation network (system)

SRTS Safe Routes to School: The Safe Routes to School Program (SRTS) was authorized in August 2005 by Section 1404 of the federal transportation act, SAFETEA-LU (the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users*). SRTS funds are administered through the seven FDOT Districts and overseen by the State Safe Routes to School Coordinator

Program guidelines and other program documents have been developed to create a competitive application process for infrastructure projects and non-infrastructure programs.

STIP State Transportation Improvement Program: A staged, multiyear, statewide, intermodal program that is consistent with the state and metropolitan transportation plans; identifies the priority transportation projects to be done over the next three years; is developed by the Florida Department of Transportation (FDOT) and must be approved by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) at least every two years.

TCC Technical Coordinating Committee: A standing committee of most metropolitan planning organizations (MPOs); function is to provide advice on plans or actions of the MPO from planners, engineers and other staff members (not general citizens.)

TD Transportation Disadvantaged: People who are unable to transport themselves or to purchase transportation due to disability, income status or age.

TDP Transit Development Program: A plan developed by the transit operator and endorsed by the TPO; it addresses public transportation needs, operations, services, and contains a financial plan. The plan has a 10-year horizon, with a major update every five years, and it also requires annual updates.

TDSP Transportation Disadvantage Service Plan: A five year plan which reviews the need for Transportation Disadvantaged services, goals, objectives, and performance measures; it is updated annually.

TIP Transportation Improvement Program: A priority list of transportation projects developed by a metropolitan planning organization that is to be carried out within the five year period following its adoption; must include documentation of federal and state funding sources for each project and be consistent with adopted local comprehensive plans.

TPO (MPO) Transportation or Metropolitan Planning Organization: The forum for cooperative transportation decision-making; required for urbanized areas with populations over 50,000.

TSM Transportation Systems Management: Strategies to improve the efficiency of the transportation system through operational improvements such as the use of bus priority or reserved lanes, signalization, access management, turn restrictions, etc.

UPWP Unified Planning Work Program: Developed by Metropolitan Planning Organizations (MPOs); identifies all transportation and transportation air quality activities anticipated within the next one to two years, including schedule for completing, who is doing it, and products to be produced.

INTRODUCTION

The 5-Year District Facilities Work Program is a very important document. The Department of Education, Legislature, Governor's Office, Division of Community Planning (growth management), local governments, and others use the work program information for various needs including funding, planning, and as the authoritative source for school facilities related information.

The district's facilities work program must be a complete, balanced capital outlay plan that is financially feasible. The first year of the work program is the districts capital outlay budget. To determine if the work program is balanced and financially feasible, the "Net Available Revenue" minus the "Funded Projects Costs" should sum to zero for "Remaining Funds".

If the "Remaining Funds" balance is zero, then the plan is both balanced and financially feasible.

If the "Remaining Funds" balance is negative, then the plan is neither balanced nor feasible.

If the "Remaining Funds" balance is greater than zero, the plan may be feasible, but it is not balanced.

Summary of revenue/expenditures available for new construction and remodeling projects only.

	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	Five Year Total
Total Revenues	\$116,184,337	\$20,494,621	\$20,494,621	\$20,494,621	\$20,494,621	\$198,162,821
Total Project Costs	\$116,184,337	\$20,494,621	\$20,494,621	\$20,494,621	\$20,494,621	\$198,162,821
Difference (Remaining Funds)	\$0	\$0	\$0	\$0	\$0	\$0

District ESCAMBIA COUNTY SCHOOL DISTRICT

Fiscal Year Range

CERTIFICATION

By submitting this electronic document, we certify that all information provided in this 5-year district facilities work program is accurate, all capital outlay resources are fully reported, and the expenditures planned represent a complete and balanced capital outlay plan for the district. The district Superintendent of Schools, Chief Financial Officer, and the School Board have approved the information contained in this 5-year district facilities work program; they certify to the Department of Education, Office of Educational Facilities, that the information contained herein is correct and accurate; they also certify that the plan has been developed in coordination with the general purpose local governments as required by §1013.35(2) F.S. We understand that any information contained in this 5-year district facilities work program is subject to audit by the Auditor General of the State of Florida.

Date of School Board Adoption

Work Plan Submittal Date

DISTRICT SUPERINTENDENT

CHIEF FINANCIAL OFFICER

DISTRICT POINT-OF-CONTACT PERSON

JOB TITLE

PHONE NUMBER

E-MAIL ADDRESS

Expenditures

Expenditure for Maintenance, Repair and Renovation from 1.50-Mills and PECO

Annually, prior to the adoption of the district school budget, each school board must prepare a tentative district facilities work program that includes a schedule of major repair and renovation projects necessary to maintain the educational and ancillary facilities of the district.

Item	2013 - 2014 Actual Budget	2014 - 2015 Projected	2015 - 2016 Projected	2016 - 2017 Projected	2017 - 2018 Projected	Total
Electrical	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Fire Alarm	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$1,500,000
Locations:	A K SUTER ELEMENTARY, BELLVIEW ELEMENTARY, BELLVIEW MIDDLE, BEULAH ELEMENTARY, BLUE ANGELS ELEMENTARY, BRATT ELEMENTARY, BRENTWOOD ELEMENTARY, BROWN BARGE MIDDLE, C A WEIS ELEMENTARY, CENTRAL WAREHOUSE, CORDOVA PARK ELEMENTARY, ENSLEY ELEMENTARY, ERNEST WARD MIDDLE, ESCAMBIA SENIOR HIGH, ESCAMBIA WESTGATE CENTER, FERRY PASS ELEMENTARY, FERRY PASS MIDDLE, GEO STONE / W FL HI SCHOOL OF ADVANCED TECHNOLOGY, GLOBAL LEARNING ACADEMY, HELLEN CARO ELEMENTARY, J E HALL EDUCATIONAL SERVICES CENTER, J H WORKMAN MIDDLE, J M TATE SENIOR HIGH, JIM ALLEN ELEMENTARY, JIM C BAILEY MIDDLE, JUDY ANDREWS SCHOOL, L D MCARTHUR ELEMENTARY, LINCOLN PARK ELEMENTARY, LONGLEAF ELEMENTARY, MCMILLAN PRE-K CENTER, MOLINO PARK ELEMENTARY, MONTCLAIR ELEMENTARY, MYRTLE GROVE ELEMENTARY, N B COOK ELEMENTARY (NEW), NAVY POINT ELEMENTARY, NORTHVIEW SENIOR HIGH, O J SEMMES ELEMENTARY, OAKCREST ELEMENTARY, PACE ADMINISTRATION OFFICE, PENSACOLA SENIOR HIGH, PINE FOREST SENIOR HIGH, PINE MEADOW ELEMENTARY, PLEASANT GROVE ELEMENTARY, R C LIPSCOMB ELEMENTARY, RANSOM MIDDLE, REINHARDT HOLM ELEMENTARY, ROY L HYATT ENVIRONMENTAL CENTER, SCENIC HEIGHTS ELEMENTARY, SHERWOOD ELEMENTARY, W J WOODHAM MIDDLE SCHOOL, WARRINGTON ELEMENTARY, WARRINGTON MIDDLE, WASHINGTON SENIOR HIGH, WEST PENSACOLA ELEMENTARY					
Telephone/Intercom System	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Closed Circuit Television	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Paint	\$676,572	\$676,572	\$676,572	\$676,572	\$676,572	\$3,382,860
Locations:	A K SUTER ELEMENTARY, BELLVIEW ELEMENTARY, BELLVIEW MIDDLE, BEULAH ELEMENTARY, BLUE ANGELS ELEMENTARY, BRATT ELEMENTARY, BRENTWOOD ELEMENTARY, BROWN BARGE MIDDLE, BROWN-BARGE ANNEX, C A WEIS ELEMENTARY, CENTRAL WAREHOUSE, CORDOVA PARK ELEMENTARY, ENSLEY ELEMENTARY, ERNEST WARD MIDDLE, ESCAMBIA SENIOR HIGH, ESCAMBIA WESTGATE CENTER, FERRY PASS ELEMENTARY, FERRY PASS MIDDLE, GEO STONE / W FL HI SCHOOL OF ADVANCED TECHNOLOGY, GLOBAL LEARNING ACADEMY, HELLEN CARO ELEMENTARY, J E HALL EDUCATIONAL SERVICES CENTER, J H WORKMAN MIDDLE, J M TATE SENIOR HIGH, JIM ALLEN ELEMENTARY, JIM C BAILEY MIDDLE, JUDY ANDREWS SCHOOL, L D MCARTHUR ELEMENTARY, LINCOLN PARK ELEMENTARY, LONGLEAF ELEMENTARY, MCMILLAN PRE-K CENTER, MOLINO PARK ELEMENTARY, MONTCLAIR ELEMENTARY, MYRTLE GROVE ELEMENTARY, N B COOK ELEMENTARY (NEW), NAVY POINT ELEMENTARY, NORTHVIEW SENIOR HIGH, O J SEMMES ELEMENTARY, OAKCREST ELEMENTARY, PACE ADMINISTRATION OFFICE, PENSACOLA SENIOR HIGH, PINE FOREST SENIOR HIGH, PINE MEADOW ELEMENTARY, PLEASANT GROVE ELEMENTARY, R C LIPSCOMB ELEMENTARY, RANSOM MIDDLE, REINHARDT HOLM ELEMENTARY, SCENIC HEIGHTS ELEMENTARY, SHERWOOD ELEMENTARY, W J WOODHAM MIDDLE SCHOOL, WARRINGTON ELEMENTARY, WARRINGTON MIDDLE, WASHINGTON SENIOR HIGH, WEST PENSACOLA ELEMENTARY					
Maintenance/Repair	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
HVAC	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Flooring	\$62,538	\$62,538	\$62,538	\$62,538	\$62,538	\$312,690

Locations:	A K SUTER ELEMENTARY, BELLVIEW ELEMENTARY, BELLVIEW MIDDLE, BEULAH ELEMENTARY, BLUE ANGELS ELEMENTARY, BRATT ELEMENTARY, BRENTWOOD ELEMENTARY, BROWN BARGE MIDDLE, BROWN-BARGE ANNEX, C A WEIS ELEMENTARY, CENTRAL WAREHOUSE, CORDOVA PARK ELEMENTARY, ENSLEY ELEMENTARY, ERNEST WARD MIDDLE, ESCAMBIA SENIOR HIGH, ESCAMBIA WESTGATE CENTER, FERRY PASS ELEMENTARY, FERRY PASS MIDDLE, GEO STONE / W FL HI SCHOOL OF ADVANCED TECHNOLOGY, HELLEN CARO ELEMENTARY, J E HALL EDUCATIONAL SERVICES CENTER, J H WORKMAN MIDDLE, J M TATE SENIOR HIGH, JIM ALLEN ELEMENTARY, JIM C BAILEY MIDDLE, JUDY ANDREWS SCHOOL, L D MCARTHUR ELEMENTARY, LINCOLN PARK ELEMENTARY, LONGLEAF ELEMENTARY, MCMILLAN PRE-K CENTER, MOLINO PARK ELEMENTARY, MONTCLAIR ELEMENTARY, MYRTLE GROVE ELEMENTARY, N B COOK ELEMENTARY (NEW), NAVY POINT ELEMENTARY, NORTHVIEW SENIOR HIGH, O J SEMMES ELEMENTARY, OAKCREST ELEMENTARY, PACE ADMINISTRATION OFFICE, PENSACOLA SENIOR HIGH, PINE FOREST SENIOR HIGH, PINE MEADOW ELEMENTARY, PLEASANT GROVE ELEMENTARY, R C LIPSCOMB ELEMENTARY, RANSOM MIDDLE, REINHARDT HOLM ELEMENTARY, ROY L HYATT ENVIRONMENTAL CENTER, SCENIC HEIGHTS ELEMENTARY, SHERWOOD ELEMENTARY, W J WOODHAM MIDDLE SCHOOL, WARRINGTON ELEMENTARY, WARRINGTON MIDDLE, WASHINGTON SENIOR HIGH, WEST PENSACOLA ELEMENTARY					
Roofing	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Safety to Life	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Fencing	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Parking	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Sub Total:	\$1,039,110	\$1,039,110	\$1,039,110	\$1,039,110	\$1,039,110	\$5,195,550

PECO Maintenance Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
1.50 Mill Sub Total:	\$2,030,363	\$2,030,363	\$2,030,363	\$2,030,363	\$2,030,363	\$10,151,815

Other Items	2013 - 2014 Actual Budget	2014 - 2015 Projected	2015 - 2016 Projected	2016 - 2017 Projected	2017 - 2018 Projected	Total
District Wide Preventative Maintenance	\$55,000	\$55,000	\$55,000	\$55,000	\$55,000	\$275,000
Locations:	A K SUTER ELEMENTARY, BELLVIEW ELEMENTARY, BELLVIEW MIDDLE, BEULAH ELEMENTARY, BLUE ANGELS ELEMENTARY, BRATT ELEMENTARY, BRENTWOOD ELEMENTARY, BROWN BARGE MIDDLE, BROWN-BARGE ANNEX, C A WEIS ELEMENTARY, CENTRAL WAREHOUSE, CORDOVA PARK ELEMENTARY, ENSLEY ELEMENTARY, ERNEST WARD MIDDLE, ESCAMBIA SENIOR HIGH, ESCAMBIA WESTGATE CENTER, FERRY PASS ELEMENTARY, FERRY PASS MIDDLE, GEO STONE / W FL HI SCHOOL OF ADVANCED TECHNOLOGY, GLOBAL LEARNING ACADEMY, HELLEN CARO ELEMENTARY, J E HALL EDUCATIONAL SERVICES CENTER, J H WORKMAN MIDDLE, J M TATE SENIOR HIGH, JIM ALLEN ELEMENTARY, JIM C BAILEY MIDDLE, JUDY ANDREWS SCHOOL, L D MCARTHUR ELEMENTARY, LINCOLN PARK ELEMENTARY, LONGLEAF ELEMENTARY, MCMILLAN PRE-K CENTER, MOLINO PARK ELEMENTARY, MONTCLAIR ELEMENTARY, MYRTLE GROVE ELEMENTARY, N B COOK ELEMENTARY (NEW), NAVY POINT ELEMENTARY, NORTHVIEW SENIOR HIGH, O J SEMMES ELEMENTARY, OAKCREST ELEMENTARY, PACE ADMINISTRATION OFFICE, PENSACOLA SENIOR HIGH, PINE FOREST SENIOR HIGH, PINE MEADOW ELEMENTARY, PLEASANT GROVE ELEMENTARY, R C LIPSCOMB ELEMENTARY, RANSOM MIDDLE, REINHARDT HOLM ELEMENTARY, ROY L HYATT ENVIRONMENTAL CENTER, SCENIC HEIGHTS ELEMENTARY, SHERWOOD ELEMENTARY, W J WOODHAM MIDDLE SCHOOL, WARRINGTON ELEMENTARY, WARRINGTON MIDDLE, WASHINGTON SENIOR HIGH, WEST PENSACOLA ELEMENTARY					
Bleacher Repair and Replace Cycle	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000
Locations:	BELLVIEW MIDDLE, BROWN BARGE MIDDLE, ERNEST WARD MIDDLE, ESCAMBIA SENIOR HIGH, FERRY PASS MIDDLE, GEO STONE / W FL HI SCHOOL OF ADVANCED TECHNOLOGY, J H WORKMAN MIDDLE, J M TATE SENIOR HIGH, PENSACOLA SENIOR HIGH, PINE FOREST SENIOR HIGH, RANSOM MIDDLE, W J WOODHAM MIDDLE SCHOOL, WARRINGTON MIDDLE, WASHINGTON SENIOR HIGH					
Relocatable Classroom Renovations	\$51,521	\$51,521	\$51,521	\$51,521	\$51,521	\$257,605

Locations	A K SUTER ELEMENTARY, BELLVIEW ELEMENTARY, BELLVIEW MIDDLE, BEULAH ELEMENTARY, BLUE ANGELS ELEMENTARY, BRATT ELEMENTARY, BRENTWOOD ELEMENTARY, BROWN BARGE MIDDLE, C A WEIS ELEMENTARY, CORDOVA PARK ELEMENTARY, ENSLEY ELEMENTARY, ERNEST WARD MIDDLE, ESCAMBIA SENIOR HIGH, ESCAMBIA WESTGATE CENTER, FERRY PASS ELEMENTARY, FERRY PASS MIDDLE, GEO STONE / W FL HI SCHOOL OF ADVANCED TECHNOLOGY, GLOBAL LEARNING ACADEMY, HELLEN CARO ELEMENTARY, J H WORKMAN MIDDLE, J M TATE SENIOR HIGH, JIM ALLEN ELEMENTARY, JIM C BAILEY MIDDLE, JUDY ANDREWS SCHOOL, L D MCARTHUR ELEMENTARY, LINCOLN PARK ELEMENTARY, LONGLEAF ELEMENTARY, MCMILLAN PRE-K CENTER, MOLINO PARK ELEMENTARY, MONTCLAIR ELEMENTARY, MYRTLE GROVE ELEMENTARY, N B COOK ELEMENTARY (NEW), NAVY POINT ELEMENTARY, NORTHVIEW SENIOR HIGH, O J SEMMES ELEMENTARY, OAKCREST ELEMENTARY, PENSACOLA SENIOR HIGH, PINE FOREST SENIOR HIGH, PINE MEADOW ELEMENTARY, PLEASANT GROVE ELEMENTARY, R C LIPSCOMB ELEMENTARY, RANSOM MIDDLE, REINHARDT HOLM ELEMENTARY, ROY L HYATT ENVIRONMENTAL CENTER, SCENIC HEIGHTS ELEMENTARY, SHERWOOD ELEMENTARY, W J WOODHAM MIDDLE SCHOOL, WARRINGTON ELEMENTARY, WARRINGTON MIDDLE, WASHINGTON SENIOR HIGH, WEST PENSACOLA ELEMENTARY					
Energy Management DDC Controls	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$500,000
Locations	A K SUTER ELEMENTARY, BELLVIEW ELEMENTARY, BELLVIEW MIDDLE, BEULAH ELEMENTARY, BLUE ANGELS ELEMENTARY, BRATT ELEMENTARY, BRENTWOOD ELEMENTARY, BROWN BARGE MIDDLE, BROWN-BARGE ANNEX, C A WEIS ELEMENTARY, CENTRAL WAREHOUSE, CORDOVA PARK ELEMENTARY, ENSLEY ELEMENTARY, ERNEST WARD MIDDLE, ESCAMBIA SENIOR HIGH, ESCAMBIA WESTGATE CENTER, FERRY PASS ELEMENTARY, FERRY PASS MIDDLE, GEO STONE / W FL HI SCHOOL OF ADVANCED TECHNOLOGY, GLOBAL LEARNING ACADEMY, HELLEN CARO ELEMENTARY, J E HALL EDUCATIONAL SERVICES CENTER, J H WORKMAN MIDDLE, J M TATE SENIOR HIGH, JIM ALLEN ELEMENTARY, JIM C BAILEY MIDDLE, JUDY ANDREWS SCHOOL, L D MCARTHUR ELEMENTARY, LINCOLN PARK ELEMENTARY, LONGLEAF ELEMENTARY, MCMILLAN PRE-K CENTER, MOLINO PARK ELEMENTARY, MONTCLAIR ELEMENTARY, MYRTLE GROVE ELEMENTARY, N B COOK ELEMENTARY (NEW), NAVY POINT ELEMENTARY, NORTHVIEW SENIOR HIGH, O J SEMMES ELEMENTARY, OAKCREST ELEMENTARY, PACE ADMINISTRATION OFFICE, PENSACOLA SENIOR HIGH, PINE FOREST SENIOR HIGH, PINE MEADOW ELEMENTARY, PLEASANT GROVE ELEMENTARY, R C LIPSCOMB ELEMENTARY, RANSOM MIDDLE, REINHARDT HOLM ELEMENTARY, ROY L HYATT ENVIRONMENTAL CENTER, SCENIC HEIGHTS ELEMENTARY, SHERWOOD ELEMENTARY, W J WOODHAM MIDDLE SCHOOL, WARRINGTON ELEMENTARY, WARRINGTON MIDDLE, WASHINGTON SENIOR HIGH, WEST PENSACOLA ELEMENTARY					
Door Replacement Cycle	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000
Locations	A K SUTER ELEMENTARY, BELLVIEW ELEMENTARY, BELLVIEW MIDDLE, BEULAH ELEMENTARY, BLUE ANGELS ELEMENTARY, BRATT ELEMENTARY, BRENTWOOD ELEMENTARY, BROWN BARGE MIDDLE, BROWN-BARGE ANNEX, C A WEIS ELEMENTARY, CENTRAL WAREHOUSE, CORDOVA PARK ELEMENTARY, ENSLEY ELEMENTARY, ERNEST WARD MIDDLE, ESCAMBIA SENIOR HIGH, ESCAMBIA WESTGATE CENTER, FERRY PASS ELEMENTARY, FERRY PASS MIDDLE, GEO STONE / W FL HI SCHOOL OF ADVANCED TECHNOLOGY, GLOBAL LEARNING ACADEMY, HELLEN CARO ELEMENTARY, J E HALL EDUCATIONAL SERVICES CENTER, J H WORKMAN MIDDLE, J M TATE SENIOR HIGH, JIM ALLEN ELEMENTARY, JIM C BAILEY MIDDLE, JUDY ANDREWS SCHOOL, L D MCARTHUR ELEMENTARY, LINCOLN PARK ELEMENTARY, LONGLEAF ELEMENTARY, MCMILLAN PRE-K CENTER, MOLINO PARK ELEMENTARY, MONTCLAIR ELEMENTARY, MYRTLE GROVE ELEMENTARY, N B COOK ELEMENTARY (NEW), NAVY POINT ELEMENTARY, NORTHVIEW SENIOR HIGH, O J SEMMES ELEMENTARY, OAKCREST ELEMENTARY, PACE ADMINISTRATION OFFICE, PENSACOLA SENIOR HIGH, PINE FOREST SENIOR HIGH, PINE MEADOW ELEMENTARY, PLEASANT GROVE ELEMENTARY, R C LIPSCOMB ELEMENTARY, RANSOM MIDDLE, REINHARDT HOLM ELEMENTARY, ROY L HYATT ENVIRONMENTAL CENTER, SCENIC HEIGHTS ELEMENTARY, SHERWOOD ELEMENTARY, W J WOODHAM MIDDLE SCHOOL, WARRINGTON ELEMENTARY, WARRINGTON MIDDLE, WASHINGTON SENIOR HIGH, WEST PENSACOLA ELEMENTARY					
Facilities Planning Salary Abatement	\$684,732	\$684,732	\$684,732	\$684,732	\$684,732	\$3,423,660
Locations	J E HALL EDUCATIONAL SERVICES CENTER					
Total:	\$2,030,363	\$2,030,363	\$2,030,363	\$2,030,363	\$2,030,363	\$10,151,815

Local 1.50 Mill Expenditure For Maintenance, Repair and Renovation

Anticipated expenditures expected from local funding sources over the years covered by the current work plan.

Item	2013 - 2014 Actual Budget	2014 - 2015 Projected	2015 - 2016 Projected	2016 - 2017 Projected	2017 - 2018 Projected	Total
Remaining Maint and Repair from 1.5 Mills	\$2,030,363	\$2,030,363	\$2,030,363	\$2,030,363	\$2,030,363	\$10,151,815
Maintenance/Repair Salaries	\$0	\$0	\$0	\$0	\$0	\$0
School Bus Purchases	\$2,320,649	\$2,409,866	\$2,664,444	\$2,889,859	\$3,144,819	\$13,429,637
Other Vehicle Purchases	\$220,000	\$110,000	\$130,000	\$130,000	\$130,000	\$720,000
Capital Outlay Equipment	\$3,096,947	\$3,444,606	\$3,501,809	\$3,613,151	\$3,700,000	\$17,356,513
Rent/Lease Payments	\$0	\$0	\$0	\$0	\$0	\$0

COP Debt Service	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$25,000,000
Rent/Lease Relocatables	\$0	\$0	\$0	\$0	\$0	\$0
Environmental Problems	\$0	\$0	\$0	\$0	\$0	\$0
s.1011.14 Debt Service	\$0	\$0	\$0	\$0	\$0	\$0
Special Facilities Construction Account	\$0	\$0	\$0	\$0	\$0	\$0
Premiums for Property Casualty Insurance - 1011.71 (4a,b)	\$0	\$0	\$0	\$0	\$0	\$0
Qualified School Construction Bonds (QSCB)	\$0	\$0	\$0	\$0	\$0	\$0
Qualified Zone Academy Bonds (QZAB)	\$0	\$0	\$0	\$0	\$0	\$0
Property Insurance	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$15,000,000
Maintenance Transfer	\$6,123,846	\$6,123,846	\$6,123,846	\$6,123,846	\$6,123,846	\$30,619,230
Local Expenditure Totals:	\$21,791,805	\$22,118,681	\$22,450,462	\$22,787,219	\$23,129,028	\$112,277,195

Revenue

1.50 Mill Revenue Source

Schedule of Estimated Capital Outlay Revenue from each currently approved source which is estimated to be available for expenditures on the projects included in the tentative district facilities work program. All amounts are NET after considering carryover balances, interest earned, new COP's, 1011.14 and 1011.15 loans, etc. Districts cannot use 1.5-Mill funds for salaries except for those explicitly associated with maintenance/repair projects. (1011.71 (5), F.S.)

Item	Fund	2013 - 2014 Actual Value	2014 - 2015 Projected	2015 - 2016 Projected	2016 - 2017 Projected	2017 - 2018 Projected	Total
(1) Non-exempt property assessed valuation		\$15,133,198,036	\$15,360,195,007	\$15,590,598,947	\$15,824,457,931	\$16,061,824,800	\$77,970,274,721
(2) The Millege projected for discretionary capital outlay per s.1011.71		1.50	1.50	1.50	1.50	1.50	
(3) Full value of the 1.50-Mill discretionary capital outlay per s.1011.71		\$25,423,773	\$25,805,128	\$26,192,206	\$26,585,089	\$26,983,866	\$130,990,062
(4) Value of the portion of the 1.50 -Mill ACTUALLY levied	370	\$21,791,805	\$22,118,681	\$22,450,462	\$22,787,219	\$23,129,028	\$112,277,195
(5) Difference of lines (3) and (4)		\$3,631,968	\$3,686,447	\$3,741,744	\$3,797,870	\$3,854,838	\$18,712,867

PECO Revenue Source

The figure in the row designated "PECO Maintenance" will be subtracted from funds available for new construction because PECO maintenance dollars cannot be used for new construction.

Item	Fund	2013 - 2014 Actual Budget	2014 - 2015 Projected	2015 - 2016 Projected	2016 - 2017 Projected	2017 - 2018 Projected	Total
PECO New Construction	340	\$0	\$0	\$0	\$0	\$0	\$0
PECO Maintenance Expenditures		\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0

CO & DS Revenue Source

Revenue from Capital Outlay and Debt Service funds.

Item	Fund	2013 - 2014 Actual Budget	2014 - 2015 Projected	2015 - 2016 Projected	2016 - 2017 Projected	2017 - 2018 Projected	Total
CO & DS Cash Flow-through Distributed	360	\$184,231	\$184,231	\$184,231	\$184,231	\$184,231	\$921,155
CO & DS Interest on Undistributed CO	360	\$14,364	\$14,364	\$14,364	\$14,364	\$14,364	\$71,820
		\$198,595	\$198,595	\$198,595	\$198,595	\$198,595	\$992,975

Fair Share Revenue Source

All legally binding commitments for proportionate fair-share mitigation for impacts on public school facilities must be included in the 5-year district work program.

Nothing reported for this section.

Sales Surtax Referendum

Specific information about any referendum for a 1-cent or ½-cent surtax referendum during the previous year.

Did the school district hold a surtax referendum during the past fiscal year 2012 - 2013? No

Additional Revenue Source

Any additional revenue sources

Item	2013 - 2014 Actual Value	2014 - 2015 Projected	2015 - 2016 Projected	2016 - 2017 Projected	2017 - 2018 Projected	Total
Proceeds from a s.1011.14/15 F.S. Loans	\$0	\$0	\$0	\$0	\$0	\$0
District Bonds - Voted local bond referendum proceeds per s.9, Art VII State Constitution	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Special Act Bonds	\$0	\$0	\$0	\$0	\$0	\$0
Estimated Revenue from CO & DS Bond Sale	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Voted Capital Improvements millage	\$0	\$0	\$0	\$0	\$0	\$0
Other Revenue for Other Capital Projects	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from 1/2 cent sales surtax authorized by school board	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$100,000,000
Proceeds from local governmental infrastructure sales surtax	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Certificates of Participation (COP's) Sale	\$0	\$0	\$0	\$0	\$0	\$0
Classrooms First Bond proceeds amount authorized in FY 1997-98	\$0	\$0	\$0	\$0	\$0	\$0
Classrooms for Kids	\$0	\$0	\$0	\$0	\$0	\$0

District Equity Recognition	\$0	\$0	\$0	\$0	\$0	\$0
Federal Grants	\$0	\$0	\$0	\$0	\$0	\$0
Proportionate share mitigation (actual cash revenue only, not in kind donations)	\$0	\$0	\$0	\$0	\$0	\$0
Impact fees received	\$0	\$0	\$0	\$0	\$0	\$0
Private donations	\$0	\$0	\$0	\$0	\$0	\$0
Grants from local governments or not-for-profit organizations	\$0	\$0	\$0	\$0	\$0	\$0
Interest, Including Profit On Investment	\$0	\$0	\$0	\$0	\$0	\$0
Revenue from Bonds pledging proceeds from 1 cent or 1/2 cent Sales Surtax	\$0	\$0	\$0	\$0	\$0	\$0
Total Fund Balance Carried Forward	\$95,689,716	\$0	\$0	\$0	\$0	\$95,689,716
General Capital Outlay Obligated Fund Balance Carried Forward From Total Fund Balance Carried Forward	\$0	\$0	\$0	\$0	\$0	\$0
Special Facilities Construction Account	\$0	\$0	\$0	\$0	\$0	\$0
One Cent - 1/2 Cent Sales Surtax Debt Service From Total Fund Balance Carried Forward	\$0	\$0	\$0	\$0	\$0	\$0
Capital Outlay Projects Funds Balance Carried Forward From Total Fund Balance Carried Forward	\$0	\$0	\$0	\$0	\$0	\$0
Charter School Capital Outlay	\$296,026	\$296,026	\$296,026	\$296,026	\$296,026	\$1,480,130
Subtotal	\$115,985,742	\$20,296,026	\$20,296,026	\$20,296,026	\$20,296,026	\$197,169,846

Total Revenue Summary

Item Name	2013 - 2014 Budget	2014 - 2015 Projected	2015 - 2016 Projected	2016 - 2017 Projected	2017 - 2018 Projected	Five Year Total
Local 1.5 Mill Discretionary Capital Outlay Revenue	\$21,791,805	\$22,118,681	\$22,450,462	\$22,787,219	\$23,129,028	\$112,277,195
PECO and 1.5 Mill Maint and Other 1.5 Mill Expenditures	(\$21,791,805)	(\$22,118,681)	(\$22,450,462)	(\$22,787,219)	(\$23,129,028)	(\$112,277,195)
PECO Maintenance Revenue	\$0	\$0	\$0	\$0	\$0	\$0
Available 1.50 Mill for New Construction	\$0	\$0	\$0	\$0	\$0	\$0

Item Name	2013 - 2014 Budget	2014 - 2015 Projected	2015 - 2016 Projected	2016 - 2017 Projected	2017 - 2018 Projected	Five Year Total
CO & DS Revenue	\$198,595	\$198,595	\$198,595	\$198,595	\$198,595	\$992,975
PECO New Construction Revenue	\$0	\$0	\$0	\$0	\$0	\$0
Other/Additional Revenue	\$115,985,742	\$20,296,026	\$20,296,026	\$20,296,026	\$20,296,026	\$197,169,846
Total Additional Revenue	\$116,184,337	\$20,494,621	\$20,494,621	\$20,494,621	\$20,494,621	\$198,162,821

Total Available Revenue **\$116,184,337** **\$20,494,621** **\$20,494,621** **\$20,494,621** **\$20,494,621** **\$198,162,821**

Project Schedules

Capacity Project Schedules

A schedule of capital outlay projects necessary to ensure the availability of satisfactory classrooms for the projected student enrollment in K-12 programs.

Project Description	Location		2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	Total	Funded
Replacement	A K SUTER ELEMENTARY	Planned Cost:	\$3,000,000	\$0	\$0	\$0	\$0	\$3,000,000	Yes
	Student Stations:		600	0	0	0	0	600	
	Total Classrooms:		0	0	0	0	0	0	
	Gross Sq Ft:		102,000	0	0	0	0	102,000	
Replacement	ERNEST WARD MIDDLE	Planned Cost:	\$500,000	\$0	\$0	\$0	\$0	\$500,000	Yes
	Student Stations:		600	0	0	0	0	600	
	Total Classrooms:		0	0	0	0	0	0	
	Gross Sq Ft:		115,202	0	0	0	0	115,202	
New Northwest Elementary	Location not specified	Planned Cost:	\$7,500,000	\$10,000,000	\$7,500,000	\$0	\$0	\$25,000,000	Yes
	Student Stations:		796	796	796	0	0	2,388	
	Total Classrooms:		0	0	0	0	0	0	
	Gross Sq Ft:		123,954	123,954	123,954	0	0	371,862	
New Westside Elementary	Location not specified	Planned Cost:	\$2,000,000	\$3,000,000	\$0	\$0	\$0	\$5,000,000	Yes
	Student Stations:		796	796	0	0	0	1,592	
	Total Classrooms:		0	0	0	0	0	0	
	Gross Sq Ft:		123,954	123,954	0	0	0	247,908	
New Gymnasium	BELLVIEW MIDDLE	Planned Cost:	\$3,250,000	\$0	\$0	\$0	\$0	\$3,250,000	Yes
	Student Stations:		120	0	0	0	0	120	
	Total Classrooms:		0	0	0	0	0	0	
	Gross Sq Ft:		12,724	0	0	0	0	12,724	

WORKMAN MIDDLE New Gymnasium	Location not specified	Planned Cost:	\$0	\$3,250,000	\$0	\$0	\$0	\$3,250,000	Yes
	Student Stations:		0	120	0	0	0	120	
	Total Classrooms:		0	0	0	0	0	0	
	Gross Sq Ft:		0	12,724	0	0	0	12,724	
BROWN BARGE MIDDLE New Gymnasium	Location not specified	Planned Cost:	\$0	\$0	\$3,250,000	\$0	\$0	\$3,250,000	Yes
	Student Stations:		0	0	120	0	0	120	
	Total Classrooms:		0	0	0	0	0	0	
	Gross Sq Ft:		0	0	12,724	0	0	12,724	

Planned Cost:	\$16,250,000	\$16,250,000	\$10,750,000	\$0	\$0	\$43,250,000
Student Stations:	2,912	1,712	916	0	0	5,540
Total Classrooms:	0	0	0	0	0	0
Gross Sq Ft:	477,834	260,632	136,678	0	0	875,144

Other Project Schedules

Major renovations, remodeling, and additions of capital outlay projects that do not add capacity to schools.

Project Description	Location	2013 - 2014 Actual Budget	2014 - 2015 Projected	2015 - 2016 Projected	2016 - 2017 Projected	2017 - 2018 Projected	Total	Funded
New Covered Play Building	ESCAMBIA WESTGATE CENTER	\$0	\$0	\$0	\$2,000,000	\$0	\$2,000,000	Yes
Various Elementary Covered Play Buildings @ 1M each	Location not specified	\$0	\$0	\$4,000,000	\$6,000,000	\$4,000,000	\$14,000,000	Yes
Half Cent Sales Surtax Projects as listed in the Educational Plant Survey (includes fencing, roofing, etc.)	Location not specified	\$0	\$0	\$0	\$5,000,000	\$10,000,000	\$15,000,000	Yes
LCIF Carryover	Location not specified	\$2,520,242	\$0	\$0	\$0	\$0	\$2,520,242	Yes
1.5 Mill Carryover	Location not specified	\$15,763,184	\$0	\$0	\$0	\$0	\$15,763,184	Yes
Half Cent Sales Tax Carryover	Location not specified	\$76,746,383	\$0	\$0	\$0	\$0	\$76,746,383	Yes
District Wide General Renovations	Location not specified	\$750,000	\$750,000	\$1,750,000	\$2,250,000	\$2,000,000	\$7,500,000	Yes
CO & DS Flow Through Carryover	Location not specified	\$659,574	\$0	\$0	\$0	\$0	\$659,574	Yes
PECO Construction Carryover	Location not specified	\$333	\$0	\$0	\$0	\$0	\$333	Yes
Charter School Capital Outlay	Location not specified	\$296,026	\$296,026	\$296,026	\$296,026	\$296,026	\$1,480,130	Yes
Classrooms for Kids Carryover	Location not specified	\$0	\$0	\$0	\$0	\$0	\$0	Yes
Facilities Systems - Roofing	Location not specified	\$750,000	\$750,000	\$750,000	\$1,000,000	\$750,000	\$4,000,000	Yes

Facilities Systems - Mechanical Life Safety	Location not specified	\$1,500,000	\$1,500,000	\$1,500,000	\$2,500,000	\$2,000,000	\$9,000,000	Yes
District Wide Safety to Life	Location not specified	\$159,000	\$159,000	\$159,000	\$159,000	\$159,000	\$795,000	Yes
District Wide Campus Security Systems	Location not specified	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$1,250,000	Yes
District Wide Equipment	Location not specified	\$39,595	\$39,595	\$39,595	\$39,595	\$39,595	\$197,975	Yes
District Wide Athletic Renovation & Repair	Location not specified	\$0	\$0	\$1,000,000	\$1,000,000	\$1,000,000	\$3,000,000	Yes
New Northwest K-5 - Land Acquisition	Location not specified	\$500,000	\$500,000	\$0	\$0	\$0	\$1,000,000	Yes
		\$99,934,337	\$4,244,621	\$9,744,621	\$20,494,621	\$20,494,621	\$154,912,821	

Additional Project Schedules

Any projects that are not identified in the last approved educational plant survey.

Nothing reported for this section.

Non Funded Growth Management Project Schedules

Schedule indicating which projects, due to planned development, that CANNOT be funded from current revenues projected over the next five years.

Nothing reported for this section.

Tracking

Capacity Tracking

Location	2013 - 2014 Satis. Stu. Sta.	Actual 2013 - 2014 FISH Capacity	Actual 2012 - 2013 COFTE	# Class Rooms	Actual Average 2013 - 2014 Class Size	Actual 2013 - 2014 Utilization	New Stu. Capacity	New Rooms to be Added/Removed	Projected 2017 - 2018 COFTE	Projected 2017 - 2018 Utilization	Projected 2017 - 2018 Class Size
HELLEN CARO ELEMENTARY	933	933	909	50	18	97.00 %	0	0	783	84.00 %	16
JIM ALLEN ELEMENTARY	762	762	632	39	16	83.00 %	0	0	700	92.00 %	18
BELLVIEW ELEMENTARY	888	888	747	46	16	84.00 %	0	0	710	80.00 %	15
BELLVIEW MIDDLE	1,435	1,291	1,111	65	17	86.00 %	0	0	1,005	78.00 %	15
BRATT ELEMENTARY	542	542	439	27	16	81.00 %	0	0	423	78.00 %	16
BRENTWOOD ELEMENTARY	607	607	555	33	17	91.00 %	0	0	538	89.00 %	16
N B COOK ELEMENTARY (NEW)	680	680	636	35	18	93.00 %	0	0	630	93.00 %	18
BLUE ANGELS ELEMENTARY	843	843	989	45	22	117.00 %	0	0	843	100.00 %	19
MOLINO PARK ELEMENTARY	756	756	387	36	11	51.00 %	0	0	400	53.00 %	11
GLOBAL LEARNING ACADEMY	836	836	753	45	17	90.00 %	0	0	725	87.00 %	16
BEULAH ELEMENTARY	869	869	896	46	19	103.00 %	0	0	736	85.00 %	16
WASHINGTON SENIOR HIGH	1,956	1,858	1,607	82	20	86.00 %	0	0	1,625	87.00 %	20
R C LIPSCOMB ELEMENTARY	966	966	911	51	18	94.00 %	0	0	815	84.00 %	16
JIM C BAILEY MIDDLE	1,575	1,417	1,401	68	21	99.00 %	0	0	1,310	92.00 %	19
NORTHVIEW SENIOR HIGH	662	529	531	28	19	100.00 %	0	0	525	99.00 %	19
ESEAL CENTER	158	0	0	15	0	0.00 %	0	0	0	0.00 %	0
W J WOODHAM MIDDLE SCHOOL	1,669	1,502	806	70	12	54.00 %	0	0	850	57.00 %	12
GEO STONE / W FL HI SCHOOL OF ADVANCED TECHNOLOGY	1,709	2,050	1,247	78	16	61.00 %	0	0	1,225	60.00 %	16
PINE FOREST SENIOR HIGH	2,105	1,999	1,720	87	20	86.00 %	0	0	1,680	84.00 %	19
LONGLEAF ELEMENTARY	780	780	691	41	17	89.00 %	0	0	731	94.00 %	18
L D MCARTHUR ELEMENTARY	801	801	694	44	16	87.00 %	0	0	725	91.00 %	16
ESCAMBIA WESTGATE CENTER	381	381	239	37	6	63.00 %	0	0	195	51.00 %	5
ALLIE YNIESTRA ELEMENTARY	348	0	0	18	0	0.00 %	0	0	0	0.00 %	0

JUDY ANDREWS SCHOOL	275	275	39	11	4	14.00 %	0	0	37	13.00 %	3
SPENCER BIBBS ELEMENTARY	407	0	0	22	0	0.00 %	0	0	0	0.00 %	0
JOHN A GIBSON HEADSTART PROGRAM	218	0	0	11	0	0.00 %	0	0	0	0.00 %	0
MCMILLAN PRE-K CENTER	252	252	49	14	4	20.00 %	0	0	50	20.00 %	4
LINCOLN PARK ELEMENTARY	439	439	276	23	12	63.00 %	0	0	168	38.00 %	7
WARRINGTON ELEMENTARY	712	712	483	37	13	68.00 %	0	0	500	70.00 %	14
WARRINGTON MIDDLE	1,268	1,141	706	53	13	62.00 %	0	0	700	61.00 %	13
C A WEIS ELEMENTARY	641	641	493	36	14	77.00 %	0	0	500	78.00 %	14
WEST PENSACOLA ELEMENTARY	685	685	472	36	13	69.00 %	0	0	480	70.00 %	13
J H WORKMAN MIDDLE	1,257	1,131	1,008	58	17	89.00 %	0	0	1,005	89.00 %	17
REINHARDT HOLM ELEMENTARY	669	669	431	36	12	64.00 %	0	0	440	66.00 %	12
SCENIC HEIGHTS ELEMENTARY	771	771	842	41	21	109.00 %	0	0	750	97.00 %	18
O J SEMMES ELEMENTARY	566	566	366	29	13	65.00 %	0	0	340	60.00 %	12
SHERWOOD ELEMENTARY	673	673	527	34	15	78.00 %	0	0	530	79.00 %	16
A K SUTER ELEMENTARY	459	459	435	25	17	95.00 %	0	0	600	131.00 %	24
J M TATE SENIOR HIGH	2,194	2,084	1,964	97	20	94.00 %	0	0	1,950	94.00 %	20
ERNEST WARD MIDDLE	594	534	461	26	18	86.00 %	0	0	600	112.00 %	23
MYRTLE GROVE ELEMENTARY	685	685	678	36	19	99.00 %	0	0	615	90.00 %	17
NAVY POINT ELEMENTARY	585	585	484	32	15	83.00 %	0	0	417	71.00 %	13
OAKCREST ELEMENTARY	489	489	518	26	20	106.00 %	0	0	440	90.00 %	17
PENSACOLA SENIOR HIGH	1,975	1,876	1,572	82	19	84.00 %	0	0	1,570	84.00 %	19
PINE MEADOW ELEMENTARY	883	883	909	47	19	103.00 %	0	0	818	93.00 %	17
PLEASANT GROVE ELEMENTARY	632	632	681	34	20	108.00 %	0	0	620	98.00 %	18
CORDOVA PARK ELEMENTARY	702	702	677	37	18	96.00 %	0	0	650	93.00 %	18
ENSLEY ELEMENTARY	489	489	427	26	16	87.00 %	0	0	460	94.00 %	18
ESCAMBIA SENIOR HIGH	2,184	2,074	1,622	89	18	78.00 %	0	0	1,710	82.00 %	19
FERRY PASS ELEMENTARY	676	676	623	36	17	92.00 %	0	0	582	86.00 %	16
FERRY PASS MIDDLE	1,117	1,005	981	49	20	98.00 %	0	0	1,002	100.00 %	20
MONTCLAIR ELEMENTARY	548	548	363	28	13	66.00 %	0	0	330	60.00 %	12
BROWN BARGE MIDDLE	939	845	621	44	14	73.00 %	0	0	615	73.00 %	14

BYRNEVILLE ELEMENTARY- CHARTER SCHOOL	40	0	0	2	0	0.00 %	0	0	0	0.00 %	0
GEORGE WASHINGTON CARVER MIDDLE	372	0	0	16	0	0.00 %	0	0	0	0.00 %	0
CARVER/CENTURY K-8	525	0	0	26	0	0.00 %	0	0	0	0.00 %	0
A V CLUBBS ALTERNATIVE	264	0	0	12	0	0.00 %	0	0	0	0.00 %	0
RANSOM MIDDLE	1,698	1,528	1,360	73	19	89.00 %	0	0	1,360	89.00 %	19
	49,144	45,339	37,966	2,370	16	83.74 %	0	0	37,013	81.64 %	16

The COFTE Projected Total (37,013) for 2017 - 2018 must match the Official Forecasted COFTE Total (37,013) for 2017 - 2018 before this section can be completed. In the event that the COFTE Projected Total does not match the Official forecasted COFTE, then the Balanced Projected COFTE Table should be used to balance COFTE.

Projected COFTE for 2017 - 2018	
Elementary (PK-3)	12,694
Middle (4-8)	14,686
High (9-12)	9,633
	37,013

Grade Level Type	Balanced Projected COFTE for 2017 - 2018
Elementary (PK-3)	0
Middle (4-8)	0
High (9-12)	0
	37,013

Relocatable Replacement

Number of relocatable classrooms clearly identified and scheduled for replacement in the school board adopted financially feasible 5-year district work program.

Location	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	Year 5 Total
Total Relocatable Replacements:	0	0	0	0	0	0

Charter Schools Tracking

Information regarding the use of charter schools.

Location-Type	# Relocatable units or permanent classrooms	Owner	Year Started or Scheduled	Student Stations	Students Enrolled	Years in Contract	Total Charter Students projected for 2017 - 2018
Pensacola Beach Elementary	7	PRIVATE	2002	150	136	8	144
Beulah Academy of Science	14	PRIVATE	1998	300	286	14	286
Jacqueline Harris Preparatory	10	PRIVATE	2001	200	178	12	230
Escambia Charter School	12	COUNTY GOVERNMENT	1996	300	127	10	150
Capstone Academy	4	OTHER	2004	27	16	5	30
Newpoint Academy	21	PRIVATE	2011	386	210	3	300

Newpoint Pensacola	21	PRIVATE	2011	386	130	3	185
	89			1,749	1,083		1,325

Special Purpose Classrooms Tracking

The number of classrooms that will be used for certain special purposes in the current year, by facility and type of classroom, that the district will, 1), not use for educational purposes, and 2), the co-teaching classrooms that are not open plan classrooms and will be used for educational purposes.

School	School Type	# of Elementary K-3 Classrooms	# of Middle 4-8 Classrooms	# of High 9-12 Classrooms	# of ESE Classrooms	# of Combo Classrooms	Total Classrooms
Total Educational Classrooms:		0	0	0	0	0	0

School	School Type	# of Elementary K-3 Classrooms	# of Middle 4-8 Classrooms	# of High 9-12 Classrooms	# of ESE Classrooms	# of Combo Classrooms	Total Classrooms
Total Co-Teaching Classrooms:		0	0	0	0	0	0

Infrastructure Tracking

Necessary offsite infrastructure requirements resulting from expansions or new schools. This section should include infrastructure information related to capacity project schedules and other project schedules (Section 4).

Will require water, sewer, fire protection, electricity, and telecommunications to support both the new Westside and Northwest Elementary Schools.

Proposed location of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. Provisions of 1013.33(12), (13) and (14) and 1013.36 must be addressed for new facilities planned within the 1st three years of the plan (Section 5).

Properties to be purchased on westside and northwest sides of county.

Consistent with Comp Plan? Yes

Net New Classrooms

The number of classrooms, by grade level and type of construction, that were added during the last fiscal year.

List the net new classrooms added in the 2012 - 2013 fiscal year.					List the net new classrooms to be added in the 2013 - 2014 fiscal year.			
"Classrooms" is defined as capacity carrying classrooms that are added to increase capacity to enable the district to meet the Class Size Amendment.					Totals for fiscal year 2013 - 2014 should match totals in Section 15A.			
Location	2012 - 2013 # Permanent	2012 - 2013 # Modular	2012 - 2013 # Relocatable	2012 - 2013 Total	2013 - 2014 # Permanent	2013 - 2014 # Modular	2013 - 2014 # Relocatable	2013 - 2014 Total
Elementary (PK-3)	0	0	0	0	0	0	0	0
Middle (4-8)	0	0	0	0	0	0	0	0
High (9-12)	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0

Relocatable Student Stations

Number of students that will be educated in relocatable units, by school, in the current year, and the projected number of students for each of the years in the workplan.

Site	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	5 Year Average
JIM ALLEN ELEMENTARY	0	0	0	0	0	0
BELLVIEW ELEMENTARY	0	0	0	0	0	0
BELLVIEW MIDDLE	154	154	154	154	154	154
BRATT ELEMENTARY	0	0	0	0	0	0
BRENTWOOD ELEMENTARY	80	80	80	80	80	80
BROWN BARGE MIDDLE	44	44	44	44	44	44
BYRNEVILLE ELEMENTARY-CHARTER SCHOOL	40	40	40	40	40	40
CARVER/CENTURY K-8	0	0	0	0	0	0
A V CLUBBS ALTERNATIVE	0	0	0	0	0	0
RANSOM MIDDLE	242	242	242	242	242	242
CORDOVA PARK ELEMENTARY	76	76	0	0	0	30
ENSLEY ELEMENTARY	36	36	36	36	36	36
ESCAMBIA SENIOR HIGH	49	49	49	49	49	49
FERRY PASS ELEMENTARY	89	89	89	89	89	89
FERRY PASS MIDDLE	0	0	0	0	0	0
MONTCLAIR ELEMENTARY	0	0	0	0	0	0
MYRTLE GROVE ELEMENTARY	72	72	72	72	72	72
NAVY POINT ELEMENTARY	0	0	0	0	0	0
LINCOLN PARK ELEMENTARY	0	0	0	0	0	0
W J WOODHAM MIDDLE SCHOOL	0	0	0	0	0	0
GEO STONE / W FL HI SCHOOL OF ADVANCED TECHNOLOGY	25	25	25	25	25	25
PINE FOREST SENIOR HIGH	100	100	100	100	100	100
LONGLEAF ELEMENTARY	0	0	0	0	0	0
L D MCARTHUR ELEMENTARY	22	22	22	22	22	22
ESCAMBIA WESTGATE CENTER	10	10	10	10	10	10
BEULAH ELEMENTARY	152	152	152	152	152	152
WASHINGTON SENIOR HIGH	50	50	50	50	50	50
R C LIPSCOMB ELEMENTARY	152	152	152	152	152	152
JIM C BAILEY MIDDLE	208	208	208	208	208	208
NORTHVIEW SENIOR HIGH	0	0	0	0	0	0
MOLINO PARK ELEMENTARY	0	0	0	0	0	0
HELLEN CARO ELEMENTARY	150	150	150	150	150	150

OAKCREST ELEMENTARY	0	0	0	0	0	0
PENSACOLA SENIOR HIGH	0	0	0	0	0	0
PINE MEADOW ELEMENTARY	80	102	102	102	102	98
PLEASANT GROVE ELEMENTARY	54	54	54	54	54	54
SCENIC HEIGHTS ELEMENTARY	28	28	28	28	28	28
O J SEMMES ELEMENTARY	0	0	0	0	0	0
SHERWOOD ELEMENTARY	0	0	0	0	0	0
A K SUTER ELEMENTARY	0	0	0	0	0	0
J M TATE SENIOR HIGH	25	25	25	25	25	25
ERNEST WARD MIDDLE	22	22	0	0	0	9
WARRINGTON ELEMENTARY	167	149	149	149	149	153
WARRINGTON MIDDLE	0	0	0	0	0	0
C A WEIS ELEMENTARY	0	0	0	0	0	0
WEST PENSACOLA ELEMENTARY	18	18	18	18	18	18
J H WORKMAN MIDDLE	22	22	22	22	22	22
REINHARDT HOLM ELEMENTARY	0	0	0	0	0	0
ALLIE YNIESTRA ELEMENTARY	0	0	0	0	0	0
JUDY ANDREWS SCHOOL	0	0	0	0	0	0
SPENCER BIBBS ELEMENTARY	0	0	0	0	0	0
MCMILLAN PRE-K CENTER	0	0	0	0	0	0
ESEAL CENTER	0	0	0	0	0	0
N B COOK ELEMENTARY (NEW)	0	0	0	0	0	0
BLUE ANGELS ELEMENTARY	0	0	0	0	0	0
GLOBAL LEARNING ACADEMY	0	0	0	0	0	0
GEORGE WASHINGTON CARVER MIDDLE	0	0	0	0	0	0
JOHN A GIBSON HEADSTART PROGRAM	0	0	0	0	0	0

Totals for ESCAMBIA COUNTY SCHOOL DISTRICT						
Total students in relocatables by year.	2,167	2,171	2,073	2,073	2,073	2,111
Total number of COFTE students projected by year.	37,638	37,563	37,358	37,138	37,013	37,342
Percent in relocatables by year.	6 %	6 %	6 %	6 %	6 %	6 %

Leased Facilities Tracking

Existing leased facilities and plans for the acquisition of leased facilities, including the number of classrooms and student stations, as reported in the educational plant survey, that are planned in that location at the end of the five year workplan.

Location	# of Leased Classrooms 2013 - 2014	FISH Student Stations	Owner	# of Leased Classrooms 2017 - 2018	FISH Student Stations
BROWN BARGE MIDDLE	0	0		0	0
BYRNEVILLE ELEMENTARY-CHARTER SCHOOL	0	0		0	0
CARVER/CENTURY K-8	0	0		0	0
A V CLUBBS ALTERNATIVE	0	0		0	0
RANSOM MIDDLE	0	0		0	0
CORDOVA PARK ELEMENTARY	0	0		0	0
ENSLEY ELEMENTARY	0	0		0	0
ESCAMBIA SENIOR HIGH	0	0		0	0
FERRY PASS ELEMENTARY	0	0		0	0
FERRY PASS MIDDLE	0	0		0	0
MONTCLAIR ELEMENTARY	0	0		0	0
MYRTLE GROVE ELEMENTARY	0	0		0	0
NAVY POINT ELEMENTARY	0	0		0	0
OAKCREST ELEMENTARY	0	0		0	0
PENSACOLA SENIOR HIGH	0	0		0	0
PINE MEADOW ELEMENTARY	0	0		0	0
PLEASANT GROVE ELEMENTARY	0	0		0	0
SCENIC HEIGHTS ELEMENTARY	0	0		0	0
O J SEMMES ELEMENTARY	0	0		0	0
SHERWOOD ELEMENTARY	0	0		0	0
A K SUTER ELEMENTARY	0	0		0	0
J M TATE SENIOR HIGH	0	0		0	0
ERNEST WARD MIDDLE	0	0		0	0
WARRINGTON ELEMENTARY	0	0		0	0
WARRINGTON MIDDLE	0	0		0	0
C A WEIS ELEMENTARY	0	0		0	0
WEST PENSACOLA ELEMENTARY	0	0		0	0
J H WORKMAN MIDDLE	0	0		0	0
REINHARDT HOLM ELEMENTARY	0	0		0	0
ALLIE YNIESTRA ELEMENTARY	0	0		0	0
JUDY ANDREWS SCHOOL	0	0		0	0
SPENCER BIBBS ELEMENTARY	0	0		0	0
MCMILLAN PRE-K CENTER	0	0		0	0
LINCOLN PARK ELEMENTARY	0	0		0	0

W J WOODHAM MIDDLE SCHOOL	0	0		0	0
GEO STONE / W FL HI SCHOOL OF ADVANCED TECHNOLOGY	0	0		0	0
PINE FOREST SENIOR HIGH	0	0		0	0
LONGLEAF ELEMENTARY	0	0		0	0
L D MCARTHUR ELEMENTARY	0	0		0	0
ESCAMBIA WESTGATE CENTER	0	0		0	0
BEULAH ELEMENTARY	0	0		0	0
WASHINGTON SENIOR HIGH	0	0		0	0
R C LIPSCOMB ELEMENTARY	0	0		0	0
JIM C BAILEY MIDDLE	0	0		0	0
NORTHVIEW SENIOR HIGH	0	0		0	0
ESEAL CENTER	0	0		0	0
N B COOK ELEMENTARY (NEW)	0	0		0	0
BLUE ANGELS ELEMENTARY	0	0		0	0
MOLINO PARK ELEMENTARY	0	0		0	0
GLOBAL LEARNING ACADEMY	0	0		0	0
HELLEN CARO ELEMENTARY	0	0		0	0
JIM ALLEN ELEMENTARY	0	0		0	0
BELLVIEW ELEMENTARY	0	0		0	0
BELLVIEW MIDDLE	0	0		0	0
BRATT ELEMENTARY	0	0		0	0
BRENTWOOD ELEMENTARY	0	0		0	0
GEORGE WASHINGTON CARVER MIDDLE	0	0		0	0
JOHN A GIBSON HEADSTART PROGRAM	0	0		0	0
	0	0		0	0

Failed Standard Relocatable Tracking

Relocatable units currently reported by school, from FISH, and the number of relocatable units identified as 'Failed Standards'.

Nothing reported for this section.

Planning

Class Size Reduction Planning

Plans approved by the school board that reduce the need for permanent student stations such as acceptable school capacity levels, redistricting, busing, year-round schools, charter schools, magnet schools, public-private partnerships, multitrack scheduling, grade level organization, block scheduling, or other alternatives.

The School District of Escambia County has taken steps to address class-size reduction issues that include:

- Closing near or over-capacity schools to transfers
- Redistricting attendance zones
- Approving charter contracts as appropriate
- Establishing magnet programs in under-utilized sites
- Establishing our own virtual academy
- Increasing dual enrollment options

School Closure Planning

Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

No plans for closure at this time.

Five Year Survey - Ten Year Capacity

ESCAMBIA COUNTY SCHOOL DISTRICT

8/19/2013

Schedule of capital outlay projects projected to ensure the availability of satisfactory student stations for the projected student enrollment in K - 12 programs for the future 5 years beyond the 5-year district facilities work program.

No items meet the criteria.

Five Year Survey - Ten Year Infrastructure

ESCAMBIA COUNTY SCHOOL DISTRICT

8/19/2013

Proposed Location of Planned New, Remodeled, or New Additions to Facilities in 6 thru 10 out years (Section 28).

Not Specified

Plans for closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues in the 6 thru 10 out years (Section 29).

Not Specified

Five Year Survey - Ten Year Maintenance

ESCAMBIA COUNTY SCHOOL DISTRICT

8/19/2013

District projects and locations regarding the projected need for major renovation, repair, and maintenance projects within the district in years 6 - 10 beyond the projects plans detailed in the five years covered by the work plan.

No items match the criteria.

Five Year Survey - Ten Year Utilization

ESCAMBIA COUNTY SCHOOL DISTRICT

8/19/2013

Schedule of planned capital outlay projects identifying the standard grade groupings, capacities, and planned utilization rates of future educational facilities of the district for both permanent and relocatable facilities.

Grade Level Projections	FISH Student Stations	Actual FISH Capacity	Actual COFTE	Actual Utilization	Actual new Student Capacity to be added/removed	Projected COFTE	Projected Utilization
Elementary - District Totals	24,611	24,611	18,581.71	75.50 %	0	0	0.00 %
Middle - District Totals	12,474	11,224	8,836.85	78.73 %	0	0	0.00 %
High - District Totals	11,425	10,752	9,344.93	86.91 %	0	0	0.00 %
Other - ESE, etc	5,552	3,530	1,932.98	54.76 %	0	0	0.00 %
	54,062	50,117	38,696.47	77.21 %	0	0	0.00 %

Combination schools are included with the middle schools for student stations, capacity, COFTE and utilization purposes because these facilities all have a 90% utilization factor. Use this space to explain or define the grade groupings for combination schools.

No comments to report.

Five Year Survey - Twenty Year Capacity

ESCAMBIA COUNTY SCHOOL DISTRICT

8/19/2013

Schedule of capital outlay projects projected to ensure the availability of satisfactory student stations for the projected student enrollment in K - 12 programs for the future 11 - 20 years beyond the 5-year district facilities work program.

No items match the criteria.

Five Year Survey - Twenty Year Infrastructure

ESCAMBIA COUNTY SCHOOL DISTRICT

8/19/2013

Proposed Location of Planned New, Remodeled, or New Additions to Facilities in the 11 through 20 out years (Section 28).

Not Specified

Plans for closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues in the 11 through 20 out years (Section 29).

Not Specified

Five Year Survey - Twenty Year Maintenance

ESCAMBIA COUNTY SCHOOL DISTRICT

8/19/2013

District projects and locations regarding the projected need for major renovation, repair, and maintenance projects within the district in years 11 - 20 beyond the projects plans detailed in the five years covered by the work plan.

No items match the criteria.

Five Year Survey - Twenty Year Utilization

ESCAMBIA COUNTY SCHOOL DISTRICT

8/19/2013

Schedule of planned capital outlay projects identifying the standard grade groupings, capacities, and planned utilization rates of future educational facilities of the district for both permanent and relocatable facilities.

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	54,062	50,117	38,696.47	77.21 %	0	0	0.00 %

Combination schools are included with the middle schools for student stations, capacity, COFTE and utilization purposes because these facilities all have a 90% utilization factor. Use this space to explain or define the grade groupings for combination schools.

No comments to report.

Planning Board-Regular

6. B.

Meeting Date: 04/01/2014

Submitted By: Juan Lemos,
Development Services

Recommendation:

Staff presented an Ordinance addressing cinerators in C-2. Staff was directed to bring more detailed information on the location, zoning and conditions of use throughout all of the existing zoning districts for the Planning Board.

Attachments

ADX Communications Letter

Ajit_Patel_Letter

America's Best Value Inn_Letter

InfoBeck property John_Fifer_Letter

CAT Country Radio_Letter

Comfort-Inn_Letter

Days Inn_Letter

ECDMO_Ltr

Econolodge_Letter

Gulf Coast Indian Association_Letter

Jensen's Docs

Kerry_Anne_Schultz_Docs

LHS Hotels_Letter

Mitesh Patel_Letter

pennstatestudy-crematory

J_Rigby's_Docs

What harm could one little crematory cause?

Letter_from_Congress-Kucinich_to_EPA-Jackson

Cremation Study

ADX

ADX Communications of Escambia LLC
Cat Country 98.7 FM & NewsRadio1620
7251 Plantation Road
Pensacola, Florida 32504
(850) 262-6000

March 6, 2014

To: Escambia County Planning Board
% Juan Lemos (JCLE MOS@co.escambia.fl.us)

We understand you are considering changing the LDC law so that licensed funeral homes located in C-2 zones will be able to install crematory ovens in these business districts. Please do not do this.

Cremation ovens use an industrial process where massive heat and flame converts bodies to other products. There are large emissions. We have observed black smoke whenever Trahan Family Funeral Home starts a cremation in one of its two ovens along Beverly Parkway (at North W Street).

It is wrong for county government to change the law to now allow these ovens in neighborhoods with restaurants and hotels, or in neighborhoods that abut schools or residences. Burning bodies in cinerator ovens is an incompatible use in most C-2 zoned neighborhoods.

Here's an example of how changing the LDC law does harm-
Another issue for me and my husband is government now taking away the quiet enjoyment of our property at 7251 Plantation Road. We have invested \$2 million in this property since we bought it in 2003 and we have a \$1.6 million local payroll. We relied on the published LDC to know what uses were allowed in this C-2 zoned neighborhood. Funeral Homes and Radio Stations are both permitted uses; LDC says cremation facilities are not allowed in C-2 and this has been firmly stated by Judge Terry Terrill.

If Escambia County Government changes the LDC law to allow a cremation oven to be installed next door to our \$2 million investment, we will suffer losses:

A loss in employee satisfaction with their workplace, and

A loss in property value. Buyers don't want office buildings next to industrial processing.

Thank you,



Mary E. Hoxeng
General Manager

March 6th, 2014

Mr. Juan C. Lemos

It is our understanding that on April 1st, 2014, the Planning Department intends to bring for discussion an item addressing different articles of the Land Development Code (LDC); definitions, permitted/conditional uses and performance standards, as it relates to funeral establishments and accessory uses within Escambia County. As members of the hospitality industry, we have to constantly focus of providing our clients with an exceptional experience in every single aspect of their stay. Location is one of the key elements that helps drive customer satisfaction.

We are recommending that any change to the LDC should provide reasonable protections to future uses that would be considered by many persons, to be incompatible with a facility that conducts cremation services on site. Further, such change should allow a reasonable number of locations within the County, and within various zoning districts, that will allow for the land uses of funeral establishment without cinerator, funeral establishment with cinerator, cemeteries (also including mausoleums and columbariums), and direct disposal establishments.

To that end, we ask that the County prohibits the issuance of a permit for the installation of a cinerator in either a funeral establishment or a direct disposal establishment within 1,000 feet of an existing residence, an apartment, a restaurant or other commercial eating establishment, a motel, a hotel, a private or public school (including day care centers), a nursing home, an assisted living facility, or any other place designed and intended for the temporary or permanent overnight accommodation of human beings.

Kind Regards

Ajit Patel
Managing Member
Relax Hospitality LLC
DBA Mainstay Suites Pensacola
7230 Plantation Road
Pensacola Fl 32504



Juan Lemos,

It is our understanding that on April 1st, 2014, the Planning Department intends to bring for discussion an item addressing different articles of the Land Development Code (LDC); definitions, permitted/conditional uses and performance standards, as it relates to funeral establishments and accessory uses within Escambia County. As members of the hospitality industry, we have to constantly focus of providing our clients with an exceptional experience in every single aspect of their stay. Location is one of the key elements that helps drive customer satisfaction.

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To that end, we ask that the County prohibits the issuance of a permit for the installation of a incinerator in either a funeral establishment or a direct disposal establishment within 1,000 feet of an existing residence, an apartment, a restaurant or other commercial eating establishment, a motel, a hotel, a private or public school (including day care centers), a nursing home, an assisted living facility, or any other place designed and intended for the temporary or permanent overnight accommodation of human beings.

Mitesh Patel
Americas Best Value Inn
7200 Plantation Road Pensacola, Fl. 32504
(850)466-2000

From: [John Fifer](#)
To: [Juan C. Lemos](#)
Cc: [ajit0405 \(ajit0405@bellsouth.net\)](mailto:ajit0405@bellsouth.net)
Subject: Prohibit cinerators near lodging facilities
Date: Thursday, March 06, 2014 2:48:53 PM

Mr. Lemos,

I support Ajit Patel's position against approving a permit for the installation of a cinerator. As a commercial real estate agent with Beck Property Company that actively represents Simon Group at University Town Plaza, I feel it would be detrimental to that commercial market to allow a cinerator in that area.

I ask for your consideration that the County prohibit the issuance of a permit for the installation of a cinerator in any establishment within one thousand (1,000) feet of an existing residence, an apartment, a restaurant or other commercial eating establishment, a motel, a hotel, condominium, or any other place designed and intended for the temporary or permanent overnight accommodation of human beings, and that the LDC be written to so require.

Thanks for your time and service to our community,
John

John Fifer | Commercial Associate

Office: 850.477.7044 | Mobile: 850.261.4684 | Fax: 850.479.8736

Beck Property Company | 89 South Alcaniz St, | Pensacola, Florida 32502

Follow us: [website](#) | [linkedin](#) | [facebook](#) | [twitter](#)



6 March 2014

To: Escambia County Planning Board
% Juan Lemos (JCLEMOSES@co.escambia.fl.us)

You are considering changing the LDC law so that licensed funeral homes located in C-2 zones will be able to install crematory ovens in these business districts. Please do not do this.

Allowing cremation ovens anywhere in C-2 zoned neighborhoods will create a mess of incompatible uses in our county. It will undermine millions of dollars in investment that business people made in C-2 business areas for hotels, restaurants, offices and similar compatible uses. People like me have relied on the published LDC law in Escambia County to make these investments and we do not want the county government to take away OUR property rights to use our buildings without having industrial processing going on next door or across the street.

Cremation ovens use an industrial process where massive heat and flame converts bodies to other products. There are large emissions throughout including black smoke whenever a cremation starts.

What about the need? At the last hearing, proponents said that about 50% of people are cremated in the US. However, the statistics in our area are far lower. The Independent Funeral Directors of Florida reports that about one of three bodies is cremated in Florida District One which includes Escambia County.

Best regards,

David E. Hoxeng, CRMC

Owner

dhoxeng@CatCountry987.com



BY CHOICE HOTELS

Dated: 03/05/2014

To

The Escambia County Planning Commission

Attn: Juan Lemos

Ref: Land Development code

Dear Mr. Lemos

It is our understanding that on April 1st, 2014, the Planning Department intends to bring for discussion an item addressing different articles of the Land Development Code (LDC); definitions, permitted/conditional uses and performance standards, as it relates to funeral establishments and accessory uses within Escambia County. As members of the hospitality industry, we have to constantly focus of providing our clients with an exceptional experience in every single aspect of their stay. Location is one of the key elements that helps drive customer satisfaction.

We are recommending that any change to the LDC should provide reasonable protections to future uses that would be considered by many people, to be in compatible with a facility that conducts cremation services on site. Further, such change should allow a reasonable number of locations within the County, and within various zoning districts, that will allow for the land uses of funeral establishment without cinerator, funeral establishment with cinerator, cemeteries (also including mausoleums and columbariums), and direct disposal establishments.

To that end, we ask that the County prohibits the issuance of a permit for the installation of a cinerator in either a funeral establishment or a direct disposal establishment within 1,000 feet of an existing residence, an apartment, a restaurant or other commercial eating establishment, a motel, a hotel, a private or public school (including day care centers), a nursing home, an assisted living facility, or any other place designed and intended for the temporary or permanent overnight accommodation of human beings.

Thank you in advance for your help in this matter.

Sincerely

A handwritten signature in black ink, appearing to read "Leo Desai".

Leo Desai, CHA

General Manager

Comfort Inn Pensacola Florida




Attention Planning Department

It is our understanding that on April 1st, 2014, the Planning Department intends to bring for discussion an item addressing different articles of the Land Development Code (LDC); definitions, permitted/conditional uses and performance standards, as it relates to funeral establishments and accessory uses within Escambia County. As members of the hospitality industry, we have to constantly focus of providing our clients with an exceptional experience in every single aspect of their stay. Location is one of the key elements that helps drive customer satisfaction.

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Ajay Patel

 3-4-14

Escambia County Destination Marketing Organization
P.O. Box 13652
Pensacola, FL 32591

February 28, 2014

Mr. Wayne Briske
Chairman
Escambia County Planning Board
221 Palafox Place
Pensacola, FL 32502

Dear Mr. Briske: Tourism is a \$1.2 Billion industry in Escambia County. It accounts for over 16,000 jobs. It is the third largest economic driver and accounts for over 25% of all retail sales. The average overnight guest spends \$1,800; over half of which is spent throughout the community in grocery stores, fuel, food, entertainment and other services.

It is our understanding that on April 1st, 2014, the Planning Department intends to discuss an item addressing different articles of the Land Development Code (LDC); definitions, permitted/conditional uses and performance standards, as it relates to funeral establishments and accessory uses within Escambia County.

We, as members of the hospitality industry representing over 90% of the entire county's lodging facilities, constantly focus on providing our guests with an exceptional experience in every single aspect of their stay. Location and the venues that surround the property are key elements that help drive customer satisfaction.

We ask for your consideration that the County prohibit the issuance of a permit for the installation of a cinerator in any establishment within one thousand (1,000) feet of an existing residence, apartment, restaurant or other commercial eating establishment, motel, hotel, condominium, or any other place designed and intended for the temporary or permanent overnight accommodation of human beings, and that the LDC be written to so require.

Thank you for your consideration. Please let me know if we can answer any questions or be of any service.

Best Regards,



Julian MacQueen
ECDMO President

Innisfree Hotels Founder and CEO

Mr. Bob Cleveland
Highpointe Hotels

Mrs. Marilyn Hess
American Fidelity Life

Mr. Nash Patel
LHS Companies

Mr. Dave Cleveland
Highpointe Hotels

Mr. Greg Jones
WCI / Lost Key

Mr. Robert Rinke
Levin Rinke Development

Mr. Pete King
Main Street Realty

Mr. Richard Lamar
Pointe South Real Estate

Mr. Gus Silivos
Celebrity Chef

Mr. Ajit Patel
Relax Hospitality LLC

Mr. Jay Patel
LHS Companies

Mr. Rob Babcock
Premier Island Management

Mr. Ray Palmer
Pensacola Sports Assn.

Mr. Harlan Butler
Innisfree Hotels

Mr. Shawn Keenan
American Fidelity Life

Mrs. Susan A. Carleton
Pointe South Real Estate

Tosh Belsinger
Gulf Blue Vacations

Tish Patel
Pinnacle Management
and Investments, LLC

Cc: Mr. Tim Tate

Mr. David Luther Woodward

Ms. Dorothy Davis

Mr. Robert Goodloe

Mrs. Karen Sindel

Mr. Alvin Wingate

Mr. Larry Newson



Attention Planning Department

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Ajay Patel

3-4-14

GULF COAST INDIAN ASSOCIATION

March 4th 2014

Mr. Juan Lemos

Escambia County Planning Board

3363 West Park

Pensacola, Florida 32505

Dear Mr. Lemos,

On behalf of our Board of Directors and the over 48 Asian Indian Hotel owners and operators that are currently represent in the Escambia County area we understanding that on April 1st, 2014, the Planning Department intends to bring for discussion an item addressing different articles of the Land Development Code (LDC); definitions, permitted/conditional uses and performance standards, as it relates to funeral establishments and accessory uses within Escambia County. As members of the hospitality industry, we have to constantly focus of providing our clients with an exceptional experience in every single aspect of their stay. Location is one of the key elements that help drive customer satisfaction.

We are recommending that any change to the LDC should provide reasonable protections to future uses that would be considered by many persons, to be incompatible with a facility that conducts cremation services on site. Further, such change should allow a reasonable number of locations within the County, and within various zoning districts, that will allow for the land uses of funeral establishment without cinerator, funeral establishment with cinerator, cemeteries (also including mausoleums and columbariums), and direct disposal establishments.

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On behalf of our membership we truly believe that you understand our concerns on this matter and will do what ever is the best for our community and Escambia County as a whole. Please do not hesitate to call me to discuss this matter at (850) 393-1779.

Respectfully,

A handwritten signature in black ink, appearing to read "Naresh Patel". The signature is written in a cursive, slightly slanted style.

Naresh "Nash" Patel

CC; Board of Director



**FOUNTAIN
SCHULTZ
& ASSOCIATES**

Attorneys at Law

KENNETH R. FOUNTAIN

KERRY ANNE SCHULTZ

SCOTT C. BRIDGEMAN

March 7, 2014

VIA ELECTRIC MAIL (zoninginfo@myescambia.com)

and HAND DELIVER

ESCAMBIA COUNTY
Attn: Planning / Zoning Board Members
Development Services Department
3368 West Park Place
Pensacola, Florida 32505

**RE: Subject Real Property: 7253 Plantation Road, Pensacola, Florida
ORDINANCE AMENDING ARTICLE 3, SECTION 3.02.00 BY
ADDING "CINERATOR"**

Dear Planning Board:

I have the pleasure of representing C.E.J. South, Inc. and Chris Jensen. Please direct all future correspondence to me.

Recently, my client and I attended the planning board meeting to discuss the proposed ordinance that would amend Escambia County's zoning laws to allow crematories to operate in C-2 commercial districts.

Please be advised that there are three (3) existing funeral homes with crematories operating in C-2 zoning district. The Land Development Code needs to be amended and updated to allow funeral homes to operate with cremation equipment in C-2 zoning district. Permitting funeral homes to operate cremation equipment makes logical sense in C-2 zoning district. It does not make sense to require a funeral home to relocate to an industrial district to operate with cremation equipment. Florida State law requires that a licensed funeral director to be licensed to operate cremation equipment. Presently, there are no "stand alone" cinerators operating in Northwest Florida as most funeral homes are full service homes providing onsite cremation services.

Enclosed is supporting documentation to support amending the Land Development Code to permit the operation of cremation equipment/cinerators in C-2 zoning district. Specifically, enclosed is an Affidavit of Luis Llorens, President of AI Environmental Consulting Services, Inc., and of American Incinerators Corporation. Mr. Llorens opines that "the operation of a crematory poses no threat whatsoever to the general public and is appropriate for placement even in residential areas. The exhaust generated from vehicles traveling on a highway or interstate that is adjacent to residential or cameral areas poses a far greater threat to humans and the environment than a fully operational crematory."

2025 FOUNTAIN PROFESSIONAL CENTER
SUITE A
NAVARRA, FLORIDA 32566
TEL (850) 939-3533
FAX (850) 939-3539
SANTA ROSA BEACH
TEL (850) 622-2700
FAX (850) 622-2722

We support the County's efforts to amend the Land Development to permit cinerators in C-2 zoning district. Please advise if you have any questions, concerns or further instructions. Thank you for your consideration.

Very truly yours,

FOUNTAIN, SCHULTZ & ASSOCIATES, P.L.




Kerry Anne Schultz, Esq.

AFFIDAVIT OF LUIS LLORENS

Before me, the undersigned authority, appeared LUIS LLORENS ("Affiant"), who, upon being duly sworn, stated as follows:

1. My name is Luis Llorens. I am over the age of 18 and have knowledge of the facts recited herein.
2. I am the President of both AI Environmental Consulting Services, Inc., a Florida corporation, and of American Incinerators Corporation, a Florida corporation, doing business as U.S. Cremation Equipment.
3. I have extensive experience and expertise in the area of human cremation. Attached hereto as Exhibit A is my curriculum vitae.
4. A crematory is a piece of equipment specifically designed to convert human remains to a gas state.
5. In a crematorium, the volatile portions of human remains are oxidized into mostly carbon dioxide and water vapor, which are the two elements that make up more than 90% of human remains. The remaining materials are sterile remains that are returned to the family of the deceased in an urn or other appropriate container.
6. Crematories are specifically designed to operate indoors and typically operate at 99.99% combustion efficiency.
7. Human crematories are not regulated at the federal level due to their essentially inconsequential impact on air quality. The Florida Department Of Environmental Protection does regulate human crematories, but does so via a general permit.
8. A typical crematory operates without smoke or odor, does not discharge waste waters, and its operation is not discernable to the average person.
9. The United States Environmental Protection Agency ("EPA") specifically investigated the issue of mercury emissions and reported the results of this study to Congress. The EPA found that the four major sources of mercury emissions are utility boilers, municipal waste combustors, commercial/industrial boilers, and medical waste incinerators. According to the EPA study, crematories statistically represent 0.0% of national mercury emissions.
10. The operation of a crematory poses no threat whatsoever to the general public and is appropriate for placement even in residential areas. The exhaust generated from vehicles traveling on a highway or interstate that is adjacent to residential or commercial areas poses a far greater threat to humans and the environment than a fully operational crematory.


Luis Llorens

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing was acknowledged before me on this 11 day of APRIL, 2012, by Luis Llorens, who is personally known to me or who has produced _____ as identification.

(Seal)




Notary Public.

Facts

- C.E.J. South Inc. D/B/A Family-Funeral & Cremation was given written permission to by Escambia County Zoning to operate a funeral home with a crematory at 7253 Plantation Road within the C-2 zoning district on December 10, 2011.
- In February 2012, Escambia County took back their permission and I have been fighting ever since to use my crematory after spending hundreds of thousands of dollars, because of the permission of Escambia County.
- There are three crematories operating in Escambia County, all in C-2 zoning.
- Four restaurants, at least five businesses and three hotels have opened in the area since I opened up. They didn't have any problem with my business.
- The problem seems to be defining the term funeral home to include crematory equipment. All funeral homes offer cremation. This is like a hotel not being able to have beds. It is assumed.
- The state of Florida defines funeral home as a place where cremations take place. I have to have a funeral director to even offer cremation. Florida does not allow a crematory without a licensed funeral director.
- Florida statutes define funeral directing as offering funeral services, embalming, cremation, or other services relating to final disposition.
- The LDC is out of date and the word "cremation" needs to be added as accessory use to funeral homes.
- I have a cinerator facility license.
- I have a Florida EPA air permit.
- Federal and state have approved my crematory, now Escambia County needs to.
- I have only two neighbors that have complained and tried to bully me out of business and so far Escambia County has discriminated against my business.
- The building I bought had been vacant for five years and now I have a thriving business. If Escambia County is for business, then stand up and do what is right.
- My crematory is state of the art. Nowadays, crematories do not release anything into the air. They are clean and smoke free. A school bus has more emissions than a crematory.
- Dictionary defines "funeral home" as an establishment where the dead are prepared for burial or cremation.
- People are scared of what they don't understand and my two neighbors don't understand. I have twenty other neighbors who do understand. My neighbors would suggest all crematories move to an industrial area by the trash dump and sewage plant. Tell me, would you want your loved one there?

- Crematories have operated within funeral homes in Escambia County for years with no issues. The people of Escambia County want cremation or I wouldn't offer it. In 1990 Escambia County had a 25-30% cremation rate. In 2013 seven out of ten families we serviced chose cremation - 70%.
- Escambia County needs to amend the LDC to include cremation equipment as an accessory use to funeral homes.

Crematory



2014 Sales Deals		Thermal Dynamic Engineering (Waste)		Translation	Select Language ▼
Home	Human Cremation	Animal Cremation	Incinerators	Services	Company Information

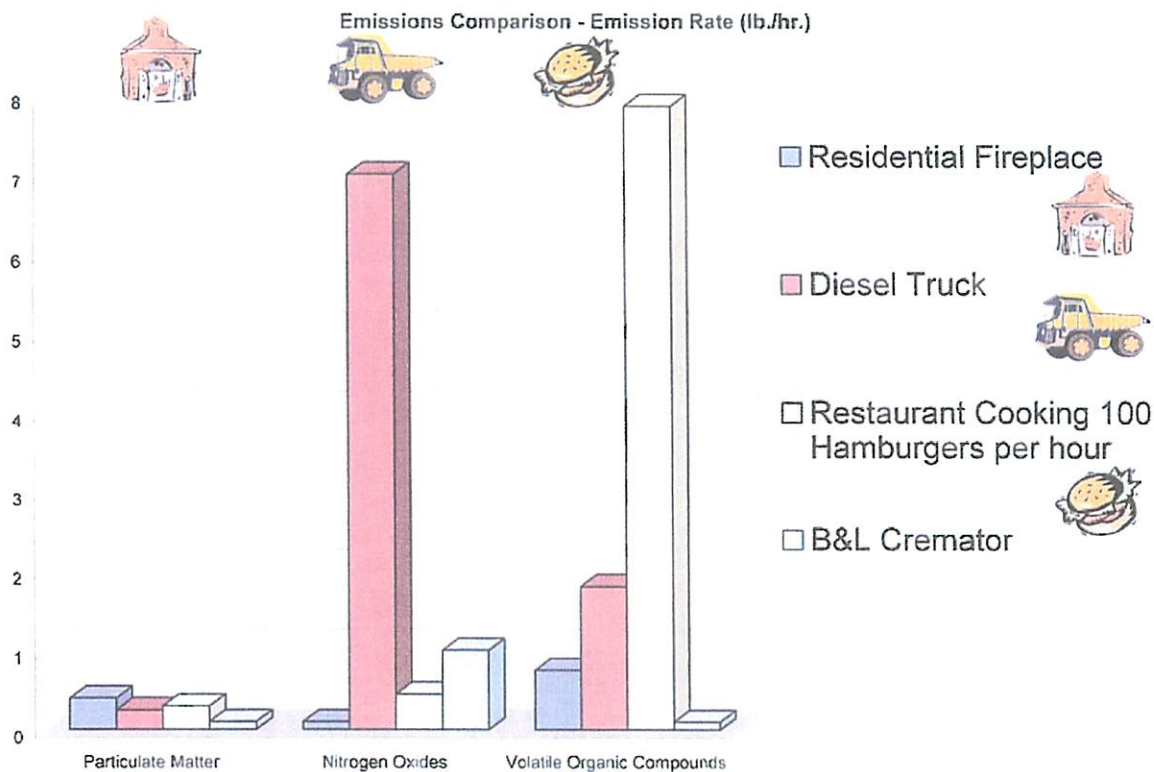
B&L Cremation Systems, Inc. | Environmental

"B&L Cremation Systems Inc., designs and engineers cremation and incineration equipment that not only meet today's standards, but are equipped to handle what we can expect tomorrow." ~ Dr. Steve Looker

All of the cremation and incineration systems manufacturing by B&L Cremation Systems, Inc. are multiple-chambered designs. The primary chamber is used to house the remains during cremation, while the secondary chamber is used to clean the emissions produced by the cremation process. The cremation process, due to the larger volume of moisture contained within human and animal remains (85 percent), is largely an evaporation process.

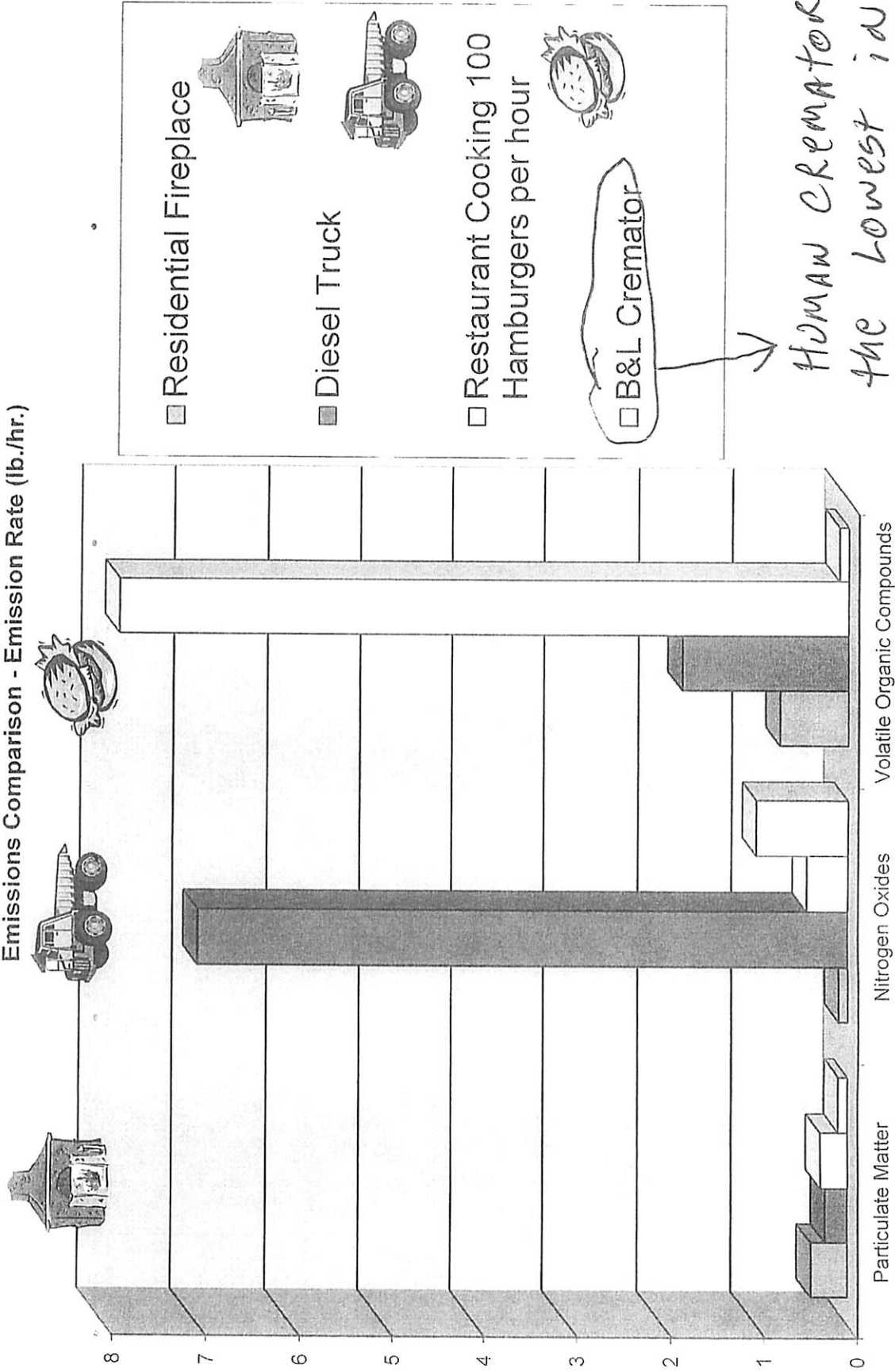
Our systems have been environmentally tested in a number of states by independent laboratories, and have shown to be up to ten times lower in criteria pollutants than most current state standards. All of our systems can operate between 1400 degrees to 2000 degrees Fahrenheit with up to three seconds retention time, although typically 1600 degrees Fahrenheit at one second is acceptable.

Our crematories and incinerators incorporate a visible emission monitoring system, but can be fitted with CEM's (continuous emission monitoring) where required. Our fully-automatic control system helps prevent operator error and keep our systems the lowest in fuel consumption.



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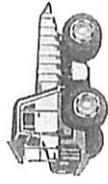
Emissions Comparison - Emission Rate (lb./hr.)



Residential Fireplace



Diesel Truck

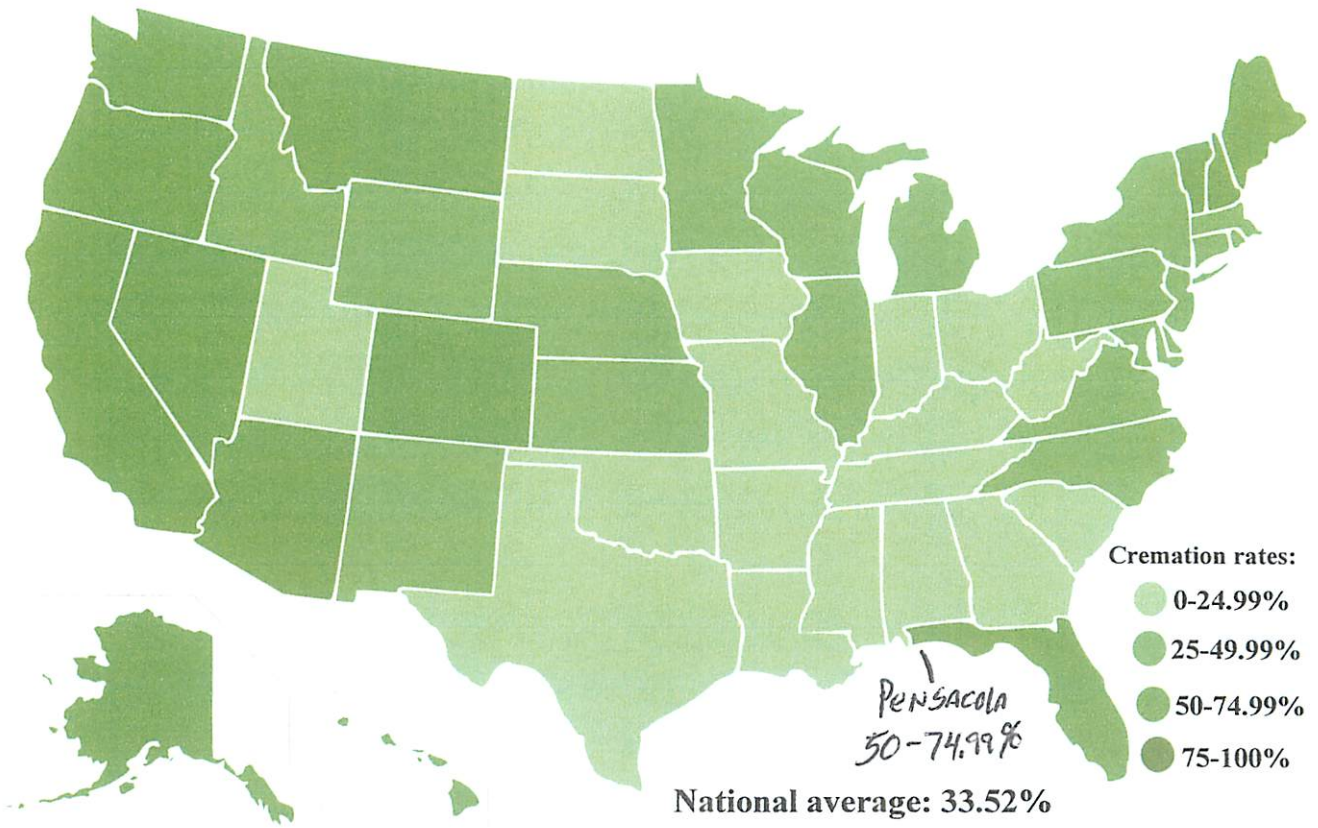


Restaurant Cooking 100 Hamburgers per hour



B&L Cremator

HUMAN CREMATOR IS THE LOWEST IN ALL CATEGORIES





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AND HE BELIEVES THIS IS WHAT
HE IS GOING TO SEE.

google "CREMATION IN INDIA"

Select Year: 

The 2013 Florida Statutes

[Title XXXIII](#)
REGULATION OF TRADE, COMMERCE,
INVESTMENTS, AND SOLICITATIONS

[Chapter 497](#)
FUNERAL, CEMETERY, AND
CONSUMER SERVICES

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Chapter](#)

497.372 Funeral directing; conduct constituting practice of funeral directing.—

(1) The practice of funeral directing shall be construed to consist of the following functions, which may be performed only by a licensed funeral director:

(a) Selling or offering to sell funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, on an at-need basis.

(b) Planning or arranging, on an at-need basis, the details of funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, with the family or friends of the decedent or any other person responsible for such services; setting the time of the services; establishing the type of services to be rendered; acquiring the services of the clergy; and obtaining vital information for the filing of death certificates and obtaining of burial transit permits.

(c) Making, negotiating, or completing the financial arrangements for funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, on an at-need basis, except that nonlicensed personnel may assist the funeral director in performing such tasks.

(d) Directing, being in charge or apparent charge of, or supervising, directly or indirectly, a visitation or viewing. Such functions shall not require that a licensed funeral director be physically present throughout the visitation or viewing, provided that the funeral director is readily available by telephone for consultation.

(e) Directing, being in charge or apparent charge of, or supervising, directly or indirectly, any funeral service held in a funeral establishment, cemetery, or elsewhere.

(f) Directing, being in charge or apparent charge of, or supervising, directly or indirectly, any memorial service held prior to or within 72 hours of the burial or cremation, if such memorial service is sold or arranged by a licensee.

(g) Using in connection with one's name or employment the words or terms "funeral director," "funeral establishment," "undertaker," "mortician," or any other word, term, title, or picture, or combination of any of the above, that when considered in the context in which used would imply that such person is engaged in the practice of funeral directing or that such person is holding herself or himself out to the public as being engaged in the practice of funeral directing; provided, however, that nothing in this paragraph shall prevent using the name of any owner, officer, or corporate director of a funeral establishment, who is not a licensee, in connection with the name of the funeral establishment with which such individual is affiliated, so long as such individual's affiliation is properly specified.

funeral home

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funeral home

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A Jewish Funeral Home

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The only funeral home adjacent to Long Island's major cemeteries.

funeral home

noun
an establishment where the dead are prepared for burial or cremation, where the body may be viewed, and where funeral services are sometimes held.

Also called **funeral chapel, funeral church, funeral parlor, funeral residence, mortuary.**

Origin:
1935-40, Americanism

Dictionary.com Unabridged
Based on the Random House Dictionary. © Random House, Inc. 2013.
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funeral home

WordNet

noun
a mortuary where those who knew the deceased can come to pay their last respects

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Relevant Questions

);



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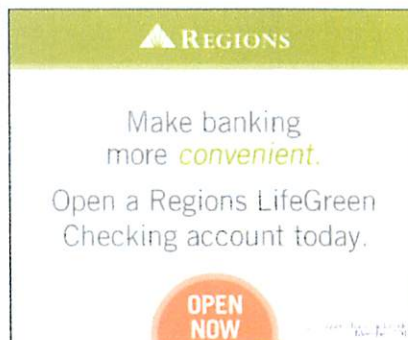
Example sentences

Regarding the tradition of a wake: they typically take place in a church or

Any complaints about the program have been because people misunderstood the

The place was more silent than a funeral home by night.

Mom says nothing and fans herself with the funeral home fan.



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"You overfed the boy, Ma'am. You raised an artificial spirit in the lad, unbecoming to his station on life. This would never have happened if you kept him on gruel."

-Vernon Harris

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Example sentences

- In the dark, low-ceilinged crematory, the president shifted his weight from
- However, the casket must meet the cemetery or crematory's standards and must
- Before accepting human remains, the crematory must verify that identification
- All personnel who operate the crematory shall be familiar with the operating

cre·ma·to·ry [kree-muh-tawr-ee, -tohr-ee, krem-uh-] [Show](#)

IPA
noun, plural cre-ma-to-ries.
 1. a place, as a funeral establishment, at which cremation is done.
 2. a furnace for cremating.
adjective
 3. of or pertaining to cremation.

Origin:
 1875-80; cremate + -ory²

Dictionary.com Unabridged
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);

cremation chamber

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 crematorium



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World English Dictionary

Collins

crematory (ˈkremətəri, -tri)

- **adj**
 1. of or relating to cremation or crematoriums
- **n**, **-ries**
 2. another word (esp US) for [crematorium](#)

Collins English Dictionary - Complete & Unabridged 10th Edition
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 Publishers 1998, 2000, 2005, 2006, 2007, 2009
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Relevant Questions

Word Origin & History

Etymonline

crematory
 1876 (n.), 1884 (adj.), the nativized form of crematorium (see [cremation](#)).

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COMMON HEALTH CONCERNS ABOUT CREMATORY OPERATIONS

Some people have public health concerns about chemicals released to the air and soil,
and about noise and odors during crematory operations.

There is no evidence that chemicals released to the environment near a crematory
are at levels of health concern.

What is cremation?

Cremation is the process of transforming human or animal remains to basic chemical compounds of gas and bone. A crematory is a funeral facility designed specifically for cremation. According to the National Funeral Directors' Association, approximately 15% of death care services conducted each year in Georgia include cremation.

Proper cremation procedures require the removal of medical devices and implants during body preparation. Medical devices are often powered by lithium-ion batteries. If left intact, heating lithium powered devices may cause violent combustion or explosions that will damage cremation equipment, brickwork, electronic sensors and door seals. Devices and implants are identified using various methods including interviews with the guardian, mortuary and medical staff, medical records review, body and scar inspection, and metal detectors.

Following final preparations, the body is placed in a casket and incinerated. Because cremation temperatures are so high, (1400 to 1800 degrees Fahrenheit), the only remains are ash and bone, known as "cremains".

Who regulates crematories in Georgia?

Crematories are licensed and inspected by the Secretary of State under the "Official Code of Georgia Annotated; Title 43, Professions and Businesses; Chapter 18, Georgia State Board of Funeral Service Rules: Funeral Directors and Establishments, Embalmers, and Crematories" (<http://rules.sos.state.ga.us>).

There are no federal or state environmental regulations for crematories. Studies conducted by the U.S. Environmental Protection Agency (EPA) show that crematory emissions (substances discharged into the air) are at levels well below regulatory and health guidelines. The capacity, location, odors, noise, and hours of operation of a crematory are governed by local zoning ordinances.

What is released into the air during crematory operations?

Emissions from crematory operations may include a very small amount of several chemicals. The source of many of the chemicals is the body burden from lifetime exposures that is stored in fat and tissue. Chemicals emitted by crematories may include mercury, dioxin, hydrochloric acid, nitrogen oxide, sulfur dioxide, carbon monoxide, and dioxins. These chemicals are emitted at extremely low levels and when released into the air, they break down quickly by sunlight, or are diluted and carried by the wind.

One chemical, mercury, is sometimes a concern for nearby residents. The levels of mercury emitted from a crematory are considered extremely low and do not pose a health risk.

Mercury is a silver colored metal found in nature and used in manufactured consumer products such as thermometers. People can be exposed to mercury by touching it, breathing it, eating contaminated fish or other food, or drinking contaminated water. Mercury emissions from crematories are often from dental fillings; however, its use as dental amalgam is declining because inexpensive substitute materials are now available.

Mercury becomes a gas (commonly called vapor) when burned at low temperatures (80 degrees Fahrenheit). The vapors are colorless and odorless, and can travel in outdoor air long distances. It eventually falls to the ground attached to dust and rain. Repeated exposure to low levels of mercury over a long period of time can be harmful to the brain and kidneys.

Regulated industrial emissions of mercury are measured in tons per year. For example, a coal-fired power plant will emit up to 48 tons of mercury per year. Studies performed on existing crematories have measured mercury emissions in grams per cremation given an average of 100 cremations per year. Using this average, studies show a crematory may emit approximately two pounds of mercury (0.2% of one ton) per year. In addition, emission control devices that reduce mercury levels released to air are located on crematory stacks.

Can other chemicals from crematories affect my health?

Dioxins are emitted into outdoor air from cremation in very small amounts. The term "dioxin" refers to a group of chemicals, however the most toxic is 2,3,7,8-tetrachlorodibenzo-p-dioxin, or TCDD. Because TCDD is the most toxic, health risk associated with dioxin is discussed in terms of TCDD. In a study conducted with the California Air Resources Board, the EPA determined that TCDD emitted from *all* crematories throughout the United States was approximately 0.0000002 pounds per year, which is far less than is released from motor vehicles.

In addition, extremely small amounts of lead, cadmium, hydrochloric acid, nitrogen oxide, sulfur dioxide, and carbon monoxide are released to air, and are diluted and carried by the wind. The trace amounts of these chemicals emitted during operations will not affect outdoor or indoor air quality. Crematory emissions are far below levels of environmental and health concern and, therefore, will not affect your health.

What about noise or odors from crematories?

Unpleasant odors and loud noises are nuisance issues, and may affect an individual's comfort and quality of life. They can have social and behavioral affects, such as diminishing one's sense of well being, enjoyment of daily activities, and ability to perform various tasks. However, odor and noise perception is subjective, meaning different individuals may react differently to the same type and intensity of odor and noise.

Residents concerned about noise, odor, or other nuisances in their neighborhoods should refer to local nuisance ordinances, or contact their local code enforcement offices.

Sources: U.S. Environmental Protection Agency, *Mercury*, www.epa.gov/mercury. Leopold, Barry R. Science Applications International Corporation, *Use and Release of Mercury in the United States*; EPA/600/R-02/104. December 2002.

FOR MORE INFORMATION

Georgia Department of Public Health
Environmental Health Branch
Chemical Hazards Program
(404) 657-6534
www.health.state.ga.us/programs/hazards



Cremation Division

The Standard of Excellence in Cremation

Mercury Emissions and the Cremation Process - 2008

By Paul Rahill Matthews Cremation Division

Concern for the well being of the environment is evident from all the discussion taking place in almost every facet of our daily life. It is almost impossible to pick up a newspaper or turn on a television or talk radio without the topic of the environment being discussed.

The human impact on our environment is being studied in every area of life. But the concern is not stopping there. We also continue to research what impact we are having *after* life and for the purposes of this article, specifically from the cremation process.

Great advances have been made in the reduction of particulate matter (PM), visible emissions (VE) and carbon monoxide (CO) from the cremation process. Particulate matter and carbon dioxide are the two most commonly regulated pollutants from cremation equipment. The most extensive cremation equipment emissions research ever undertaken confirmed that the design and operation of typical North American crematories provided significantly better emissions than regulations required, and even exceeded expectations with older operating systems.

Now the focus has turned to mercury emissions. Some concerns over mercury emissions from crematories in the United States and Canada continue to be voiced. The good news is that the internet has provided easier access to articles on the topic of mercury emissions. Unfortunately, much of what we see on many topics found on the web is not fact based but rather opinions, theories or consultants quoting consultants.

The United States Environmental Protection Agency (EPA) describes mercury as a "naturally occurring element that can be found throughout the environment". Although naturally occurring, different human activities can increase or decrease the amount of mercury that is moving between the atmosphere, bodies of water and soils.

Mercury may be a naturally occurring element but over-exposure to it is not a good thing for humans.

According to the US EPA (chart ES-6) some of the top human activities most responsible for recycling mercury in the environment are: municipal incinerators, breaking of fluorescent tube lamps, dental facilities, production and disposal of batteries, household trash disposal and residential heating (oil). The operation of crematories is one of the lowest sources.

The most notable way that mercury enters the cremation cycle, and therefore crematory emissions, is through silver amalgam dental fillings found in some dead human bodies. Silver amalgam fillings contain mercury alloys that when introduced through dead humans into the cremation process of intense heat, often exceeding 1800F, results in the volatilization of mercury and its emissions into the atmosphere.

Silver amalgam dental fillings containing mercury have been common for many years, but their use appears to be in significant decline. Within the last 10 years, the percentage of fillings containing mercury has already declined by 30%, a tremendous decrease.

[So what factual data do we have regarding mercury emissions from cremation equipment?

Testing for mercury in crematoria emissions was recently completed in the United Kingdom. The test protocols, procedures and final results from this endeavor were reviewed with the governing environmental authorities (DEFRA and SEPA) in the United Kingdom.

This testing was likely the most extensive mercury emissions test of its kind ever conducted on human cremations for this specific purpose. Determining the baseline mercury emissions from human remains that contain silver amalgam dental fillings was the sole focus of this research.

Testing protocol and supervision was developed and conducted by Dr. Ian M. Dale, forensic scientist. Dr. Dale is with Glasgow Occupational Health, Royal Infirmary, Glasgow Scotland.

Testing was conducted under British testing standards BSEN13211-2001, for the monitoring and control of trace elements. The mercury testing equipment used was a NEM-5 calibrated continuous measuring instrument as provided, calibrated and operated by Pelican Scientific LTD.

Fifty four (54) total human cremations were tested at two separate locations in the UK. All testing was conducted under normal operating conditions for the cremation equipment.

Test results were submitted to and reviewed with DEFRA - United Kingdom Department of Environment Food and Rural Affairs as well as SEPA- Scottish Environmental Protection Agency. Both agencies accepted the test as being conducted in compliance with the British testing standards BSEN13211-2001.

Testing for mercury in crematoria emissions was also conducted in the United States by the USEPA, United States Environmental Protection Agency. The test protocols and procedures were submitted by Midwest Research Institute and were reviewed and approved by the USEPA.

This USEPA testing was the most extensive comprehensive emissions test of its kind ever conducted on human cremations. In addition to testing for numerous possible emissions, various temperatures were also tested to determine the impact of temperature on emissions output. Determining the baseline mercury emissions from human remains that contain silver amalgam dental fillings was only one outcome of this research.

Testing was conducted using USEPA test methods, specifically EPA Method 29 for metal emissions sampling.

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History of Cremation

Scholars today quite generally agree that cremation probably began in any real sense during the early Stone Age -- around 3000 B.C. -- and most likely in Europe and the Near East.

During the late Stone Age cremation began to spread across northern Europe, as evidenced by particularly informative finds of decorative pottery urns in western Russia among the Slavic peoples.

With the advent of the Bronze Age -- 2500 to 1000 B.C. -- cremation moved into the British Isles and into what is now Spain and Portugal. Cemeteries for cremation developed in Hungary and northern Italy, spreading to northern Europe and even Ireland.

In the Mycenaean Age -- circa 1000 B.C. -- cremation became an integral part of the elaborate Grecian burial custom. In fact, it became the dominant mode of disposition by the time of Homer in 800 B.C. and was actually encouraged for reasons of health and expedient burial of slain warriors in this battle-ravaged country.

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Following this Grecian trend, the early Romans probably embraced cremation some time around 600 B.C. and it apparently became so prevalent that an official decree had to be issued in the mid 5th Century against the cremation of bodies within the city.

By the time of the Roman Empire -- 27 B.C. to 395 A.D. -- it was widely practiced, and cremated remains were generally stored in elaborate urns, often within columbarium-like buildings.

Prevalent though the practice was among the Romans, cremation was rare with the early Christians who considered it pagan and in the Jewish culture where traditional sepulcher entombment was preferred.

However, by 400 A.D., as a result of Constantine's Christianization of the Empire, earth burial had completely replaced cremation except for rare instances of plague or war, and for the next 1,500 years remained the accepted mode of disposition throughout Europe.

Modern cremation, as we know it, actually began only a little over a century ago, after years of experimentation into the development of a dependable chamber. When Professor Brunetti of Italy finally perfected his model and displayed it at the 1873 Vienna Exposition, the cremation movement started almost simultaneously on both sides of the Atlantic.

In the British Isles, the movement was fostered by Queen Victoria's surgeon, Sir Henry Thompson. Concerned with hazardous health conditions, Sir Henry and his colleagues founded the Cremation Society of England in 1874. The first crematoriums in Europe were built in Woking, England and Gotha, Germany.

Meanwhile in North America, although there had been two recorded instances of cremation before 1800, the real start began in 1876 when Dr. Julius LeMoyné built the first crematorium in Washington, Pennsylvania.

In 1884 the second crematory opened in Lancaster, Pennsylvania and, as was true of many of the early crematories, it was owned and operated by a cremation society. Other forces behind early crematory openings were Protestant clergy who desired to reform burial practices and the medical profession concerned with health conditions around early cemeteries.

Crematories soon sprang up in Buffalo, New York, Pittsburgh, Cincinnati, Detroit and Los Angeles. By 1900, there were already 20 crematories in operation, and by the time that Dr. Hugo Erichsen founded the Cremation Association of America in 1913, there were 52 crematories in North America and over 10,000 cremations took place in that year.

In 1975, the name was changed to the Cremation Association of North America to be more indicative of the membership composition of the United States and Canada. At that time, there were over 425 crematories and nearly 150,000 cremations.

In 1999, there were 1,468 crematories and 595,617 cremations, a percentage of 25.39% of all deaths in the United States.

PENSACOLA
1999 - 25% CREMATION
2013 - 70% CREMATION



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Emissions Tests Provide Positive Results for Cremation Industry

A joint effort by CANA and EPA produced evidence that crematories are capable of low emission without the addition of pollution equipment and that higher temperatures can increase pollutants.

The Cremation Association of North America recently participated in a detailed emissions study of a crematory as part of an effort by the U.S. Environmental Protection Agency to develop environmental regulations for crematories.

The crematory emissions testing, which took place from June 11 through June 17, 1999 at The Woodlawn Cemetery, Bronx, New York, was funded jointly by CANA and the EPA.

The EPA is required by the Clean Air Act to establish regulations for the year 2000 for several different types of combustion equipment, including crematories.

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Sensing the importance of being involved with the EPA in developing the regulations, CANA selected the environmental team of Dale Walter and Paul Rahill from Industrial Equipment & Engineering Company to represent the interests of CANA members during the development process.

Efforts to create the crematory regulations began in 1996 and the regulations were expected in November 1999. The regulations are now expected in the Spring of 2000 because priority has been given to other types of facilities. The CANA environmental team has participated in every step of the process to insure proper representation of the cremation industry.

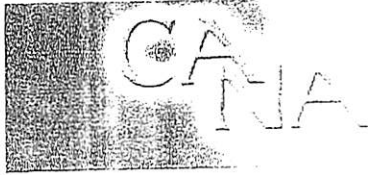
The fact that EPA considers crematories a low priority would also have meant that testing funds would not have been available. However, the CANA environmental team felt that because these regulations could have such a large impact on the cremation industry it was important that they be based on complete test data. At this point EPA agreed to a CANA proposal to share the testing costs. This joint effort was made possible through donations from CANA members, and industry associations.

Testing Plan

The Woodlawn Cemetery facility was chosen because the All Crematory equipment installed there is typical of many facilities and also because it is one of the only crematories in North America with additional pollution control equipment. Water scrubber devices are installed in the exhaust ducts to clean the combustion gases.

During each test run, sampling of the combustion gases was conducted both upstream and downstream of the water scrubber device to determine how effective the device was.

As recommended by the CANA environmental team, testing was conducted under three different secondary chamber operating temperatures to get a clear picture of how emissions change with temperature. A series of tests took place at each of the following temperatures: 1400°F; 1600°F; and 1800°F. Initially, EPA planned to

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Testing Results

Visible Emissions:

The visible emissions were evaluated every 15 seconds and rated on a scale from 0% to 100% opacity by a qualified inspector.

The opacity readings for each cremation were then averaged over the six-minute period with the highest emissions. Figure 1 shows that visible emissions increased as the operating temperature increased. Comparison is given to a typical state emission limit.

Particulate Matter:

The results of sampling show that particulate matter emissions also increased with temperature. Overall, the emissions of particulate matter were very low.

The average test results for particulate matter (shown in Figure 2) as well as the results for all of the following pollutants, are for the inlet to the scrubber. A comparison of the emissions before and after the water scrubber showed that the device had little to no effect on the emissions of any of the pollutants.

Carbon Monoxide:

The levels of carbon monoxide (Figure 3) were very low for each test condition, well below the typical state standard of 100 parts per million.

Nitrogen Oxides and Sulfur Dioxide:

The levels of these gases (shown in Figures 4 and 5) were within acceptable limits.

Hydrogen Chloride:

Hydrogen chloride (HCl) is a gaseous pollutant produced by the burning of plastics or other material containing chlorine. The HCl emissions would not be expected to change with temperature. The average HCl emission for all the conditions was 0.15 pound per hour of operation.

Metals:

Like HCl, emissions of mercury, cadmium, and lead are not expected to vary with operating temperature. The metal of concern from crematories is mercury, which mainly comes from dental fillings. The average mercury emission was 0.23 gram per hour of operation.

Dioxins and Furans:

Dioxins and furans are complex compounds released from many different combustion sources. The presence of chlorine in the combustion process is an important factor for dioxin and furan formation.

The test results show that the emissions of dioxins and furans went up as the temperature increased. The emissions, (shown in Figure 6) are low compared to other types of incinerators. The measurement unit is the nanogram, which is one -billionth of a gram.

Conclusion:

MERCURY UPDATE

Crematories represent 0% of the total inventory for national mercury emissions rates according to US EPA and their Best Point Estimates.

Most recently, US EPA updated their National Emissions Inventory and, based on actual data from testing they participated in, all US crematories combined in 1999 produced a total of 238 pounds of mercury.

The most notable way that mercury enters the cremation cycle, and therefore crematory emissions, is through silver amalgam dental fillings found in many dead human bodies.

Silver amalgam tooth fillings containing mercury have been common for many years, but their use appears to be in significant decline. Within the last 10 years, the percentage of fillings containing mercury has already declined by 30%, a significant decrease. Although concern for the environment has always been a priority for the dental industry, the primary driver of this trend is actually found in the mirror, appearance. Composite resins blend better with the color and appearance of natural teeth. All these changes in dental practices and consumer preferences have resulted in significantly less mercury entering the cremation stream and thereby reducing mercury emissions by reducing mercury input.

March 7, 2014

VIA ELECTRIC MAIL (zoninginfo@myescambia.com)

and HAND DELIVER

ESCAMBIA COUNTY

Attn: Planning / Zoning Board Members

Development Services Department

3363 West Park Place

Pensacola, Florida 32505

**RE: Subject Real Property: 7253 Plantation Road, Pensacola, Florida
ORDINANCE AMENDING ARTICLE 3, SECTION 3.02.00 BY
ADDING "CINERATOR"**

Dear Planning Board:

I have the pleasure of representing C.E.J. South, Inc. and Chris Jensen. Please direct all future correspondence to me.

Recently, my client and I attended the planning board meeting to discuss the proposed ordinance that would amend Escambia County's zoning laws to allow crematories to operate in C-2 commercial districts.

Please be advised that there are three (3) existing funeral homes with crematories operating in C-2 zoning district. The Land Development Code needs to be amended and updated to allow funeral homes to operate with cremation equipment in C-2 zoning district. Permitting funeral homes to operate cremation equipment makes logical sense in C-2 zoning district. It does not make sense to require a funeral home to relocate to an industrial district to operate with cremation equipment. Florida State law requires that a licensed funeral director to be licensed to operate cremation equipment. Presently, there are no "stand alone" cinerators operating in Northwest Florida as most funeral homes are full service homes providing onsite cremation services.

Enclosed is supporting documentation to support amending the Land Development Code to permit the operation of cremation equipment/cinerators in C-2 zoning district. Specifically, enclosed is an Affidavit of Luis Llorens, President of AI Environmental Consulting Services, Inc., and of American Incinerators Corporation. Mr. Llorens opines that "the operation of a crematory poses no threat whatsoever to the general public and is appropriate for placement even in residential areas. The exhaust generated from vehicles traveling on a highway or interstate that is adjacent to residential or commercial areas poses a far greater threat to humans and the environment than a fully operational crematory."

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SANTA ROSA BEACH

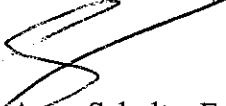
TEL: (850) 622-2700

FAX: (850) 622-2722

We support the County's efforts to amend the Land Development to permit cinerators in C-2 zoning district. Please advise if you have any questions, concerns or further instructions. Thank you for your consideration.

Very truly yours,

FOUNTAIN, SCHULTZ & ASSOCIATES, P.L.

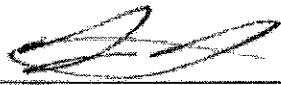


Kerry Anne Schultz, Esq.

AFFIDAVIT OF LUIS LLORENS

Before me, the undersigned authority, appeared LUIS LLORENS ("Affiant"), who, upon being duly sworn, stated as follows:

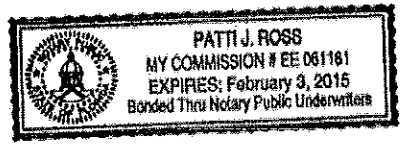
1. My name is Luis Llorens. I am over the age of 18 and have knowledge of the facts recited herein.
2. I am the President of both AI Environmental Consulting Services, Inc., a Florida corporation, and of American Incinerators Corporation, a Florida corporation, doing business as U.S. Cremation Equipment.
3. I have extensive experience and expertise in the area of human cremation. Attached hereto as Exhibit A is my curriculum vitae.
4. A crematory is a piece of equipment specifically designed to convert human remains to a gas state.
5. In a crematorium, the volatile portions of human remains are oxidized into mostly carbon dioxide and water vapor, which are the two elements that make up more than 90% of human remains. The remaining materials are sterile remains that are returned to the family of the deceased in an urn or other appropriate container.
6. Crematories are specifically designed to operate indoors and typically operate at 99.99% combustion efficiency.
7. Human crematories are not regulated at the federal level due to their essentially inconsequential impact on air quality. The Florida Department Of Environmental Protection does regulate human crematories, but does so via a general permit.
8. A typical crematory operates without smoke or odor, does not discharge waste waters, and its operation is not discernable to the average person.
9. The United States Environmental Protection Agency ("EPA") specifically investigated the issue of mercury emissions and reported the results of this study to Congress. The EPA found that the four major sources of mercury emissions are utility boilers, municipal waste combustors, commercial/industrial boilers, and medical waste incinerators. According to the EPA study, crematories statistically represent 0.0% of national mercury emissions.
10. The operation of a crematory poses no threat whatsoever to the general public and is appropriate for placement even in residential areas. The exhaust generated from vehicles traveling on a highway or interstate that is adjacent to residential or commercial areas poses a far greater threat to humans and the environment than a fully operational crematory.


Luis Llorens

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing was acknowledged before me on this 11 day of APRIL, 2012, by Luis Llorens, who [] is personally known to me or who [] has produced _____ as identification.

(Seal)




Notary Public.

March 4th 2014

Mr. Juan Lemos

Escambia County Planning Board

3363 West Park Place

Pensacola, FL 32505

RE: Land Development Code Change Consideration

Dear Mr. Lemos,

It is our understanding that on April 1st, 2014, the Planning Department intends to bring for discussion an item addressing different articles of the Land Development Code (LDC); definitions, permitted/conditional uses and performance standards, as it relates to funeral establishments and accessory uses within Escambia County. As members of the hospitality industry, we have to constantly focus of providing our clients with an exceptional experience in every single aspect of their stay. Location is one of the key elements that help drive customer satisfaction.

We are recommending that any change to the LDC should provide reasonable protections to future uses that would be considered by many persons, to be incompatible with a facility that conducts cremation services on site. Further, such change should allow a reasonable number of locations within the County, and within various zoning districts, that will allow for the land uses of funeral establishment without cinerator, funeral establishment with cinerator, cemeteries (also including mausoleums and columbariums), and direct disposal establishments.

To that end, we ask that the County prohibits the issuance of a permit for the installation of a cinerator in either a funeral establishment or a direct disposal establishment within 1,000 feet of an existing residence, an apartment, a restaurant or other commercial eating establishment, a motel, a hotel, a private or public school (including day care centers), a nursing home, an assisted living facility, or any other place designed and intended for the temporary or permanent overnight accommodation of human beings.

I trust that you hear our grave concerns on this matter and will do what's best for Escambia County as a whole. Please feel free to call me if you have any questions on this matter at (850) 393-1780.

Sincerely,



Dr. Jay S. Patel – CHA

CEO

CC: Nash Patel

To Whom It May Concern:

1/25/14

I wanted to reach out to you to express my concern at a proposed ordinance change which will be heard at the next Planning Board meeting. Two of the hotels I own are at University Town Plaza and are located near the former Bennigans restaurant. We had taken over the hotels back in 2010 and have year after year spent several million dollars to improve our properties and the area; one of which was a closed down hotel when we took over that we opened back up and have operated since. My personal thoughts on the crematory are that there should be strong language that insures it is compatible for the immediate location. All of University Town Plaza is C-2 and this certainly is not compatible. I fear it will have a real impact to future progress in that area. Furthermore, it will give cause for concern to every current and future business owner because there will be no restrictions on future sites. Who would ever want to invest in a restaurant or hotel in C-2, if on site cremations could easily move within very close proximity. This fear is very real, no one ever thought it could happen at University Town Plaza, but this is now being proposed just as some significant development is taking place. Making such businesses subject to conditional use or having proximity restrictions based on compatibility with apartments, restaurants, schools, and hotels makes much more sense. We have to take a serious look at the best interest of all businesses and community within a specific distance of this location to ensure that we are being fair and equal to all yet protecting the future of not just one business but of every businesses future in the area. This area has taken many years to come back to life with new and improved restaurants, stores, and openings of many hotels that sat closed down. We need to ensure that this area stays ever improving and keep the momentum going for more growth and future investment into the area without fear of the location deteriorating again because of the issue we are currently facing.

My company owns the Americas Best Value Inn and Baymont Inn and Suites located on Plantation Road. Please contact me at your convenience if you have any questions and concerns.

Very Respectfully,

Mitesh Patel

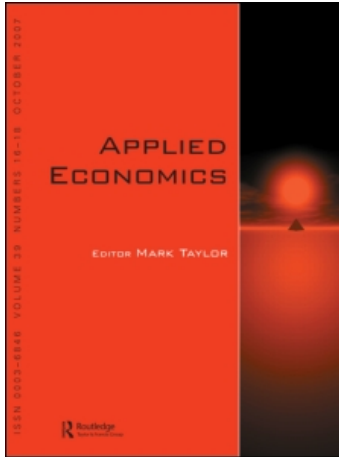
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Directional heterogeneity of environmental disamenities: the impact of crematory operations on adjacent residential values

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Directional heterogeneity of environmental disamenities: the impact of crematory operations on adjacent residential values

Mark D. Agee^{a,*} and Thomas D. Crocker^b

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A hedonic study of residential house sales in Rawlins, Wyoming, was conducted to estimate the impact of an environmental shock from a new point source upon adjacent residential property values. We use a unique data base of house sale prices and associated house attributes, including structural and neighbourhood characteristics and geographic distances and directions from the source of the shock, atmospheric emissions from a new crematory. Our data spans 27 months of house sales: 7 months before, and 20 months after the startup of crematory operations. Results indicate that proximity, measured both in terms of direction and distance from the crematory, imparts a statistically significant negative impact on average house sale prices – an increase of 0.3 to 3.6% of average sale price for every one-tenth mile increase up to one-half mile in distance away from the crematory, but depending on direction from the crematory. This distance benefit increases somewhat with calendar time only for houses located west of the crematory.

I. Introduction

Residential property values depend both on physical and locational attributes. Attributes include structural, neighbourhood and environmental characteristics, all of which may impact the selling price of a property. Indeed, housing markets are one of the few places where environmental amenities are traded in formal markets along with physical amenities. As such, for decades, economists have used hedonic property value techniques to measure monetary equivalents of a variety of environmental quality

changes that affect consumers' welfare via their purchase and consumption of the good 'housing.' Recent examples include air quality (Kiel and McClain, 1995; McMillen and Thorsnes, 2003), aesthetic views (Bourassa *et al.*, 2004) and proximity to other amenities or disamenities such as proximity to natural areas (Thorsnes, 2002) or landfills (Ketkar, 1992).

Hedonic property value studies are useful if they provide empirical evidence that selling prices of a heterogeneous market good reflect alternative levels of amenities (good or bad). Given the sometimes

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elusive nature of environment-related benefits and costs, such information is particularly useful as it provides evidence that people are willing to pay more for higher levels of environmental quality.

When proximity to an environmental externality affects value, both direction and distance may matter. For example, many point sources of pollution produce either noticeable odours or airborne pollutants so that prevailing winds (or lack of air movement) create directional heterogeneity in distance effects. We demonstrate that if directional effects are present but ignored, one might observe no proximity impact on house value even though impacts are indeed present but are not the same in all directions. To date, published hedonic property value studies that employ distance measures pay little attention to direction. While some of these studies account for spatial trends (e.g. Gillen *et al.*, 2001), such as spatial autocorrelation in model error terms, these studies do not specifically address distance profiles as a function of direction. Herriges *et al.* (2005) and Cameron (2006) are the only studies we are aware of which empirically examine direction and distance impacts of an environmental disamenity using a hedonic property value model. But these last two studies disregard the potential impact of spatial autocorrelation and heteroskedasticity upon their reported results. Here we account for direction and distance impacts and test for and make appropriate corrections for spatial autocorrelation and spatial heteroskedasticity.

The following section explains our approach to assessing the impacts on residential property values of proximity to the shock of exposures to atmospheric emissions from a crematory of whose start-up operations adjacent property owners had never been informed.¹ Section III describes our data and model specification, and our results and value estimates are reported in Section IV. Section V concludes.

II. Hedonic Model and Pre-Testing

This section outlines a basic hedonic model to assess the marginal impact on house sale prices of proximity to a point source, environmental disamenity shock, holding constant all other attributes important to these values. The literature has identified several empirical issues that must be addressed in order to optimize both statistical efficiency and precision of estimates

using hedonic techniques. The most common and addressable issues include choice of functional form, bias due to omission of relevant explanatory variables and definition of the extent of the market to be examined (sampling).

Following Rosen (1974), this study uses a first-stage hedonic model, in which the hedonic price function is estimated using a sample of prices and characteristics of observed 'transacted' properties,

$$\text{SALEPRICE}_i = \alpha + \sum_j \beta_j D_{ij} + \sum_k \beta_k H_{ik} + e_i \quad (1)$$

where SALEPRICE_i denotes nominal selling price of house i ($i = 1, \dots, N$), which is a function of two sets of observed variables, D and H . The j variables in D describe the house in terms of its date of sale, and distance and direction from the environmental disamenity. The k variables in H describe the house in terms of its general structure (living area, number of bathrooms, etc) and its accessibility to public facilities. α is a constant term. Expression (1) defines the hedonic price function as a locus of equilibrium points. If the property attributes observed are independent of any not observed, Bajari and Benkard (2005) show this implies the existence of a hedonic price function even if the housing market is imperfectly competitive and lacks a continuum of types.

While choice of functional form for (1) is somewhat arbitrary for the researcher, we choose a double-log specification based upon a number of preliminary regressions (not reported) and statistical testing of goodness-of-fit. The specifications reported in Table 2 emerge as clearly best in terms of statistical fit. These results are consistent with Cropper *et al.* (1988) who show that the double-log form usually performs best relative to linear, semi-log inverse semi-log, and other quadratic forms for first-stage hedonic models, both in terms of model flexibility and ability to measure marginal prices in the presence of misspecifications. Also, functional forms that are too general may not prove robust to small misspecifications (Cassel and Mendelsohn, 1985).

The hedonic technique is especially useful for determining values of general reductions in 'receptor effects,' i.e. a single disamenity 'bundle' comprising several effects such as noise, foul odours, or bothersome visual effects. When these general receptor effects dominate, identification and valuation of specific environmental impacts, which include exposures to specific contaminants, can be problematic unless detailed information is available

¹ Thus the housing market could not anticipate the likely effects of crematory operations.

on all individual effects in the disamenity bundle (see e.g. Palmquist *et al.*, 1997). Since individual effects within the bundle are plausibly correlated, omission of any one or a subset of effects from the hedonic regression will bias the predicted impacts of remaining disamenities accounted for in the regression. However, if assessment of general effects is the focus, windfall losses to receptors will equal to the total decline in predicted property values (Polinsky and Shavell, 1976; Palmquist, 1991). These losses are often expressed in terms of proximity to the disamenity source. Losses due to proximity to an environmental disamenity are larger if the proximity-related decline in property value also includes a slowing of appreciation rates (Mitchell and Carson, 1986). Our goal is to assess the decline in predicted residential property values associated with proximity to a newly installed crematory, of whose planned installation and start-up adjacent property owners were unaware. Proximity (distance and direction) is assumed to capture general receptor effects associated with living near the environmental shock from the atmospheric emissions of the new crematory operation. To assess the proximity-related change in predicted values fully, we also assess the value impact of emitter effects on house price appreciation rates.

While assessment of general proximity effects greatly simplifies model specification and data requirements, other potential estimation problems linger. For instance, if an environmental disamenity affects a large area, and/or there are multiple sources of changed emissions, hedonic price functions can shift, implying that the total predicted change in aggregate property values serves only as an upper bound for the true change in value (Bartik, 1988). That is, marginal changes in property values as measured by the slope of a hedonic price function need not equal that aggregate change in value which is determined by general equilibrium adjustments involving induced relocations and changes in population and housing supply. We limit our analysis to marginal changes since the externality we consider is localized relative to the size of the housing market.

Sample selection bias represents another potential estimation issue because, say, more expensive homes might more likely be offered for sale when confronted by a disamenity shock. We believe this issue to be insignificant for this study since residences in the neighbourhood subjected to the shock are very nearly

all middling in their attributes and residents. Also, Jud and Seaks (1994) conclude that ignoring the sample selection issue leads to an average error of only 1% in housing price change estimates.

More importantly, since unobserved or omitted variables in hedonic regressions are often locationally correlated, 'spatial autocorrelation' is frequent in hedonic regressions. Though spatial autocorrelation does not bias ordinary least squares coefficient estimates and thus benefit measures (Leggett and Bockstael, 2000; Kim *et al.*, 2003; Neill *et al.*, 2007), estimates can be inefficient, which leads to biased SEs and inaccurate hypothesis tests.² We conducted a series of Kelejian and Robinson (1992) tests to check for any significant presence of spatial autocorrelation in the data of our case study. These tests failed to confirm spatial autocorrelation in all our Table 2 model specifications. However, White (1980) tests failed to reject spatial heteroskedasticity in these specifications. Therefore, the results presented in Table 2 discussed below, use White's (1980) heteroskedasticity consistent covariance matrix to address potentially biased SEs in our ordinary-least-squares (OLS) estimates.

Finally, heterogeneity in distance effects with respect to direction from an environmental disamenity can potentially obscure what might otherwise be a clear price-distance relationship. With directional diffusion of airborne pollutants, one would naturally expect prevailing winds to exacerbate effects for some neighbourhoods while virtually eliminating effects from others, even where distance to the upwind area from the pollution source is considerably less. Also, direction-specific geographic features such as hills and forests can enhance or counter the impact of prevailing winds. If distance and direction are correlated, omission of direction from the hedonic model will result in omitted variable bias of the coefficient estimate for distance. Their direction of drift plausibly affects the impact of mobile pollutants on property values. Surprisingly, almost all published hedonic property value studies that employ distance-to-source as their proximity measure do not include information on orientation of a property to the pollution source. Palmquist *et al.* (1997), Gillen *et al.* (2001), Herriges *et al.* (2005) and Cameron (2006), are the sole exceptions we have been able to identify. But the first two, while acknowledging 'importance' of direction, do not formally consider its effects in

² Even if spatial correlation were present, an assumption that any spillovers among neighbouring sites are strictly pecuniary would permit the coefficient on the pollution variable in an OLS hedonic price regression to be interpreted as the complete marginal effect of pollution on house value (Small and Steimetz, 2006). Strictly pecuniary effects imply that the value of neighbouring sites affects the sale price of a particular site but does not affect the amenities of that site.

their empirical framework. This leaves only the latter two studies that explicitly account for distance with directional heterogeneity by combining distance and direction (in the form of upwind and downwind siting for Herriges *et al.*, and of polar coordinates for Cameron) into the hedonic property value model. Our data lack sufficient detail on direction to implement the Cameron (2006) framework. However, we know the location of each sample property within one of eight possible 45° regions (N, NE, E, SE, etc). This enables us to establish a reasonable estimate of the combined influence of distance and direction effects by introducing dummy variables for direction to account for directional interactions in our hedonic OLS regressions.

III. Data

Our data consists of all 372 single family home transactions in the city of Rawlins, Wyoming, between January 2004 and March 2006. These sales are dispersed throughout the Rawlins city limits. Rawlins, population 8538 in 2000, and 8633 in 2004, is located in Carbon County in South Central Wyoming. Only one settlement with more than 1000 people lies within 100 miles, and that one settlement is nearly 40 miles distant. Rawlins covers approximately 7 square miles and has a population (housing) density of 1153 (521) per square mile. Thus the community's small population and its geographical isolation make treating it as a unified housing market a reasonable assumption. After deletion of 29 properties with missing attribute data, our total sample consists of 343 transactions.

Figure 1 presents a wind rose compiled for the geographical center of Rawlins (NEPA, 2006). The length of each 'spoke' around the circle is the annual frequency the wind blows from a particular direction. These spokes are further broken down into discrete frequency categories indicating the percentage of time the wind blows within a certain speed range from the indicated direction. Each concentric circle represents a different annual frequency, emanating from zero at the center to the highest annual frequency at the outer circle.

Figure 1 shows the Rawlins wind blowing primarily from the southwest; the longest spoke indicates that 25% of all hourly winds emanate from

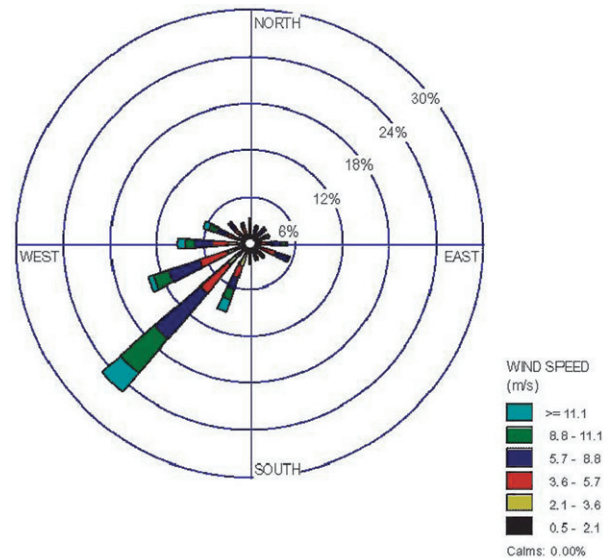


Fig. 1. Rawlins, Wyoming wind rose

the direct southwest, and roughly 12% of the time from the west and west/southwest. The highest recorded wind velocities are also from the southwest (greater than 11.1 m/s). The upper right-hand quadrant of the rose indicates that wind rarely blows from the northeast or south/southeast, however, roughly 12% of all hourly winds do blow from the east and east/southeast, albeit at low velocities (0.5 to 2.1 m/s).

The subject crematory is surrounded by residential developments to its north, west and southwest, with commercial development to its southeast. The landscape around the crematory and adjacent residential area has some notable attributes. In particular, a ridge (approximately 200–300 feet in elevation) embraces the residential area to the southwest, west and north of the crematory, forming a continuous, inverted 'J' around this area. The diameter of this area is approximately 0.9 miles. No residential development is located directly west, northwest and north of the J-shaped ridge, nor directly northeast of the crematory.³

In March 2004, the Rawlins City Planner issued a building permit to the subject mortuary to install a 40 ton, two-chamber, natural gas-fired Millennium II crematory in a vehicle storage garage adjacent to the mortuary building. Controversy remains as to whether this Planner was authorized to issue a permit for this expanded, nonconforming use of an

³ This may seem to contradict our data, which indicates (in Table 1) a good deal of housing sales activity in the region northeast of the crematory. However, these homes are located further (about 1 mile on average) northeast of the crematory; open fields, a cemetery and school athletic fields occupy much of the nonresidential area directly northeast of the crematory.

Table 1. Variables, definitions and descriptive Statistics (N = 343)

Variable	Definition	Mean	SD
<i>T</i>	Number of months after 31 December 2003 the house was sold.	14.6122	7.0846
AGE	Age of house in years as of 2006.	51.1166	26.3047
SQFT	Square footage of house that is aboveground.	1293.8430	553.4636
SQFTBSMT	Square footage of basement if house has a basement.	666.6531	480.0317
BEDROOMS	Number of bedrooms.	3.2507	1.0123
BATHS	Number of bathrooms.	1.8674	0.6165
FINBSMT	House has a finished basement; 1 = yes; 0 = no.	0.2945	0.4565
TOWNHOUSE	1 if townhouse; 0 otherwise.	0.0583	0.2347
ATTACH2	House has attached 2-car garage; 1 = yes; 0 = no.	0.2653	0.4421
ATTACH3	House has attached 3-car garage; 1 = yes; 0 = no.	0.0058	0.0763
ATTACH4	House has attached 4-car garage; 1 = yes; 0 = no.	0.0058	0.0763
DETACH2	House has detached 2-car garage; 1 = yes; 0 = no.	0.2157	0.4119
DETACH3	House has detached 2-car garage; 1 = yes; 0 = no.	0.0146	0.120
DETACH4	House has detached 2-car garage; 1 = yes; 0 = no.	0.0087	0.0932
DISTANCE	Distance (in tenths of 1 mile) house is located away from crematory.	10.4924	7.8914
DOWNTOWN_MINUTES	Travel distance (in minutes by car) house is located away from the Rawlins downtown area.	2.417	1.763
SALEPRICE	Sale price of house in thousands of nominal dollars.	99.2185	49.8136
North	House is north of the crematory; 1 = yes; 0 = no.	0.0321	0.1764
South	House is south of the crematory; 1 = yes; 0 = no.	0.0262	0.1601
East	House is east of the crematory; 1 = yes; 0 = no.	0.035	0.184
West	House is west of the crematory; 1 = yes; 0 = no.	0.0496	0.2174
Northeast	House is northeast of the crematory; 1 = yes; 0 = no.	0.4227	0.2174
Northwest	House is northwest of the crematory; 1 = yes; 0 = no.	0.1662	0.3728
Southeast	House is southeast of the crematory; 1 = yes; 0 = no.	0.1808	0.3854
Southwest	House is southwest of the crematory; 1 = yes; 0 = no.	0.0875	0.2829

existing funeral home facility in an area zoned for residences since the 1970s. None of the residents in adjacent neighbourhoods were ever notified of plans for the crematory. Cremation operations began in August 2004. Soon after, citizens began complaining to City and State authorities about the crematory with its glaring, all-night illumination, noise and – most notable – noxious odor, which permeated residents' houses, making them feel ill and 'devaluing' (Morton, 2005) their properties. Starting in October 2004, and continuing through the time interval of our data set, the local daily newspaper updated the community on the status of the issue and printed numerous letters from citizens giving their views. In January 2005, the Wyoming Department of Environmental Quality ordered an emissions test and determined that the crematory had emissions comparable to its state permit request with several notable exceptions: annual ambient cadmium and dioxin/furan concentrations at the crematory property boundary exceeded National (and Wyoming) Air Quality Standards, by approximately 205 and 2200%, respectively (URS, 2006). Hydrogen chloride concentrations at this boundary exceeded the one-hour US Environmental Protection Agency's 'remediation goal' by 797%,

with sulfur oxide, nitrogen oxide, chromium, and mercury concentrations being from 43 to 74% of the Agency's National Standard or remediation goal. Cadmium, chromium, dioxin/furans, hydrogen chloride and mercury are toxins for which any positive concentration may have human health impacts (Wexler, 2005).

No other new or substantially changed sources of (dis)amenities appeared in Rawlins residential neighbourhoods during our data time interval. Our data includes information on a variety of housing and neighbourhood characteristics typically used in the hedonic property valuation literature to explain variation in single family house selling prices. These data also contain variables describing direction from and distance to the crematory. Our data is deficient in its lack of information on lot size. This omission may detract somewhat from the explained sum of squares of our regressions; however, since our data contains detailed information on the number of attached and detached garages, following Boxall *et al.* (2005), we assume lot size to be captured at least in part by the presence (as well as extent) of transportation-related or other (e.g. maintenance- or recreation-related) vehicle storage structures beyond the livable area of the

Table 2. Parameter estimates with ln(SALEPRICE) as the dependent variable

Variable	Specification			
	1		2	
	Coefficient	<i>t</i> -Value	Coefficient	<i>t</i> -Value
CONSTANT	0.71441*	1.811	0.67640*	1.698
<i>T</i>	0.01874**	3.999	0.01975**	4.368
Ln(AGE)	-0.16206**	-7.958	-0.15841**	-7.916
Ln(SQFT)	0.46158**	8.337	0.46870**	8.534
Ln(SQFTBSMT)	0.04026**	5.802	0.03971**	5.925
Ln(BEDROOMS)	0.35161**	4.950	0.33811**	4.912
Ln(BATHS)	0.09943	1.482	0.10991*	1.665
Ln(DOWNTOWN MINUTES)	0.11815**	2.278	0.03896	0.666
FINBSMT	0.06881*	1.929	0.06107*	1.759
TOWNHOUSE	-0.21317**	-3.526	-0.18906**	-3.068
ATTACH2	0.26031**	6.394	0.25692**	6.643
ATTACH3	0.31041*	1.658	0.33981**	2.326
ATTACH4	0.24196*	1.734	0.21615**	2.149
DETACH2	0.13376**	2.750	0.14521**	3.124
DETACH3	0.43269**	5.336	0.41962**	4.594
DETACH4	0.35251*	1.654	0.44466**	1.986
ln(DISTANCE)	0.06320**	2.060	0.08960**	2.820
[ln(DISTANCE)] ²	-0.01873**	-2.458	-0.01803**	-1.970
ln(DISTANCE) × <i>T</i>	-0.00375*	-1.883	-0.00897**	-3.126
ln(DISTANCE) × North × <i>T</i>			0.00818**	3.327
ln(DISTANCE) × South × <i>T</i>			0.00403	0.810
ln(DISTANCE) × East × <i>T</i>			-0.00345	-0.697
ln(DISTANCE) × West × <i>T</i>			0.01480**	3.651
ln(DISTANCE) × Northeast × <i>T</i>			0.00582**	2.941
ln(DISTANCE) × Northwest × <i>T</i>			0.00289	1.158
ln(DISTANCE) × Southwest × <i>T</i>			0.00771**	3.402
χ^2 (White's homoscedasticity test)	91.13	104.96		
Adjusted <i>R</i> ²	0.7143	0.7326		
<i>F</i> -statistic	48.51	38.48		
Number of observations	343	343		

Notes: * Significant at less than 10%; ** Significant at less than 5%.

house – as indicated by number of attached and/or detached garage spaces.⁴

As for other plausible but unobserved influences upon residential sale prices, we assume them to be independent of the influences we do observe, thus implying the existence of a hedonic price function (Bajari and Benkard, 2005). Distance to schools is a prominent observed influence in numerous hedonic price studies. We lack house-by-house data on it. In the Rawlins case, however, nearly all residences are within walking distance of an

elementary school.⁵ Variable definitions and descriptive statistics are presented in Table 1.

Variables used to measure D_{ij} include distance in tenths of a mile from the crematory (DISTANCE), and directional dummy variables indicating which of the 45° regions (from the crematory as point of origin), N, S, E, W, NE, SE, SW, NW, contains the sample house. To account for revisions in people's expectations about the Rawlins residential property market, a time trend variable, *T*, measures the number of months after 31 December, 2003 each

⁴Our data indicates a higher correlation between multiple vehicle storage structures and distance away from the downtown area, implying larger lot sizes are most prevalent among residences located at the outer edge of the Rawlins city limits, well beyond the areas plausibly affected by crematory emissions.

⁵Adding covariates to a hedonic price function to avoid omitted variable bias has a cost. If the added covariate is imperfectly measured in the sense that it does not correspond exactly to that feature which the market actually values, measurement error will increase. As more covariates are added, the measurement error bias will increase, thus increasing the noise-to-signal ratio. Atkinson and Crocker (1987) and Graves *et al.* (1988) use the Bayesian diagnostics of Leamer (1978) to demonstrate that measurement error bias appears to be a more serious problem in hedonic price studies than does omitted variable bias.

house was sold. Thus our sample includes properties sold as much as 7 months before and up to 20 months after the environmental shock to the crematory's residential neighbours from its August 2004 start-up. The average T for our sample is 14.61 months; our sample contains a few houses that have sold more than once over our 27-month sampling period. Variables used to measure H_{ik} include house age in years (AGE), square feet of living space both above-ground (SQFT) and below ground (SQFTBSMT), number of bedrooms (BEDROOMS) and bathrooms (BATHS), whether the house has a finished basement (FINBSMT), whether the house is a townhouse (TOWNHOUSE), travel time (by car) in number of minutes from house to downtown Rawlins (DOWNTOWN_MINUTES), and categorical covariates indicating whether or not the house has each of several numbers of attached or detached garage spaces (ATTACHED, DETACHED). ATTACHED₁ and DETACHED₁ are the excluded Table 2 categories, implying that the valuation impacts of the coefficients for the included categories are relative to the valuation impacts of these exclusions.

IV. Results

Table 2 reports OLS estimates of two specifications of the hedonic property value equation. Examination of the covariates in Table 2 indicates that, for both specifications, nearly all estimated coefficients have the correct signs, are statistically significant, and have very similar and plausible magnitudes across specifications when transformed to dollar values. For example, an additional square foot of living space (above ground) is worth roughly \$36 in the average house. An additional bedroom is worth slightly over \$10 300, while a finished basement contributes about \$6250 to the price of an average home.⁶ These estimates are very close to the values found in other studies (see e.g. Palmquist *et al.*, 1997; Boxall *et al.*, 2005). Reported at the bottom of the Table 2 are White's (1980) chi-square test statistics of the null hypothesis of homoskedasticity, which clearly reject the null hypothesis at less than the 1% level. Asymptotic SEs used to calculate all Table 2 t -statistics are from White's (1980) heteroskedasticity-consistent covariance matrix. Finally, the reasonably high adjusted R -squared and F -values reported at the bottom of Table 2

indicate that the regressions, as specified, both have adequate fit, and explain a substantial portion of the total variation in observed home sale prices.

Turning to distance effects, specification 1 gives model parameter estimates accounting for time of sale and for distance from the crematory, but with no direction-specific terms. The predicted distance benefit as derived from specification 1 is:

$$\frac{\partial \ln(\text{SALEPRICE})}{\partial \ln(\text{DISTANCE})} = 0.0632 - 0.00375T - 0.0375 \ln(\text{DISTANCE}) \quad (2)$$

(2.060) (-1.883) (-2.458)

Accounting for direction-specific heterogeneity, the predicted distance benefit derived from specification 2 is:

$$\frac{\partial \ln(\text{SALEPRICE})}{\partial \ln(\text{DISTANCE})} = 0.0896 + [\beta_j(\text{direction}_j) - 0.00897]T - 0.036 \ln(\text{DISTANCE}) \quad (3)$$

(2.820) (-3.126) (-1.970)

The first term in expression (3) accounts for any nondirection-specific and time-invariant distance benefit. The bracketed terms in (3) account for direction- and nondirection-specific distance benefits, both time varying (in expression (2) all direction-specific benefit terms are assumed zero). The final right-hand-side term in (3) accounts for the distance benefit which is also distance-specific but nondirection-specific and time invariant. A series of F -tests confirms Table 2 specifications 1 and 2 as the clear best-fit benefit hedonic specifications for the Rawlins data. We summarize these tests as follows. First, we introduced and tested for the statistical significance of distance-specific distance coefficients which were time varying and/or direction-specific [we likewise tested in specification 1 for the significance of a time varying, distance-specific coefficient for expression (2)]. All these coefficients were individually and jointly nonsignificant. Second, we introduced and tested for the significance of direction-specific coefficients which were nondistance-specific and time invariant (i.e. direction-specific differences applying to the first term in expression (3)). These coefficients were likewise individually and jointly nonsignificant. Finally, though not applicable to the distance benefit expressions in (2) and (3), we also tested for any direction-specific differences associated with

⁶ Interpretation of dummy variable coefficients in Table 2 requires a slight correction. For example, the correct marginal impact on SALEPRICE of the coefficient for FINBSMT is $\exp(\beta_{FB}) - 1$, where β_{FB} is the coefficient estimate for FINBSMT reported in Table 2 (Halvorsen and Palmquist, 1981).

the time coefficient, T ; these tests (for specifications 1 and 2) confirmed a single coefficient estimate for T common to all Rawlins regions as most appropriate.⁷

Table 2 specifications 1 and 2 clearly demonstrate that failure to account for directional heterogeneity in Rawlins leads to omission of some important and possibly misleading benefit assessment information. The direction-specific terms in specification 2 are highly significant jointly as well as nearly all individually significant. Table 3 sheds some light on the benefit assessment implications of omission of directional heterogeneity for the Rawlins crematory example. Columns 2–4 of Table 3 provide a breakdown of mean values of $DISTANCE$, T , and $SALEPRICE$ for all ($N=343$) Rawlins homes sold between 31 December 2003 and 28 March 2006, along with various subsample means of Rawlins homes sold within a specified proximity (distance and direction) to the crematory. As one works down the columns of Table 3, $DISTANCE$ to the crematory declines from a maximum radius of 0.5 to 0.1 miles. Column 5 gives the mean benefit for successive one-tenth mile $DISTANCE$ increases away from the crematory conditional upon direction from the crematory; and column 6 expresses this mean benefit as a percentage of mean $SALEPRICE$ for the particular subsample of homes in question. For example, the subsample of 43 homes located north of and within a distance of 0.2 to 0.3 miles from the crematory would gain an average of \$5006.59 if they were to lie within 0.3 to 0.4 miles. The first row of the topmost block in Table 3 provides the mean nondirection-specific $DISTANCE$ benefit for the entire Rawlins sample; the next three rows show the mean distance benefit for all Rawlins homes located North, West and Southwest of the crematory. Each block below this first block presents similar calculations for sample homes within a given distance from the crematory. Benefit expression (2) is used to calculate all nondirection-specific (All Directions) estimates; expression (3) is used to calculate the direction-specific estimates appearing in the last three rows of each block. Absent an accounting of directional heterogeneity in the sample, the average Rawlins home $SALEPRICE$ benefit associated with a 1-tenth mile $DISTANCE$ increase away from the crematory for the period of 31 December 2003 to 28 March 2006, is $-\$754.08$.

With directional heterogeneity accounted for in the sample ($N=343$), Rawlins homes located North, West and Southwest of the crematory reveal a mean $DISTANCE$ benefit of \$534.51, \$3 659.76 and \$243.58. Column 6 shows these estimates amount to roughly 0.5, 3.6 and 0.3% of average $SALEPRICE$ for homes in these directions.

As one moves down Table 3, estimates based on benefit expression (2) clearly demonstrate that a ‘classical concentric circles’ approach to $DISTANCE$ in a hedonic assessment of the Rawlins data—accounting for distance to but not direction from the environmental disamenity—severely understates the assessed benefit associated with home location further away from the disamenity. At the bottom of Table 3, benefit expression (2) finally reveals a positive mean $DISTANCE$ benefit associated for homes lying within a one-tenth mile radius of the crematory. This benefit amounts to \$3657.88, or 4.89% of mean $SALEPRICE$ as calculated from the seven sample homes sold in this area. However, expression (2) says that homes located anywhere up to 0.4 miles outside this radius suffer from not being closer to the crematory and its emissions.

Table 3 estimates based on benefit expression (3) reveal a much larger positive and increasing hedonic benefit function with distance for homes North, West, or Southwest of the crematory. Columns 4 and 5 in the table show that homes North and West of the crematory exhibit the highest benefit, ranging from 2% of mean $SALEPRICE$ for homes within the 0.4 to 0.5 mile $DISTANCE$ radius to over 30% of mean $SALEPRICE$ (roughly \$19 400 to \$27 700) for homes within a 0.1 mile radius. The $DISTANCE$ benefit increases slightly with time (approximately 0.0058% per month) for homes located West of the crematory, but does not appear to increase with time for homes located North or Southwest of the crematory. Homes Southwest of the crematory exhibit more modest benefit increases of 0.5 to 4.7% of mean $SALEPRICE$ (roughly \$490 to \$4400) as $DISTANCE$ declines from maxima of 0.5 to 0.1 miles. These estimates would be consistent with the Rawlins wind rose data given in Fig. 1 (e.g. prevailing winds sometimes blow from the east), if the ‘J-shaped’ ridge causes Southwesterly winds to swirl in North and then in West or Southwesterly directions, or if the ridge

⁷Our Table 2 coefficient estimates of 0.018–0.019 for T are not an estimate of the average monthly appreciation rate for Rawlins houses over the time span of our data. This estimate captures an ‘embodied’ figure, reflecting both Rawlins-specific appreciation and the discount rate; the two cannot be separated (Kiel and McClain, 1995b).

Table 3. Direction- and nondirection-specific benefit estimates for Rawlins, WY

Region	Mean DISTANCE (in tenths of 1 mile) from the crematory	MeanT (number of months after 31.December 2003 house was sold)	Mean nominal SALEPRICE	Mean benefit for one-tenth mile DISTANCE increase away from the crematory	Mean benefit as percent of mean nominal SALEPRICE
Full sample estimates ($N = 343$)					
Estimates using benefit expression (2)					
All directions	10.4924	14.6122	99,218	-754.08	-0.76
Estimates using benefit expression (3)					
North	4.5462	15.4615	\$104 831	\$534.51	0.51
West	3.8667	16.8667	101 627	3 659.76	3.6
Southwest	4.6933	15.9333	83 420	243.58	0.29
Subsample homes located within 0.4 to 0.5 miles of crematory ($N = 94$)					
Estimates using benefit expression (2)					
All directions	3.1043	16.2766	93 770	-1 217.83	-1.3
Estimates using benefit expression (3)					
North	2.3444	15.4444	\$95 422	\$1 914.41	2.0
West	2.1538 ^a	18.4615 ^a	104 262 ^a	8 210.55 ^a	7.87 ^a
Southwest	3.7526	17.3158	91 758	489.06	0.53
Subsample homes located within 0.3 to 0.4 miles of crematory ($N = 72$)					
Estimates using benefit expression (2)					
All directions	2.65	16.431	92 384	-1 218.85	-1.32
Estimates using benefit expression (3)					
North	2.125	14.75	93,600	\$2 251.10	2.4
West	2.1538	18.4615	104 262	8 210.55	7.87
Southwest	2.8111	18.2222	108 111	1 124.89	1.04
Subsample homes located within 0.2 to 0.3 miles of crematory ($N = 43$)					
Estimates using benefit expression (2)					
All directions	2.0302	16.6512	92 241	-1 172.07	-1.27
Estimates using benefit expression (3)					
North	1.120	13.0	74 260	\$5 006.59	6.74
West	1.9364	19.1818	102 491	9 402.24	9.17
Southwest	2.220	18.40	110 200	1 862.57	1.69
Subsample homes located within 0.1 to 0.2 miles of crematory ($N = 18$)					
Estimates using benefit expression (2)					
All directions	1.2333	16.6111	93 797	-528.96	-0.56
Estimates using benefit expression (3)					
North	0.675	15.250	57 200	\$7 796.74	13.63
West	1.30	19.40	108 180	16 081.95	14.87
Southwest	1.40	9.0	93 000	4 388.07	4.72
Subsample homes located within 0.1 miles of crematory ($N = 7$)					
Estimates using benefit expression (2)					
All directions	0.5714	15.0	74 814	3 657.88	4.89
Estimates using benefit expression (3)					
North	0.3333	13.0	54 367	\$19 434.39	35.75
West	0.7	24.0	80 000	27 698.32	34.62
Southwest ^b	-	-	-	-	-

Notes: ^aNo West-region homes with 0.5 miles > DISTANCE > 0.4 miles.

^bNo Southwest-region homes with DISTANCE < 0.1 miles.

inhibits air movements so as to increase odour for homes located West and Southwest of the crematory. The fact of the matter is that nearly all of the complaints about crematory emissions issue from these three directions.

V. Conclusions

The lack of studies involving direction as well as distance to a pollution source is startling, particularly in light of the widespread application of the

hedonic technique to assessing damages associated with airborne and other mobile pollutants. This article takes advantage of a unique data set to evaluate the impact of a direction-sensitive environmental shock on residential property values in a small, isolated Wyoming community. The regressions included structure, neighbourhood and location variables. Results reveal that control for directional heterogeneity increases the estimated impact of distance from the source of the shock upon residential property values; this impact appears strongest for sample houses North, West and Southwest of the source. Failure to control for directional heterogeneity results in the implausible conclusion that distance undifferentiated by direction from the point emission source has a positive impact on selling price for houses located very close (within 0.1 miles) to the disamenity source, while houses located two to five times farther away experienced reduced sale prices.

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The Florida Senate

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Title XXXIII

REGULATION OF TRADE, COMMERCE, INVESTMENTS,
AND SOLICITATIONS

Chapter 497

FUNERAL, CEMETERY, AND CONSUMER SERVICES

CHAPTER 497

FUNERAL, CEMETERY, AND CONSUMER SERVICES

PART I

GENERAL PROVISIONS

(ss. 497.001-497.172)

PART II

CEMETERY REGULATION

(ss. 497.260-497.287)

PART III

FUNERAL DIRECTING, EMBALMING, AND RELATED SERVICES

(ss. 497.365-497.392)

PART IV

PRENEED SALES

(ss. 497.450-497.468)

PART V

MONUMENT ESTABLISHMENTS

(ss. 497.550-497.555)

PART VI

CREMATION, CREMATORIES, AND DIRECT DISPOSITION

(ss. 497.601-497.609)

PART I

GENERAL PROVISIONS

- 497.001 Short title.
- 497.002 Purpose and intent.
- 497.0021 Applicability of parts.
- 497.005 Definitions.
- 497.101 Board of Funeral, Cemetery, and Consumer Services; membership; appointment; terms.
- 497.103 Authority of board and department; Chief Financial Officer recommendations.
- 497.107 Headquarters.
- 497.140 Fees.
- 497.141 Licensing; general application procedures.
- 497.142 Licensing; fingerprinting and criminal background checks.

- 497.143 Licensing; limited licenses for times of critical need.
- 497.144 Licensing; examinations, general provisions.
- 497.145 Licensing; use of professional testing services.
- 497.146 Licensing; address of record; changes; licensee responsibility.
- 497.147 Continuing education; general provisions.
- 497.148 Continuing education; monitoring of compliance.
- 497.149 Investigations, hearings, and inspections.
- 497.150 Compliance examinations of existing licensees.
- 497.151 Complaints; logs; procedures.
- 497.152 Disciplinary grounds.
- 497.153 Disciplinary procedures and penalties.
- 497.154 Disciplinary guidelines.
- 497.155 Disciplinary citations and minor violations.
- 497.156 Emergency action against licensees.
- 497.157 Unlicensed practice; remedies concerning violations by unlicensed persons.
- 497.158 Court enforcement actions; powers; abatement of nuisances.
- 497.159 Crimes.
- 497.160 Receivership proceedings.
- 497.161 Other rulemaking provisions.
- 497.162 Health and safety education.
- 497.163 Restriction on requirement of citizenship.
- 497.164 Solicitation of goods or services.
- 497.165 Liability of owners, directors, and officers regarding trust funds.
- 497.166 Preneed sales.
- 497.167 Administrative matters.
- 497.168 Members of Armed Forces in good standing with administrative boards.
- 497.169 Private actions; actions on behalf of consumers; attorney's fee.
- 497.170 Unauthorized arrangements.
- 497.171 Identification of human remains.
- 497.172 Public records exemptions; public meetings exemptions.

497.001 Short title. — This chapter may be cited as the “Florida Funeral, Cemetery, and Consumer Services Act.”

History.—s. 1, ch. 59-363; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 1, 39, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 36, 122, ch. 93-399; s. 3, ch. 2004-301.

Note.— Former s. 559.30.

497.002 Purpose and intent. —

(1) The Legislature recognizes that purchasers of preneed burial rights, funeral or burial merchandise, or funeral or burial services may suffer serious economic harm if purchase money is not set aside for future use as intended by the purchaser and that the failure to maintain cemetery grounds properly may cause significant emotional stress. Therefore, it is necessary in the interest of the public welfare to regulate preneed sales and cemeteries in this state. However, restrictions shall be imposed only to the extent necessary to protect the public from significant or discernible harm or damage and not in a manner which will unreasonably affect the competitive market.

(2) Subject to certain interests of society, the Legislature finds that every competent adult has the right to control the decisions relating to her or his own funeral arrangements. Accordingly, unless otherwise stated herein, it is the Legislature's express intent that nothing contained in this chapter should be construed or interpreted in any manner as to subject preneed contract purchasers to federal income taxation under the grantor trust rules contained in ss.

671 et seq. of the Internal Revenue Code of 1986, as amended.

(3) The Legislature deems it necessary in the interest of public health and safety to establish minimum qualifications for entry into the professions and occupations of embalming, funeral directing, cremation, direct disposition, and monument sales; to regulate such activities; and to provide for swift and effective discipline for those practitioners who violate the law.

History.—ss. 2, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 37, 122, ch. 93-399; s. 1, ch. 96-400; s. 1141, ch. 97-103; s. 4, ch. 2004-301.

Note.—Former s. 559.305.

497.0021 Applicability of parts.—The provisions of this part shall be applicable to and supplement the provisions of parts II, III, IV, V, and VI of this chapter and shall be applicable to all licensees under this chapter, except to the extent specifically provided otherwise in this chapter.

History.—s. 5, ch. 2004-301.

497.005 Definitions.—As used in this chapter, the term:

(1) “Alternative container” means an unfinished wood box or other nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, that is designed for the encasement of human remains and that is made of fiberboard, pressed wood, composition materials (with or without an outside covering), or like materials.

(2) “At-need solicitation” means any uninvited contact by a licensee or her or his agent for the purpose of the sale of burial services or merchandise to the family or next of kin of a person after her or his death has occurred.

(3) “Bank of below ground crypts” means any construction unit of below ground crypts that is acceptable to the department and that a cemetery uses to initiate its below ground crypt program or to add to existing below ground crypt structures.

(4) “Below ground crypts” consist of interment space in preplaced chambers, either side by side or multiple depth, covered by earth and sod and known also as “lawn crypts,” “westminsters,” or “turf-top crypts.”

(5) “Board” means the Board of Funeral, Cemetery, and Consumer Services.

(6) “Burial merchandise,” “funeral merchandise,” or “merchandise” means any personal property offered or sold by any person for use in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains or cremated remains, including, but not limited to, caskets, outer burial containers, alternative containers, cremation containers, cremation interment containers, urns, monuments, private mausoleums, flowers, benches, vases, acknowledgment cards, register books, memory folders, prayer cards, and clothing.

(7) “Burial right” means the right to use a grave space, mausoleum, columbarium, ossuary, or scattering garden for the interment, entombment, inurnment, or other disposition of human remains or cremated remains.

(8) “Burial service” or “service” means any service offered or provided in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains or cremated remains.

(9) “Care and maintenance” means the perpetual process of keeping a cemetery and its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, mausoleums, columbaria, vaults, crypts, utilities, and other improvements, structures, and embellishments in a well-cared-for and dignified condition, so that the cemetery does not become a nuisance or place of reproach and desolation in the community. As specified in the rules of the licensing authority, “care and maintenance” may include, but is not limited to, any or all of the following activities: mowing the grass at reasonable intervals; raking and cleaning the grave spaces and adjacent areas; pruning of shrubs and trees; suppression of weeds and exotic flora; and maintenance, upkeep, and repair of drains, water lines, roads, buildings, and other improvements. “Care and maintenance” may include, but is not limited to, reasonable overhead expenses necessary for such purposes, including maintenance of machinery, tools, and equipment used for such purposes. “Care and maintenance” may also include repair or restoration of improvements necessary or desirable as

a result of wear, deterioration, accident, damage, or destruction. "Care and maintenance" does not include expenses for the construction and development of new grave spaces or interment structures to be sold to the public.

(10) "Casket" means a rigid container that is designed for the encasement of human remains and that is usually constructed of wood or metal, ornamented, and lined with fabric.

(11) "Cemetery" means a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains; or any combination of one or more of such structures or places.

(12) "Cemetery company" means any legal entity that owns or controls cemetery lands or property.

(13) "Centralized embalming facility" means a facility in which embalming takes place that operates independently of a funeral establishment licensee and that offers embalming services to funeral directors for a fee.

(14) "Cinerator" means a facility where dead human bodies are subjected to cremation.

(15) "Closed container" means any container in which cremated remains can be placed and closed in a manner so as to prevent leakage or spillage of the remains.

(16) "Columbarium" means a structure or building that is substantially exposed above the ground and that is intended to be used for the inurnment of cremated remains.

(17) "Common business enterprise" means a group of two or more business entities that share common ownership in excess of 50 percent.

(18) "Control" means the possession, directly or indirectly, through the ownership of voting shares, by contract, arrangement, understanding, relationship, or otherwise, of the power to direct or cause the direction of the management and policies of a person or entity. However, a person or entity shall not be deemed to have control if the person or entity holds voting shares, in good faith and not for the purpose of circumventing this definition, as an agent, bank, broker, nominee, custodian, or trustee for one or more beneficial owners who do not individually or as a group have control.

(19) "Cremated remains" means all the remains of the human body recovered after the completion of the cremation process, including processing or pulverization that leaves only bone fragments reduced to unidentifiable dimensions and may include the residue of any foreign matter, including casket material, bridgework, or eyeglasses that were cremated with the human remains.

(20) "Cremation" means any mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, re Cremated, or otherwise further reduced in size or quantity.

(21) "Cremation chamber" means the enclosed space within which the cremation process takes place. Cremation chambers covered by these procedures shall be used exclusively for the cremation of human remains.

(22) "Cremation container" means the casket or alternative container in which the human remains are transported to and placed in the cremation chamber for a cremation. A cremation container should meet substantially all of the following standards:

(a) Be composed of readily combustible or consumable materials suitable for cremation.

(b) Be able to be closed in order to provide a complete covering for the human remains.

(c) Be resistant to leakage or spillage.

(d) Be rigid enough to be handled with ease.

(e) Be able to provide protection for the health, safety, and personal integrity of crematory personnel.

(23) "Cremation interment container" means a rigid outer container that, subject to a cemetery's rules and regulations, is composed of concrete, steel, fiberglass, or some similar material in which an urn is placed prior to being interred in the ground and that is designed to support the earth above the urn.

(24) "Department" means the Department of Financial Services.

(25) "Direct disposal establishment" means a facility licensed under this chapter where a direct disposer

practices direct disposition.

(26) "Direct disposer" means any person licensed under this chapter to practice direct disposition in this state.

(27) "Direct supervision" means supervision by a licensed:

(a) Funeral director who provides initial direction and periodic inspection of the arrangements and who is physically present or on the premises of the funeral establishment at all times when the tasks, functions, and duties relating to funeral directing are performed; or

(b) Embalmer who provides initial direction and instruction regarding the preservation of a dead human body in its entirety or in part and who is physically present or on the premises of the funeral establishment or embalming facility at all times when the tasks, functions, and duties relating to embalming are performed.

(28) "Director" means the director of the Division of Funeral, Cemetery, and Consumer Services.

(29) "Disinterment" means removal of a dead human body from earth interment or aboveground interment.

(30) "Division" means the Division of Funeral, Cemetery, and Consumer Services within the Department of Financial Services.

(31) "Embalmer" means any person licensed under this chapter to practice embalming in this state.

(32) "Final disposition" means the final disposal of a dead human body by earth interment, aboveground interment, cremation, burial at sea, anatomical donation, or delivery to a medical institution for lawful dissection if the medical institution or entity receiving the anatomical donation assumes responsibility for disposition after use pursuant to s. 406.60. The term does not include the disposal or distribution of cremated remains and residue of cremated remains.

(33) "Funeral" or "funeral service" means the observances, services, or ceremonies held to commemorate the life of a specific deceased human being and at which the human remains are present.

(34) "Funeral director" means any person licensed under this chapter to practice funeral directing in this state.

(35) "Funeral establishment" means a facility licensed under this chapter where a funeral director or embalmer practices funeral directing or embalming.

(36) "General supervision" means supervision by a licensed:

(a) Funeral director who is reasonably available and in a position to provide direction and guidance by being physically present, being on the premises of the funeral establishment, or being in proximity to the funeral establishment and available telephonically or by electronic communication at all times when the tasks, functions, and duties relating to funeral directing are performed; or

(b) Embalmer who is reasonably available and in a position to provide direction and guidance by being physically present, being on the premises of the funeral establishment or embalming facility, or being in proximity to the funeral establishment or embalming facility and available telephonically or by electronic communication at all times when the tasks, functions, and duties relating to embalming are performed.

(37) "Grave space" means a space of ground in a cemetery intended to be used for the interment in the ground of human remains.

(38) "Human remains" or "remains," or "dead human body" or "dead human bodies," means the body of a deceased human person for which a death certificate or fetal death certificate is required under chapter 382 and includes the body in any stage of decomposition.

(39) "Legally authorized person" means, in the priority listed:

(a) The decedent, when written inter vivos authorizations and directions are provided by the decedent;

(b) The person designated by the decedent as authorized to direct disposition pursuant to Pub. L. No. 109-163, s. 564, as listed on the decedent's United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, if the decedent died while serving military service as described in 10 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States Armed Forces, United States Reserve Forces, or National Guard;

(c) The surviving spouse, unless the spouse has been arrested for committing against the deceased an act of domestic violence as defined in s. 741.28 that resulted in or contributed to the death of the deceased;

- (d) A son or daughter who is 18 years of age or older;
- (e) A parent;
- (f) A brother or sister who is 18 years of age or older;
- (g) A grandchild who is 18 years of age or older;
- (h) A grandparent; or
- (i) Any person in the next degree of kinship.

In addition, the term may include, if no family member exists or is available, the guardian of the dead person at the time of death; the personal representative of the deceased; the attorney in fact of the dead person at the time of death; the health surrogate of the dead person at the time of death; a public health officer; the medical examiner, county commission, or administrator acting under part II of chapter 406 or other public administrator; a representative of a nursing home or other health care institution in charge of final disposition; or a friend or other person not listed in this subsection who is willing to assume the responsibility as the legally authorized person. Where there is a person in any priority class listed in this subsection, the funeral establishment shall rely upon the authorization of any one legally authorized person of that class if that person represents that she or he is not aware of any objection to the cremation of the deceased's human remains by others in the same class of the person making the representation or of any person in a higher priority class.

(40) "License" includes all authorizations required or issued under this chapter, except where expressly indicated otherwise, and shall be understood to include authorizations previously referred to as registrations or certificates of authority in chapters 470 and 497 as those chapters appeared in the 2004 edition of the Florida Statutes.

(41) "Licensee" means the person or entity holding any license or other authorization issued under this chapter, except where expressly indicated otherwise.

(42) "Mausoleum" means a structure or building that is substantially exposed above the ground and that is intended to be used for the entombment of human remains.

(43) "Mausoleum section" means any construction unit of a mausoleum that is acceptable to the department and that a cemetery uses to initiate its mausoleum program or to add to its existing mausoleum structures.

(44) "Monument" means any product used for identifying a grave site and cemetery memorials of all types, including monuments, markers, and vases.

(45) "Monument establishment" means a facility that operates independently of a cemetery or funeral establishment and that offers to sell monuments or monument services to the public for placement in a cemetery.

(46) "Net assets" means the amount by which the total assets of a licensee, excluding goodwill, franchises, customer lists, patents, trademarks, and receivables from or advances to officers, directors, employees, salespersons, and affiliated companies, exceed total liabilities of the licensee. For purposes of this definition, the term "total liabilities" does not include the capital stock, paid-in capital, or retained earnings of the licensee.

(47) "Net worth" means total assets minus total liabilities pursuant to generally accepted accounting principles.

(48) "Niche" means a compartment or cubicle for the memorialization or permanent placement of a container or urn containing cremated remains.

(49) "Ossuary" means a receptacle used for the communal placement of cremated remains without benefit of an urn or any other container in which cremated remains may be commingled with other cremated remains and are nonrecoverable. It may or may not include memorialization.

(50) "Outer burial container" means an enclosure into which a casket is placed and includes, but is not limited to, vaults made of concrete, steel, fiberglass, or copper; sectional concrete enclosures; crypts; and wooden enclosures.

(51) "Person," when used without qualification such as "natural" or "individual," includes both natural persons and legal entities.

(52) "Personal residence" means any residential building in which one temporarily or permanently maintains

her or his abode, including, but not limited to, an apartment or a hotel, motel, nursing home, convalescent home, home for the aged, or a public or private institution.

(53) "Practice of direct disposition" means the cremation of human remains without preparation of the human remains by embalming and without any attendant services or rites such as funeral or graveside services or the making of arrangements for such final disposition.

(54) "Practice of embalming" means disinfecting or preserving or attempting to disinfect or preserve dead human bodies by replacing certain body fluids with preserving and disinfecting chemicals.

(55) "Practice of funeral directing" means the performance by a licensed funeral director of any of those functions authorized by s. 497.372.

(56) "Preneed contract" means any arrangement or method, of which the provider of funeral merchandise or services has actual knowledge, whereby any person agrees to furnish funeral merchandise or service in the future.

(57) "Preneed sales agent" means any person who is licensed under this chapter to sell preneed burial or funeral service and merchandise contracts or direct disposition contracts in this state.

(58) "Principal" means and includes the sole proprietor of a sole proprietorship; all partners of a partnership; all members of a limited liability company; regarding a corporation, all directors and officers, and all stockholders controlling more than 10 percent of the voting stock; and all other persons who can exercise control over the person or entity.

(59) "Processing" means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual means.

(60) "Profession" and "occupation" are used interchangeably in this chapter. The use of the word "profession" in this chapter with respect to any activities regulated under this chapter shall not be deemed to mean that such activities are not occupations for other purposes in state or federal law.

(61) "Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation and processing to granulated particles by manual or mechanical means.

(62) "Refrigeration facility" means a facility that is operated independently of a funeral establishment, crematory, or direct disposal establishment, that maintains space and equipment for the storage and refrigeration of dead human bodies, and that offers its service to funeral directors, funeral establishments, direct disposers, direct disposal establishments, or crematories for a fee.

(63) "Religious institution" means an organization formed primarily for religious purposes that has qualified for exemption from federal income tax as an exempt organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(64) "Removal service" means any service that operates independently of a funeral establishment or a direct disposal establishment, that handles the initial removal of dead human bodies, and that offers its service to funeral establishments and direct disposal establishments for a fee.

(65) "Rules" refers to rules adopted under this chapter unless expressly indicated to the contrary.

(66) "Scattering garden" means a location set aside, within a cemetery, that is used for the spreading or broadcasting of cremated remains that have been removed from their container and can be mixed with or placed on top of the soil or ground cover or buried in an underground receptacle on a commingled basis and that are nonrecoverable. It may or may not include memorialization.

(67) "Servicing agent" means any person acting as an independent contractor whose fiduciary responsibility is to assist both the trustee and licensee in administering their responsibilities pursuant to this chapter.

(68) "Solicitation" means any communication that directly or implicitly requests an immediate oral response from the recipient.

(69) "Statutory accounting" means generally accepted accounting principles, except as modified by this chapter.

(70) "Temporary container" means a receptacle for cremated remains usually made of cardboard, plastic, or similar material designated to hold the cremated remains until an urn or other permanent container is acquired.

(71) "Urn" means a receptacle designed to permanently encase cremated remains.

History.—s. 3, ch. 59-363; s. 1, ch. 65-288; ss. 12, 35, ch. 69-106; s. 210, ch. 71-377; ss. 1, 2, ch. 72-78; s. 3, ch. 76-168; s. 2, ch. 76-251; s. 1, ch. 77-457; ss. 4, 39, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 3, ch. 85-16; s. 2, ch. 85-202; s. 1, ch. 89-8; ss. 40, 122, ch. 93-399; s. 3, ch. 96-400; s. 1142, ch. 97-103; s. 2, ch. 98-268; s. 2, ch. 2000-195; s. 2, ch. 2001-120; s. 550, ch. 2003-261; s. 6, ch. 2004-301; s. 2, ch. 2005-155; s. 2, ch. 2009-219; s. 1, ch. 2010-125; s. 17, ch. 2013-138.

Note.—Former s. 559.32.

497.101 Board of Funeral, Cemetery, and Consumer Services; membership; appointment; terms. —

(1) The Board of Funeral, Cemetery, and Consumer Services is created within the Department of Financial Services and shall consist of 10 members, 9 of whom shall be appointed by the Governor from nominations made by the Chief Financial Officer and confirmed by the Senate. The Chief Financial Officer shall nominate three persons for each of the nine vacancies on the board, and the Governor shall fill each vacancy on the board by appointing one of the three persons nominated by the Chief Financial Officer to fill that vacancy. If the Governor objects to each of the three nominations for a vacancy, she or he shall inform the Chief Financial Officer in writing. Upon notification of an objection by the Governor, the Chief Financial Officer shall submit three additional nominations for that vacancy until the vacancy is filled. One member must be the State Health Officer or her or his designee.

(2) Two members of the board shall be funeral directors licensed under part III of this chapter who are associated with a funeral establishment. One member of the board shall be a funeral director licensed under part III of this chapter who is associated with a funeral establishment licensed under part III of this chapter that has a valid preneed license issued pursuant to this chapter and who owns or operates a cinerator facility approved under chapter 403 and licensed under part VI of this chapter. Two members of the board shall be persons whose primary occupation is associated with a cemetery company licensed pursuant to this chapter. Three members of the board shall be consumers who are residents of the state, have never been licensed as funeral directors or embalmers, are not connected with a cemetery or cemetery company licensed pursuant to this chapter, and are not connected with the death care industry or the practice of embalming, funeral directing, or direct disposition. One of the consumer members shall be at least 60 years of age, and one shall be licensed as a certified public accountant under chapter 473. One member of the board shall be a principal of a monument establishment licensed under this chapter as a monument builder. One member shall be the State Health Officer or her or his designee. There shall not be two or more board members who are principals or employees of the same company or partnership or group of companies or partnerships under common control.

(3) Board members shall be appointed for terms of 4 years, and the State Health Officer shall serve as long as that person holds that office. The designee of the State Health Officer shall serve at the pleasure of the Governor. When the terms of the initial board members expire, the Chief Financial Officer shall stagger the terms of the successor members as follows: one funeral director, one cemetery representative, the monument builder, and one consumer member shall be appointed for terms of 2 years, and the remaining members shall be appointed for terms of 4 years. All subsequent terms shall be for 4 years.

(4) The Governor may suspend and the Senate may remove any board member for malfeasance or misfeasance, neglect of duty, incompetence, substantial inability to perform official duties, commission of a crime, or other substantial cause as determined by the Governor or Senate, as applicable, to evidence a lack of fitness to sit on the board. A board member shall be deemed to have resigned her or his board membership, and that position shall be deemed vacant, upon the failure of the member to attend three consecutive meetings of the board or at least half of the meetings of the board during any 12-month period, unless the Chief Financial Officer determines that there was good and adequate justification for the absences and that such absences are not likely to continue.

(5) A current or former board member is exempt from any civil liability for any act or omission when acting in good faith in her or his official capacity, and the Department of Legal Affairs and the Division of Risk Management shall defend such board member in any civil action against such person arising from any such act or omission.

(6) The headquarters and records of the board shall be in the Division of Funeral, Cemetery, and Consumer Services of the Department of Financial Services in the City of Tallahassee. The board may be contacted through the Division of Funeral, Cemetery, and Consumer Services of the Department of Financial Services in the City of Tallahassee. The Chief Financial Officer shall annually appoint from among the board members a chair and vice chair of the board. The board shall meet at least every 6 months, and more often as necessary. Special meetings of the board shall be convened upon the direction of the Chief Financial Officer. A quorum is necessary for the conduct of business by the board. Unless otherwise provided by law, six board members shall constitute a quorum for the conduct of the board's business.

(7) A board member shall be compensated \$50 for each day the member attends an official meeting and each day the member participates at the request of the board's executive director in any other business involving the board. To the extent authorized by s. 112.061, a board member is entitled to reimbursement for expenses incurred in connection with official duties. Out-of-state travel by board members on official business shall, in each specific instance, require the advance approval of the board's executive director in order for the travel to be eligible for reimbursement of expenses.

(8) The department shall adopt rules establishing forms by which persons may apply for membership on the board and procedures for applying for such membership. Such forms shall require disclosure of the existence and nature of all current and past employments by or contracts with, and direct or indirect affiliations or interests in, any entity or business that at any time was licensed by the board or by the former Board of Funeral and Cemetery Services or the former Board of Funeral Directors and Embalmers or that is or was otherwise involved in the death care industry, as specified by department rule.

History.—s. 41, ch. 93-399; s. 5, ch. 96-400; s. 1143, ch. 97-103; s. 551, ch. 2003-261; s. 7, ch. 2004-301; s. 3, ch. 2005-155; s. 1, ch. 2007-55; s. 2, ch. 2010-125.

497.103 Authority of board and department; Chief Financial Officer recommendations.—

(1) BOARD AUTHORITY.—Subject to the provisions of this section, all authority provided under this chapter, including rulemaking authority, relating to the following matters, is vested solely in the board, and the board shall be deemed the licensing authority as to such matters:

(a) Authority to determine any and all criteria for licensure under this chapter as to which this chapter vests discretion in the licensing authority.

(b) Authority to specify who may conduct practical examination under this chapter.

(c) Authority to specify the content of examinations for licensure, both written and practical, and the relative weighting of areas examined, and grading criteria, and determination of what constitutes a passing grade.

(d) Authority to strike any examination question determined before or after an examination to be inappropriate for any reason.

(e) Authority to specify which national examinations or parts thereof shall or shall not be required or accepted regarding Florida licensure.

(f) Authority to determine time limits and substantive requirements regarding reexamination of applicants who fail any portion of a licensing examination.

(g) Authority to determine substantive requirements and conditions relating to apprenticeships and internships, and temporary licensure pending examination.

(h) Authority to determine substantive requirements for licensure by endorsement.

(i) Authority to specify substantive requirements for reactivation of inactive licenses, such as, but not limited to, requirements for examination or education prior to reactivation.

(j) Authority to approve or deny applications for initial licensure of all types under this chapter and to specify conditions for probationary initial licensure.

(k) Authority to renew or decline to renew licenses issued under this chapter.

- (l) Authority to approve or deny applications for change of control or location of any licensee.
- (m) Authority to determine standards of construction applicable to facilities utilized by licensees under this chapter.
- (n) Authority to specify standards of operation applicable to licensees, including required equipment, supplies, facilities, and professional techniques and practices utilized by licensees.
- (o) Authority to specify required access to be provided by cemeteries to monument establishments licensed under this chapter.
- (p) Authority to determine required criteria for and provisions in agreements among licensees regarding the shared use of professional facilities, such as, but not limited to, embalming preparation rooms.
- (q) Authority to specify the amount and content of continuing education required of licensees and the acceptability of continuing education by distance learning.
- (r) Authority to approve or disapprove providers of continuing education.
- (s) Authority to specify the amount and content of safety education courses required by unlicensed staff of licensees.
- (t) Authority regarding establishing requirements to maintain complaint logs and complaint records.
- (u) Authority to approve or disapprove contract forms, trust instruments, and all other forms required to be filed by licensees for approval under this chapter.
- (v) Authority to determine through probable cause panels of the board whether proposed administrative prosecutions of licensees shall go forward.
- (w) Authority to establish disciplinary guidelines and to identify violations or categories of violation for which the department may issue citations under this chapter.
- (x) Authority to determine whether any licensee shall have her or his license revoked or suspended or be fined or otherwise sanctioned and to take final action in that regard.
- (y) Authority to determine the validity of and amount due on claims against the Preneed Funeral Contract Consumer Protection Trust Fund.
- (z) Authority to approve or deny applications to utilize any alternative to trust deposits concerning preneed sales.
- (aa) Authority to determine the method by which wholesale cost is determined for purposes of determining the amount of the preneed trust deposits required under this chapter.
- (bb) Authority to determine the amount of any fee payable under this chapter as to which this chapter provides discretion in setting the amount of the fee.
- (cc) Authority to direct the initiation of receivership or other delinquency proceedings against any licensee under this chapter.

(2) DEPARTMENT AUTHORITY.—All authority provided by this chapter and not expressly vested in the board by subsection (1) is vested in the department, and the department shall be deemed to be the licensing authority as to such matters. Without limiting the generality of the foregoing vesting of authority in the department, the authority provided by this chapter that is vested solely in the department includes:

- (a) Authority relating to the conduct of investigations, financial examinations, and inspections, including, but not limited to:
 1. Determination of applicants, licensees, and other persons to be investigated, subjected to financial examination, or inspected.
 2. The frequency, duration, and extent of investigations, financial examinations, and inspections.
 3. Techniques and procedures utilized in, and staff assigned to, investigations, financial examinations, and inspections.
 4. Establishment of requirements binding upon licensees and other persons regarding records and information to be produced or provided, and access to facilities and staff, in regard to investigations, financial examinations, and

inspections.

5. Preparation and filing of reports concerning investigations, financial examinations, and inspections.

(b) Authority to receive fees and other amounts payable under this chapter to the licensing authority or to the Regulatory Trust Fund or Preneed Funeral Contract Consumer Protection Trust Fund from licensees, applicants, and others and to process and deposit such receipts in accordance with this chapter and the laws of this state.

(c) Authority to prescribe forms and procedures to be used by applicants or licensees relating to any and all applications, filings, or reports of any type that are made with or submitted to the licensing authority by any person or entity pursuant to this chapter, including, but not limited to, applications for licenses of any type under this chapter, applications for renewal of license, applications for approval of forms, applications for approval of change of control, periodic reports of operations, including format and reporting period for financial statements, and procedures and provisions relating to electronic submissions.

(d) Authority to determine any application or other filing made under this chapter to be incomplete and not subject to further processing until made complete.

(e) Authority to initiate and prosecute administrative and judicial action, including taking final action, regarding activity by persons and entities not licensed under this chapter engaging in activity the department deems to be in violation of this chapter.

(f) Authority regarding procedures and requirements relating to security of examinations for licensure.

(g) Authority to determine the systems, methods, means, facilities, equipment, procedures, budgets, department staff, and other persons and entities, whether inside or outside the department, to be used in relation to recording, tracking, and processing licensing applications, the administrative issuance and denial of licenses, license renewals, disciplinary actions, continuing education, filings made or required under this chapter, and all other administrative matters relating to the implementation and enforcement of this chapter.

(h) Authority to determine the number, hiring, assignment, and discharge of department staff in relation to implementation of this chapter.

(i) Authority to determine whether any contract or agreement authorized to be entered into by this chapter, on any subject matter, shall be entered into and sole authority to enter into any such other contract or agreement regarding the implementation of this chapter.

(j) Subject to the requirements for probable cause proceedings before a probable cause panel of the board and subject to the sole authority of the board to take final action imposing disciplinary sanctions, all authority to draft, execute, file, serve, and prosecute administrative complaints and other action against any licensee. However, the Chief Financial Officer may in particular instances decline to prosecute or to continue to prosecute, in which case the board may request the Department of Legal Affairs to conduct or continue to conduct the prosecution and the Department of Legal Affairs shall be authorized at its discretion to do so.

(k) Authority to seek administrative or judicial enforcement of orders of the board or department or of statutory predecessors to the board or department. However, the Chief Financial Officer may in particular instances decline to seek enforcement or to continue to seek enforcement of any order, in which case the board may request the Department of Legal Affairs to conduct or continue to conduct such enforcement action and the Department of Legal Affairs shall be authorized at its discretion to do so.

(l) The department shall represent the board in any appeal of a board final order. However, the Chief Financial Officer may in particular instances decline to represent the board, in which case the board may request the Department of Legal Affairs to represent the board in the matter and the Department of Legal Affairs shall be authorized at its discretion to do so.

(m) Authority to take emergency action against any licensee under this chapter, without prior consultation with the board, when the department determines that there is an imminent danger to the health, safety, or welfare of the citizens of the state.

(n) Authority to develop and submit to the Legislature from time to time budgets for the implementation of this

chapter.

(o) The department shall have the authority and duty to provide necessary administrative support to the board as reasonably required to allow the board to discharge its responsibilities under this chapter.

(3) RECOMMENDATIONS BY DEPARTMENT STAFF.—The board shall carefully review and give substantial weight to any recommendation of department staff concerning any matter coming before the board and upon request of department staff shall state with specificity on the record at the board meeting where the rejection occurs the reason or reasons why the board has rejected a particular recommendation of the department staff.

(4) RECOMMENDATIONS BY THE CHIEF FINANCIAL OFFICER.—

(a) As to any matter falling within the board's authority, if the Chief Financial Officer submits or causes to be submitted to the board at any board meeting any recommendation signed by the Chief Financial Officer, the Chief Financial Officer's recommendation shall be adopted by the board and the board shall act and be deemed to act in accordance with such recommendation, unless at such meeting 70 percent of the board members present and voting vote to reject the Chief Financial Officer's recommendation. Any fractional vote resulting from application of the 70-percent requirement shall be rounded upward and counted as one additional vote in determining how many votes are required to reject the Chief Financial Officer's recommendation. The Chief Financial Officer's recommendation to the board shall be in regard to one or more of the following matters:

1. Protecting the public from any significant and discernible harm or damage.
2. Preventing the unreasonable restriction of competition or the availability of professional services in the state or in a significant part of the state.
3. Preventing the unnecessary increase in cost of professional services without a corresponding or equivalent public benefit.

(b) If the recommendation of department staff to the board as to any matter shall be rejected or otherwise overridden by the board to any degree, the board's action in the matter shall not be final until 14 days have elapsed after the board rejected or overrode the recommendation of department staff, and if during such 14-day period the Chief Financial Officer submits a recommendation concerning the matter to the board pursuant to paragraph (a), until the effect of such recommendation is determined in accordance with paragraph (a). The running of the period under s. 120.60 for approving or denying a completed application shall be tolled during such 14-day period.

(c) If the Chief Financial Officer makes any recommendation pursuant to this subsection concerning approval or denial of an application for license or otherwise under this chapter, the running of the period under s. 120.60 for approving or denying a completed application shall be tolled from the date the Chief Financial Officer's recommendation is made for the shorter of 90 days or until the effect of such recommendation is determined in accordance with paragraph (a).

(d) If any recommendation by the Chief Financial Officer made under this subsection would require initiation of rulemaking proceedings under chapter 120 as a prerequisite to implementation of such recommendation by the board and such recommendation becomes binding on the board pursuant to this subsection, the board shall promptly and in good faith initiate and conduct such rulemaking proceedings or may in regard to the promulgation of the specific rule in issue delegate to the department the board's rulemaking authority under this chapter, in which case the department shall be authorized to adopt the rule.

(e) The Chief Financial Officer shall have no authority by recommendation or otherwise to set fees, rates, or prices to be used by any licensee under this chapter, and notwithstanding the provision of this subsection, no licensee under this chapter shall in any event be required to set fees, rates, or prices in accordance with any recommendation of the Chief Financial Officer.

(5) RULEMAKING.—

(a) The board is authorized to adopt all rules authorized under this chapter regarding matters under the board's authority.

(b) The department is authorized to adopt all rules authorized under this chapter regarding matters which fall

under the department's authority or as to which the board has delegated rulemaking authority to the department.

(c) Neither the board nor the department shall initiate rulemaking under their respective rulemaking authority under this chapter unless they have provided each other at least 60 days' advance notice of their intent to initiate rulemaking proceedings and during that 60-day period have conferred and consulted with each other concerning the purpose and intent of the rulemaking. However, the 60-day advance notice requirement does not apply to the promulgation of emergency rules.

(6) FINAL ORDERS.—

(a) The board shall have authority to take final action and issue final orders as to all matters under its authority. The chairperson of the board shall be authorized to sign orders of the board and may delegate such authority to the executive director of the board.

(b) The department shall have authority to take final action and issue final orders as to all matters under its authority.

(7) ACTIONS BY BOARD AND DEPARTMENT.—

(a) The department and the board shall each have standing to institute judicial or other proceedings against the other for the enforcement of this section.

(b) The board shall have standing as a party litigant to challenge any rule proposed or adopted by the department under authority of this chapter, upon any grounds enumerated in s. 120.52(8).

(c) The board shall be represented by the Department of Legal Affairs in any litigation by the board against the department authorized by this subsection, and the Department of Financial Services shall provide reasonable funds for the conduct of such litigation by the board.

(d) No applicant, licensee, or person other than the board shall have standing in any proceeding under chapter 120 to assert that any rule adopted by the department under asserted authority of this chapter is invalid because it relates to a matter under the board's authority.

(8) STATE-OF-EMERGENCY WAIVER.—The licensing authority may temporarily waive any provision of this chapter during a state of emergency declared pursuant to s. 252.36 in any threatened area or areas specified in the Governor's executive order or proclamation.

History.—s. 42, ch. 93-399; s. 167, ch. 98-200; s. 3, ch. 2000-195; s. 8, ch. 2004-301; s. 87, ch. 2005-2; s. 4, ch. 2005-155; s. 3, ch. 2010-125.

497.107 Headquarters.—The Board of Funeral, Cemetery, and Consumer Services may be contacted through the division at the headquarters of the department in the City of Tallahassee.

History.—s. 44, ch. 93-399; s. 553, ch. 2003-261; s. 9, ch. 2004-301.

497.140 Fees.—

(1)(a) As to any fee payable under this chapter as to which discretion is provided to the licensing authority to specify the amount of the fee subject to a cap stated in this chapter, the board shall from time to time as requested by the department determine by rule the amount of such fee, based upon department-prepared estimates of the revenue required to implement all provisions of this chapter.

(b) It is the legislative intent that the costs of regulation under this chapter be provided for by fees collected under this chapter. The board shall ensure that fees are adequate to cover all anticipated costs of implementation of this chapter. The department shall at least every other year provide the board with estimates as to projected costs in implementing this chapter and projected fee collections under this chapter for the following 2 years, information as to balances of regulatory trusts from fees collected, other information that the department deems material to the setting of fees by the board at proper levels, and a department recommendation as to action, if any, regarding changing fee levels. The board shall review such information provided by the department and increase or decrease fees as the board determines appropriate. If sufficient action is not taken by the board within 6 months after notification by the department that fees are projected to be inadequate, the department shall set fees on behalf of the board to cover

anticipated costs.

(c) The board may from time to time by rule assess and collect a one-time fee from each active and each voluntary inactive licensee under this chapter in an amount necessary to correct an inadequacy of fees received to implement regulation required by this chapter, provided that no such assessments may be made after October 1, 2007.

(2) All moneys collected under this chapter shall be paid into the Regulatory Trust Fund, except as otherwise expressly provided in this chapter, for the purpose of providing for the payment of all expenses in respect to the administration of this chapter.

(3) The department, in consultation with the board, shall from time to time recommend fee and fee cap increases to the Legislature as deemed advisable.

(4) If a duplicate license is required or requested by the licensee, the department may charge a fee as determined by rule not to exceed \$25 before issuance of the duplicate license.

(5) The department shall charge a fee not to exceed \$25 for the certification of a public record. The fee shall be determined by rule of the department. The department shall assess a fee for duplication of a public record as provided in [1s. 119.07\(1\)\(a\) and \(e\)](#).

(6)(a) The department shall impose, upon initial licensure and each renewal thereof, a special unlicensed activity fee of \$5 per licensee, in addition to all other fees provided for in this chapter. Such fee shall be used by the department to fund efforts to identify and combat unlicensed activity which violates this chapter. Such fee shall be in addition to all other fees collected from each licensee and shall be deposited in a separate account of the Regulatory Trust Fund; however, the department is not limited to the funds in such an account for combating improper unlicensed activity in violation of this chapter.

(b) The board may with the concurrence of the department, if that portion of the Regulatory Trust Fund held by the department for implementation of this chapter is not in deficit and has a reasonable cash balance, earmark \$5 of each initial licensure and each license renewal fee collected under this chapter and direct the deposit of each such amount into the separate account required in paragraph (a), to be utilized by the department for the purposes of combating unlicensed practice in violation of this chapter. Such earmarked amount may be, as the board directs, in lieu of or in addition to the special unlicensed activity fee imposed under paragraph (a). The earmarking may be imposed and thereafter eliminated from time to time according to the adequacy of trust funds held for implementation of this chapter.

(c) The department shall confer and consult with the board regarding enforcement methods and strategies regarding the use of such unlicensed activity fee funds.

(7) Any fee required to be paid under this chapter, which was set at a fixed amount as in the 2004 edition of the Florida Statutes, but as to which this chapter now provides to be a fee as determined by board rule subject to a cap specified in this chapter, shall remain at the amount as set in the 2004 edition of the Florida Statutes unless and until the board shall change such fee by rule.

(8) A delinquency fee shall be charged and collected from a licensee for the failure to timely renew a license issued under this chapter. Where no specific delinquency fee is specified in this chapter in relation to a particular category of licensure under this chapter, the delinquency fee shall be \$50.

(9) The licensing authority may impose a fee upon a licensee for conducting an inspection of the licensee's facilities if required under this chapter following a change in ownership or control or a change in location. The fee may not exceed the amount of the licensee's annual inspection fee.

History.—ss. 25, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 89, 122, ch. 93-399; s. 10, ch. 2004-301; s. 88, ch. 2005-2; s. 5, ch. 2005-155; s. 2, ch. 2007-39; s. 4, ch. 2010-125.

¹**Note.**—Fees are referenced in s. 119.07(4), not s. 119.07(1).

Note.—Former s. 559.491; s. 497.019; s. 497.525.

497.141 Licensing; general application procedures. —

(1) The provisions of this section shall supplement and implement all provisions of this chapter relating to application for licensure.

(2) Any person desiring to be licensed shall apply to the licensing authority in writing using such forms and procedures as may be prescribed by rule. The application for licensure shall include the applicant's social security number if the applicant is a natural person; otherwise, the applicant's federal tax identification number shall be included. Notwithstanding any other provision of law, the department is the sole authority for determining the forms and form contents to be submitted for initial licensure and licensure renewal application. Such forms and the information and materials required by such forms may include, as appropriate, demographics, education, work history, personal background, criminal history, finances, business information, signature notarization, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, business plans, character references, and ongoing education monitoring. Such forms and the information and materials required by such forms may also include, to the extent such information or materials are not already in the possession of the department or the board, records or information as to complaints, inspections, investigations, discipline, and bonding. The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application that takes place between the initial filing of the application and the final grant or denial of the license and that might affect the decision of the department or the board. After an application by a natural person for licensure under this chapter is approved, the licensing authority may require the successful applicant to provide a photograph of himself or herself for permanent lamination onto the license card to be issued to the applicant, pursuant to rules and fees adopted by the licensing authority.

(3) The department shall conduct such investigation of the applicant and the application as the department deems necessary or advisable to establish the correctness of matters stated in the application and to determine whether the applicable licensing criteria are met and shall make recommendations in those regards to the board.

(4) Before the issuance of any license, the department shall collect such initial fee as specified by this chapter or, where authorized, by rule of the board. Upon receipt of a completed application and the appropriate fee, and certification by the board that the applicant meets the applicable requirements of law and rules, the department shall issue the license applied for. However, an applicant who is not otherwise qualified for licensure is not entitled to licensure solely based on a passing score on a required examination.

(5)(a) The licensing authority may not issue, and effective July 1, 2011, may not renew, a license under this chapter to an applicant that has a criminal record required to be disclosed under s. 497.142(10) unless the applicant demonstrates that issuance of the license, according to rules adopted by the licensing authority, does not create a danger to the public. A licensee who previously disclosed her or his criminal record upon initial application or renewal of her or his license must disclose only a criminal offense for which the licensee was convicted or entered a plea of guilty or nolo contendere since the most recent renewal of her or his license or, if the license has not been renewed, since the licensee's initial application.

(b) The board may refuse to rule on an initial application for licensure by any applicant who is under investigation or prosecution in any jurisdiction for an action which there is reasonable cause to believe would constitute a violation of this chapter if committed in this state, until such time as such investigation or prosecution is completed and the results of the investigation or prosecution are reviewed by the board.

(6) When any administrative law judge conducts a hearing pursuant to the provisions of chapter 120 with respect to the issuance or denial of a license under this chapter, the administrative law judge shall submit her or his recommended order to the board, which shall thereupon issue a final order. The applicant for a license may appeal the final order in accordance with the provisions of chapter 120.

(7) A privilege against civil liability is hereby granted to any witness for any information furnished by the witness in any proceeding pursuant to this section, unless the witness acted in bad faith or with malice in providing such information.

(8) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each applicant for licensure is required to provide her or his social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement and use by the department and as otherwise provided by law.

(9) Whenever any provision of this chapter or rules adopted under this chapter require student completion of a specific number of clock hours of classroom instruction for initial licensure purposes, there shall be established by rule the minimal competencies that such students must demonstrate in order to be licensed. The demonstration of such competencies may be substituted for specific classroom clock-hour requirements established in statute or rule which are related to instructional programs for licensure purposes. Student demonstration of the established minimum competencies shall be certified by the educational institution. The provisions of this subsection shall not apply if federal licensure standards are more restrictive or stringent than the standards prescribed in this chapter.

(10) No license issued under this chapter shall be assignable or transferable except to the extent specifically provided by this chapter.

(11) The department shall implement a system for administration of the overall licensing process, including the processing and tracking of applications for licensure, the issuance of licenses approved by the board, the tracking of licenses issued, the administration of the license renewal process, and the collection and processing of fees related to those activities. The system may use staff and facilities of the department or the department may enter into a contract for all or any part of such system, upon such terms and conditions as the department deems advisable, and such contract may be with another government agency or a private business.

(12)(a) The following licenses may only be applied for and issued to a natural person:

1. Embalmer apprentice.
2. Embalmer intern.
3. Funeral director intern.
4. Funeral director.
5. Funeral director and embalmer.
6. Direct disposer.
7. Monument establishment sales agent.
8. Preneed sales agent.

(b) The following licenses may be applied for and issued to a natural person, a corporation, a limited liability company, or a partnership:

1. Funeral establishment.
2. Centralized embalming facility.
3. Refrigeration facility.
4. Direct disposal establishment.
5. Monument establishment.
6. Cinerator facility.
7. Removal service.
8. Preneed sales business under s. 497.453.

(c) A cemetery license may only be applied for and issued to a corporation, partnership, or limited liability company.

(d) No license shall be issued to any applicant that is a corporation, limited liability company, or partnership unless the applicant is organized and in good standing under the laws of this state or another state of the United States and provides written proof thereof issued by the applicable state office or official in the state concerned. Each applicant that is a corporation, limited liability company, or partnership shall file with its application a written statement, signed by the same person who signs the application, identifying by name and business functional title

the following persons, as applicable to the type of entity applying: officers, managers, managing members, partners, general partners, limited partners, managing partners, directors, all stockholders controlling more than 10 percent of the voting stock, and all other persons who may exercise control over the applicant. The licensing authority may require the filing of the applicant's articles of incorporation or other organizational documents and a resume concerning any person identified in this paragraph.

(e)1. It is unlawful for any person regulated under chapter 395, chapter 400, or chapter 429, or any officer, administrator, or board member of such entity if the entity is a firm, corporation, partnership, or association, or any person owning 5 percent or more of such entity to conduct, maintain, manage, own, or operate a licensee under this chapter.

2. This paragraph does not apply to a board member of a corporation or organization regulated under chapter 395, chapter 400, or chapter 429, if the board member serves solely in a voluntary capacity, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services, and has no financial interest and has no family members with a financial interest in the corporation or organization.

(f) All applications shall be signed by the applicant. Signatures of the applicant shall be as follows:

1. Where the applicant is a natural person, the application shall be signed by the applicant.
2. Where the applicant is a corporation, the application shall be signed by the corporation's president.
3. Where the applicant is a partnership, the application shall be signed by a partner, who shall provide proof satisfactory to the licensing authority of that partner's authority to sign on behalf of the partnership.
4. Where the applicant is a limited liability company, the application shall be signed by a member of the company, who shall provide proof satisfactory to the licensing authority of that member's authority to sign on behalf of the company.

(g) The licensing authority may adopt rules for the implementation of this section, including required procedures and forms.

(h) No license regulated under this chapter is assignable or transferable except as provided in this chapter.

(13)(a) The licensing authority may adopt rules that require applicants for any category of licensure under this chapter to apply for the issuance or renewal of their licenses in an online electronic format.

(b) The online electronic format for renewal of a license must not allow submission of an improperly prepared renewal application. Upon an applicant's submission of her or his renewal application, the online electronic format must allow the applicant to print a receipt of the properly prepared renewal application.

(c) The rules may allow an applicant to submit a paper form in lieu of the online electronic format and may impose an additional fee not to exceed \$25 per form for submitting the paper form.

History.—s. 11, ch. 2004-301; s. 6, ch. 2005-155; s. 2, ch. 2007-55; s. 5, ch. 2010-125.

497.142 Licensing; fingerprinting and criminal background checks. —

(1) In any instance that this chapter requires submission of fingerprints in connection with an application for license, the provisions of this section shall apply.

(2) The fingerprints shall be taken by a law enforcement agency or other agency or entity approved by the department and in such a way as to allow their use to obtain a criminal history check through the Department of Law Enforcement.

(3) The department shall submit the fingerprints to or cause them to be submitted to the Department of Law Enforcement for the purpose of ascertaining whether the person fingerprinted has a criminal history in any state or before the Federal Government and, if so, the nature of the criminal history.

(4) The Department of Law Enforcement may accept fingerprints of any applicant under this chapter, any principal of any such applicant, and any other person who is examined or investigated or who is subject to examination or investigation under the provisions of this chapter.

(5) The Department of Law Enforcement may, to the extent provided for by federal law, exchange state, multistate, and federal criminal history records with the department and the board for the purpose of the issuance, denial, suspension, or revocation of any license or other application under this chapter.

(6) The Department of Law Enforcement shall, upon receipt of fingerprints from the department, submit the fingerprints to the Federal Bureau of Investigation to check federal criminal history records.

(7) Statewide criminal records obtained through the Department of Law Enforcement, federal criminal records obtained through the Federal Bureau of Investigation, and local criminal records obtained through local law enforcement agencies shall be used by the department and board for the purpose of issuance, denial, suspension, or revocation of licenses issued to operate in this state.

(8) For the purposes of criminal background checks, applicants and principals of applicants for any approval or license under this chapter may be required to disclose whether they have ever had their name legally changed and any prior name or names they have used.

(9) If any applicant under this chapter has been, within the 10 years preceding the application under this chapter, convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, any crime in any jurisdiction, the application shall not be deemed complete until such time as the applicant provides such certified true copies of the court records evidencing the conviction, finding, or plea, as the licensing authority may by rule require.

(10)(a) When applying for any license under this chapter, every applicant must disclose the applicant's criminal records in accordance with this subsection. When applying for renewal of any license under this chapter, every licensee must disclose only those criminal offenses required to be disclosed under this subsection since the most recent renewal of her or his license or, if the license has not been renewed, since the licensee's initial application.

(b) The criminal record required to be disclosed shall be any crime listed in paragraph (c) for which the person or entity required to make disclosure has been convicted or to which that person or entity entered a plea of guilty or nolo contendere. Disclosure is required regardless of whether adjudication is entered or withheld by the court.

(c) Crimes to be disclosed are:

1. Any felony or misdemeanor, no matter when committed, that was directly or indirectly related to or involving any aspect of the practice or business of funeral directing, embalming, direct disposition, cremation, funeral or cemetery preneed sales, funeral establishment operations, cemetery operations, or cemetery monument or marker sales or installation.

2. Any other felony not already disclosed under subparagraph 1. that was committed within the 20 years immediately preceding the application under this chapter.

3. Any other misdemeanor not already disclosed under subparagraph 1. that was committed within the 5 years immediately preceding the application under this chapter.

(d) Criminal records subject to paragraphs (b) and (c) shall be disclosed regardless of whether the criminal conduct occurred inside or outside the state and regardless of whether the criminal prosecution occurred in state court or in the court of another state, the United States, or a foreign country. As to crimes prosecuted in courts other than the courts of this state, the designation of the crime as a felony or misdemeanor by the law of the jurisdiction prosecuting the crime shall control. If the prosecuting jurisdiction does not use the term "felony" or "misdemeanor" in classifying the crime, the crime shall be deemed a felony for purposes of this subsection if punishable under the law of the prosecuting jurisdiction by a term of imprisonment in excess of 1 year; otherwise, the crime shall be classified as a misdemeanor for purposes of this subsection. Excessive speed in the operation of a motor vehicle and other noncriminal traffic infractions are not required to be reported under this section.

(e) For purposes of this subsection, the persons required to make disclosure of their criminal records in relation to an application shall be as follows:

1. Where the applicant is a natural person, only the natural person making application has the duty to disclose.
2. Where the applicant is a corporation, all officers and directors of that corporation have the duty to disclose.

3. Where the applicant is a limited liability company, all managers and members of the limited liability company have the duty to disclose.

4. Where the applicant is a partnership, all partners have the duty to disclose.

5. Where the applicant is required by this chapter to identify in the application the individual licensee under this chapter who will be in charge of the applicant, the identified individual licensee in charge, in addition to the applicant, shall make disclosure of criminal records as part of the application.

(f) In addition to persons identified in paragraph (e) as being required to provide a criminal history in relation to an application for licensure, the department may, during its prelicensing investigation of the applicant pursuant to subsection (3), on a case-by-case basis, require disclosure of criminal records from any other employee or principal of the applicant if the department has grounds to believe that such employee or principal has committed any crime and that such employee's or principal's relationship to the applicant may render the applicant a danger to the public if the license applied for is issued.

(g) The licensing authority shall adopt rules specifying forms and procedures to be used by persons required to disclose criminal records under this subsection. The rules may require a licensee to disclose only those criminal records that have not previously been disclosed under this subsection at the renewal of her or his license or, if the license has not been renewed, at the initial issuance of the license. The licensing authority may conduct investigation and further inquiry of any person regarding any criminal record disclosed pursuant to this section.

(11)(a) When an applicant is required by this chapter to submit fingerprints in applying for a license, the following persons shall be required to submit such fingerprints:

1. Where the applicant is a natural person, the fingerprints of the natural person making application.

2. Where the applicant is a corporation, the fingerprints of the persons serving in the following capacities: chief executive officer and president, or both persons if the positions are filled by different persons; chief financial officer; chief of operations; general counsel if a corporation employee; and members of the board.

3. Where the applicant is a limited liability company, the fingerprints of all managers and members of the limited liability company.

4. Where the applicant is a partnership, the fingerprints of all partners.

(b) In addition to persons identified in paragraph (a) as being required to provide fingerprints, the department may, during its prelicensing investigation of the applicant pursuant to subsection (3), on a case-by-case basis, require fingerprints from any other employee of the applicant if the department has grounds to believe that any such employee may have committed any crime and that such employee's relationship to the applicant may render the applicant a danger to the public if the license applied for is issued.

(12) The licensing authority may by rule establish forms, procedures, and fees for the submission and processing of fingerprints required to be submitted in accordance with this chapter. The licensing authority may by rule waive the requirement for submission of fingerprints otherwise required by this chapter if the person has within the preceding 24 months submitted fingerprints to the licensing authority and the licensing authority has obtained a criminal history report utilizing those prior fingerprints. The cost for the fingerprint processing shall be paid to the Department of Law Enforcement and may be borne by the Department of Financial Services, the employer, or the person subject to the background check.

History.—s. 12, ch. 2004-301; s. 7, ch. 2005-155; s. 6, ch. 2010-125.

497.143 Licensing; limited licenses for times of critical need. —

(1) It is the intent of the Legislature that, absent a threat to the health, safety, and welfare of the public, retired Florida licensees in good standing, and active licensees in good standing from other jurisdictions, be able to serve this state during times of critical need.

(2) As used in this section, the term "critical need" means an executive order of the Governor or federal order declaring that a state of emergency exists in an area.

(3) The licensing authority may adopt rules for the issuance of limited licenses in accordance with this section. A person seeking a limited license, when permitted by rule, shall submit to the department an application and an affidavit stating that the applicant is a retired Florida licensee or holds an active license to practice in another jurisdiction of the United States in the profession for which the applicant seeks the limited license. The affidavit shall also state that the applicant intends to practice only pursuant to the restrictions of the limited license granted under this section. A person holding a limited license under this section may not engage in preneed sales under the limited license.

(4) Limited licensure may be denied to an applicant who has committed, or is under investigation or prosecution for, any act which would constitute the basis for discipline under this chapter.

(5) A limited licensee may provide services only during times of critical need within the state.

(6) The department may provide by rule for supervision of limited licensees to protect the health, safety, and welfare of the public.

(7) Each applicant granted a limited license is subject to all the provisions of this chapter under which the limited license is issued which are not in conflict with this section.

(8) All limited licensees shall work for an entity licensed under this chapter.

History.—s. 13, ch. 2004-301; s. 8, ch. 2005-155; s. 3, ch. 2007-55; s. 7, ch. 2010-125.

497.144 Licensing; examinations, general provisions. —

(1) The department shall, with the approval of the board, provide, contract, or approve services for the development, preparation, administration, scoring, score reporting, and evaluation of all examinations and may use professional testing services for the development, preparation, and evaluation of examinations, when such services are available. The department may contract with the Department of Business and Professional Regulation for any examination services.

(2) After an examination has been administered, the board may reject any question that does not reliably measure the required competency.

(3) For each examination there shall by rule be specified the general areas of competency to be covered by the examination, the relative weight to be assigned in grading each area tested, the score necessary to achieve a passing grade, and the fees, where applicable, to cover the actual cost for any purchase, development, and administration of the required examination. However, statutory fee caps shall apply. This subsection does not apply to national examinations approved and administered pursuant to subsection (5).

(4) If a practical examination is utilized, rules shall specify the criteria by which examiners are to be selected, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. Procedures for practical examinations shall be specified by rule. Board members may serve as examiners at a practical examination with the consent of the board.

(5) The board may approve the use of any national examination. Providers of examinations may be either profit or nonprofit entities. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the department or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination. The department may delegate to the board the duty to provide and administer the examination.

(6) Rules may be adopted establishing procedures and requirements for the security and monitoring of examinations. In order to maintain the security of examinations, the department may seek fines and injunctive relief in the courts of this state against an examinee who violates applicable security rules. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examination site which the department deems necessary to enforce the security of examinations.

(7) The department may, with the approval of the board and for a fee, share with any other state's licensing

authority an examination developed by or for the board unless prohibited by a contract entered into by the department for development or purchase of the examination. The department shall establish guidelines that ensure security of a shared examination and shall require that any other state's licensing authority comply with those guidelines.

(8) If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination for which she or he failed to achieve a passing grade, if she or he successfully passes that portion within a reasonable time of her or his passing the other portion. Rules may be adopted establishing procedures and reasonable times for retaking failed portions of any examination.

(9) Except for national examinations approved and administered pursuant to this section, procedures shall be established by rule for applicants who have taken and failed a written examination to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of her or his examination grades. Rules may be adopted establishing procedures for such reviews.

(10) For each examination administered under this chapter, an accurate record of each applicant's examination questions, answers, papers, grades, and grading key shall be kept for a period of not less than 2 years immediately following the examination, and such record shall thereafter be maintained or destroyed as provided in chapters 119 and 257. This subsection does not apply to national examinations approved and administered pursuant to this section.

(11) In addition to meeting any other requirements for licensure by examination or by endorsement, an applicant may be required by the board to pass an examination pertaining to state laws and rules applicable to the practice of the profession regulated under this chapter.

(12) Examinations and reexaminations for any license under this chapter shall be administered in the English language unless 15 or more applicants request that the examination or reexamination be administered in their native language. Such requests must be received at least 6 months prior to the examination or reexamination. In the event that such examination or reexamination is administered in a foreign language, the full cost to the board and department of preparing and administering the examination shall be borne by the applicants. Where the taking of a national examination is required by this chapter or rule adopted under this chapter, the examination may not be required to be given in any language other than English unless the national examination is available in the requested language. Rules may be adopted establishing procedures for requesting examinations in languages other than English and establishing the costs related to such examinations.

(13) When any licensed applicant under this chapter requests a hearing to challenge a decision that the applicant's answer to any licensure test question was not a correct answer, or to seek a determination that a challenged question should be stricken, unless the applicant notifies the department at least 5 days prior to the examination hearing of the applicant's inability to attend or unless the applicant can demonstrate an extreme emergency for failing to attend, the department may require the applicant who fails to attend to pay reasonable attorney's fees, costs, and court costs of the department for the examination hearing.

History.—s. 14, ch. 2004-301; s. 9, ch. 2005-155.

497.145 Licensing; use of professional testing services.—Notwithstanding any other provision of law to the contrary, the department may use a professional testing service to prepare, administer, grade, and evaluate any computerized examination, when that service is available and approved by the board.

History.—s. 15, ch. 2004-301.

497.146 Licensing; address of record; changes; licensee responsibility.— Each licensee under this chapter is responsible for notifying the department in writing of the licensee's current business and residence mailing address

and the street address of the licensee's primary place of practice and shall notify the department in writing within 30 days after any change in such information, in accordance with procedures and forms prescribed by rule.

Notwithstanding any other provision of law, service by regular mail to a licensee's last known address of record with the department constitutes adequate and sufficient notice to the licensee for any official communication to the licensee by the board or the department, except when other service is expressly required by this chapter. Rules may be adopted establishing forms and procedures for licensees to provide the notice required by this section.

History.—s. 16, ch. 2004-301.

497.147 Continuing education; general provisions. —

(1) As to any licensure under this chapter that requires prelicensure training or continuing education for renewal of a license, no such training or continuing education shall be accepted in satisfaction of the requirements of this chapter, unless approved by the board.

(2) There shall be adopted rules by the board to establish the criteria for such training or continuing education courses.

(3) The licensing authority may provide by rule that distance learning may be used to satisfy continuing education requirements and may specify conditions applicable to such distance learning for credit under this chapter.

(4) The licensing authority is authorized to adopt rules to implement requirements regarding prelicensure training and continuing education requirements under this chapter. Persons providing prelicensure training or continuing education for credit against the requirements of this chapter are hereinafter referred to as "providers."

(a) The rules may establish criteria for obtaining approval from the licensing authority as a provider, and for periodic renewal of such approval, and may establish procedures and forms for use in applying to obtain and renew such approval from the licensing authority.

(b) The rules may establish conditions and requirements applicable to providers, including, but not limited to:

1. Periodic submission by the provider to the licensing authority of information and documentation as to course materials, class locations and schedules, names of scheduled instructors, resumes of instructors, and descriptions of facilities.

2. Requirements for periodic reporting by the provider to the licensing authority of information concerning enrollment, attendance, and status of persons enrolled for credit under this chapter.

3. Requirements for inspection by the licensing authority of records of the provider related to training or continuing education of applicants and licensees under this chapter.

4. Requirements for announced or unannounced attendance by department staff or board members at scheduled classes or training, for the purpose of ensuring that the training meets the requirements of this chapter and rules adopted under this chapter.

5. Requirements regarding retention of records by the provider regarding training or continuing education for which credit has been given to any licensee under this chapter.

6. Procedures and criteria for terminating the status of any provider as an approved source of training or continuing education for credit under this chapter.

7. Requirements for fees to accompany applications from providers for approval or renewal of approval as a provider, not to exceed \$250 per year. The rules may exempt nonprofit entities from such fees.

(c) The rules may list all approved providers and identify the training or continuing education each provider is approved to provide for credit under this chapter.

(d) Such rules may establish procedures and forms for use by applicants, licensees, and providers in reporting completed training and continuing education to the licensing authority.

(5) The board may by rule provide continuing education credit for each continuing education reporting period for licensees attending board meetings or selected types or portions of board meetings, as specified by such rules. The

rules may include provisions that establish the minimum amount of time that must be spent in the board meeting room viewing proceedings, requirements for advance notice by licensees to department staff of proposed attendance, requirements to sign in and out of the meeting room on lists maintained at the meeting site by department staff, forms that must be completed by the licensee to obtain such credit, and such other requirements deemed by the board to be advisable or necessary to prevent abuse of such rules and to ensure that useful information is obtained by licensees as a result of attendance. Procedural requirements of such rules requiring action by the department are subject to approval by the department before promulgation.

History.—s. 17, ch. 2004-301; s. 10, ch. 2005-155; s. 8, ch. 2010-125.

497.148 Continuing education; monitoring of compliance.—The department shall establish a system to monitor licensee compliance with applicable training and continuing education requirements and to determine each licensee's continuing education status. The department is authorized to provide for a phase-in of the compliance monitoring system. The compliance monitoring system may use staff and facilities of the department, or the department may enter into a contract for compliance monitoring services, upon such terms and conditions as the department deems advisable. Such contract may be with another government agency or a private business.

History.—s. 18, ch. 2004-301.

497.149 Investigations, hearings, and inspections.—

(1) **INVESTIGATIONS.**—Investigations shall be conducted by the department. The following provisions shall apply concerning investigations:

(a) There shall be investigated all complaints directly or indirectly alleging violation of any provision of this chapter or rules adopted pursuant to this chapter. Investigations may be conducted regarding any applicant for licensure under this chapter to ensure that the applicant satisfies the requirements for licensure and to ensure the accuracy and truthfulness of any matters represented to the department or the board in connection with the application. There may be such investigations of persons and entities not licensed under this chapter to determine if they are engaging in activities for which a license under this chapter is required, or are otherwise in violation of this chapter, as is deemed necessary to ensure compliance with this chapter. There may be conducted such other investigations, in addition to investigations expressly authorized or required by this chapter, as are deemed necessary or advisable by the department to determine whether any person is, has, or may violate any provision of this chapter or to secure information useful in the lawful administration of this chapter.

(b) Every person and entity being investigated, and its officers, attorneys, unless it violates the attorney-client privilege, employees, agents, and representatives, shall make freely available to the department the accounts, records, documents, files, information, assets, business premises, and matters in their possession or control relating to the subject of the investigation. If records relating to a licensee or to activities regulated by this chapter are maintained by an agent on premises owned or operated by a third party, the agent and the third party shall provide the department access to the records.

(c) If the department finds any accounts or records of a licensee required by this chapter to be created and maintained by the licensee to be inadequate or inadequately kept or posted, it may employ experts to reconstruct, rewrite, post, or balance them at the expense of the person being investigated, provided the person has failed to maintain, complete, or correct such records or accounting after the department has given the licensee notice and a reasonable opportunity to do so.

(d) In connection with any investigation under this chapter, the department may administer oaths, examine witnesses, and receive oral and documentary evidence, require the licensee to answer under oath interrogatories propounded by the department, issue a subpoena for testimony or the production of records to any person believed to have information or materials relevant to the subject matter of the investigation, and compel such attendance and testimony and the production of such materials for inspection and copying. If any person refuses to comply with any

such subpoena or to testify as to any matter concerning which she or he may be lawfully interrogated, the Circuit Court of Leon County or of the county wherein such examination, investigation, or hearing is being conducted, or of the county wherein such person resides, may, on the application of the department, issue an order requiring such person to comply with the subpoena and to testify. Subpoenas may be served, and proof of such service made, by any employee of the department.

(e) The department may retain and pay such experts on a case-by-case basis, as it deems necessary for the investigation and prosecution, if any, of any alleged violation of this chapter.

(2) **INSPECTIONS.**—The department may conduct such inspections of a licensee’s premises and records during normal business hours, at such intervals, as the department deems necessary to ensure compliance with this chapter.

(a) Inspections may be announced or unannounced as the department determines appropriate on a case-by-case basis.

(b) Every licensee being inspected, and its employees, officers, attorneys, unless it violates the attorney-client privilege, employees, agents, and representatives, shall freely and immediately make available to the department for inspection during normal business hours the licensee’s entire premises and the records and information in their possession or control relating to the inspection.

(c) The department may adopt rules regarding inspection procedures.

(3) **HEARINGS.**—The department may hold public hearings to secure information useful in the lawful administration of this chapter. The department may require the attendance of witnesses by subpoena and the giving of testimony under oath.

(4) **RULES.**—The department may adopt rules pursuant to ss. 120.536(1) and 120.54 for the implementation of this section.

History.—s. 19, ch. 2004-301; s. 11, ch. 2005-155.

497.150 Compliance examinations of existing licensees. —

(1) There may be examined by the department the facilities, records, operations, trust accounts, and financial affairs of licensees under this chapter, as often as may be deemed necessary by the department, to ensure compliance with the provisions of this chapter and rules adopted under this chapter. The provisions of this section shall apply to examinations conducted by the department under this chapter.

(2) The examination may, as deemed necessary by the department, include examination of the affairs, transactions, accounts, and records of the licensee’s agents and controlling or controlled person, relating directly or indirectly to the licensee.

(3) The examination may be conducted at the offices, wherever located, of the person being examined or investigated and at such other places as may be required for determination of matters under examination.

(4) Every person being examined, and its officers, attorneys, unless it violates the attorney-client privilege, employees, agents, and representatives, shall make freely available the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the subject of the examination.

(5) The licensee shall provide for the department examiner’s use during the examination such suitable private office work location and facilities, including desk, chair, and adequate lighting and ventilation, as are reasonably available on the licensee’s premises.

(6) If the department finds any accounts or records required to be made or maintained by a licensee under this chapter to be inadequate or inadequately kept or posted, it may employ experts to reconstruct, rewrite, post, or balance them at the expense of the person being examined, provided the person has failed to maintain, complete, or correct such records or accounting after the department has given her or him notice and a reasonable opportunity to do so.

(7) In connection with any examination under this chapter, the department may administer oaths, examine

witnesses, and receive oral and documentary evidence, require the licensee to answer under oath interrogatories propounded by the department, issue a subpoena for testimony or the production of records to any person believed to have information or materials relevant to the subject matter of the examination, and compel such attendance and testimony and the production of such materials for inspection and copying. If any person refuses to comply with any such subpoena or to testify as to any matter concerning which she or he may be lawfully interrogated, the Circuit Court of Leon County or of the county wherein such examination, investigation, or hearing is being conducted, or of the county wherein such person resides, may, on the application of the department, issue an order requiring such person to comply with the subpoena and to testify. Subpoenas may be served, and proof of such service made, by any employee of the department.

(8) The department shall furnish a copy of any examination report to the licensee examined within a reasonable period of time, and the licensee shall have 30 days thereafter in which to prepare and provide the department a response to the examination report. No examination report shall be filed by the department until such 30-day period has elapsed. If the licensee provides a written response to the department within such 30-day period, the response shall be attached to and made a part of the report as filed in the department's files.

(9) The examination report when so filed shall thereafter be admissible in evidence in any judicial or administrative action or proceeding brought by the department against the person examined, or against its officers, employees, or agents, or for the enforcement of an investigative subpoena issued by the department in any investigation of, involving, or relating to the person examined. In all other proceedings, the admissibility of the examination report is governed by the evidence code. The department or its examiners may at any time testify and offer other proper evidence as to information secured or matters discovered during the course of an examination, whether or not a written report of the examination has been made, furnished, or filed in the department.

(10) The written report of each preneed examination, when completed, shall be filed in the office of the board and, when so filed, shall constitute a public record.

(11) The person or organization examined shall pay the travel expense and per diem subsistence allowance provided for state employees under s. 112.061 for out-of-state travel incurred by department representatives or examiners in connection with an examination.

(12) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 for the implementation of this section.

History.—s. 20, ch. 2004-301; s. 89, ch. 2005-2.

497.151 Complaints; logs; procedures. —

(1) This section shall be applicable to all entities licensed under this chapter.

(2) Licensees shall cause to be maintained on a continuing basis a log of all written complaints received by the licensee regarding any aspect of the licensee's operations. The log shall show the complainant's name, the date the complaint was received, and the complainant's address and phone number if shown in the complaint. Each written complaint received shall be entered into the complaint log within 10 days after receiving such complaint. The licensing authority may by rule establish requirements relating to complaint logs, including whether the log may be electronically maintained or must be kept in writing by pen and ink. Each licensee under this chapter shall retain in its records all written complaints received by the licensee or the licensee's staff. All complaint logs, and all written complaints and related papers, shall be retained by the licensee until the completion of the next examination by the department of the licensee, which examination covers the period the complaint was received or such other period as the licensing authority may by rule require.

(3) Rules may be adopted modifying the requirements of this section as applied to different categories of licensees under this chapter, if the board determines that the requirements of this section are impractical as to any category of licensees.

(4) For purposes of this section, the response of a customer recorded by the customer on a customer satisfaction questionnaire or survey form sent to the customer by the licensee, and returned by the customer to the licensee, shall

not be deemed to be a complaint.

History.—s. 21, ch. 2004-301; s. 12, ch. 2005-155.

497.152 Disciplinary grounds.— This section sets forth conduct that is prohibited and that shall constitute grounds for denial of any application, imposition of discipline, or other enforcement action against the licensee or other person committing such conduct. For purposes of this section, the requirements of this chapter include the requirements of rules adopted under authority of this chapter. No subsection heading in this section shall be interpreted as limiting the applicability of any paragraph within the subsection.

(1) **GENERAL PROVISIONS.**—The generality of the provisions of this subsection shall not be deemed to be limited by the provisions of any other subsection.

(a) Violating any provision of this chapter or any lawful order of the board or department or of the statutory predecessors to the board or department.

(b) Committing fraud, deceit, negligence, incompetency, or misconduct in the practice of any of the activities regulated under this chapter.

(c) Failing while holding a license under this chapter to maintain one or more of the qualifications for such license.

(d) Refusing to sell or issue a contract or provide services to any person because of the person's race, color, creed, marital status, sex, or national origin.

(2) **CRIMINAL ACTIVITY.**—Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction that relates to the practice of, or the ability to practice, a licensee's profession or occupation under this chapter.

(3) **DISCIPLINARY ACTION BY OTHER AUTHORITIES.**—Having a license or the authority to practice a profession or occupation revoked, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of another jurisdiction, including its agencies or subdivisions, for conduct that would constitute a violation of this chapter if committed in this state or upon grounds that directly relate to the ability to practice under this chapter. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement offered in response to or in anticipation of the filing of charges against the license shall be construed as action against the license.

(4) **OBLIGATIONS TO REGULATORS AND OTHER GOVERNMENT AGENCIES.**—

(a) Improperly interfering with an investigation or inspection authorized by statute or with any disciplinary proceeding.

(b) Failure to comply with a lawfully issued subpoena of the department.

(c) Refusal to produce records to the department or board in connection with any activity regulated pursuant to this chapter.

(d) Failing to report to the department any violation of this chapter by another person, which violation is known to the licensee to have created or be creating a serious and immediate danger to the public health, safety, or welfare.

(e) Knowingly concealing information relative to violations of this chapter.

(f) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery, false or forged evidence, or misrepresentation or through an error of the department or board known to the applicant.

(g) Making or filing a report or statement to or with any government entity that the licensee knows or has reason to know to be false; or intentionally or negligently failing to file a report or record required to be filed with any government entity, or willfully impeding or obstructing another person to do so, or inducing another person to impede or obstruct such filing.

(h) Failing to perform any statutory or legal obligation placed upon a licensee.

(5) **LIMITATIONS ON SCOPE OF PRACTICE; UNLICENSED PRACTICE.**—

(a) Practicing or offering to practice beyond the scope permitted by this chapter and rules adopted under this chapter for the type of licensure held or accepting and performing professional responsibilities the licensee knows, or

has reason to know, the licensee is not competent to perform.

- (b) Practicing or attempting to practice with a revoked, suspended, inactive, or delinquent license.
- (c) Representing as her or his own the license of another.
- (d) Aiding, assisting, procuring, employing, or advising any person or entity to practice a profession or occupation regulated by this chapter without required licensure under this chapter.
- (e) Aiding, assisting, procuring, employing, or advising any person or entity to operate or in operating an establishment regulated by this chapter without the required licensure under this chapter.
- (f) Delegating to any person the performance of professional activities, or contracting with any person for the performance of professional activities by such person, when the licensee knows or has reason to know the person is not qualified by training, experience, and authorization to perform such responsibilities.
- (g) Using the name or title "funeral director," "embalmer," "direct disposer," or other title suggesting licensure that the person using such name or title does not hold.
- (h) Engaging by a direct disposer in the practice of direct burial or offering the at-need or preneed service of direct burial.

(6) EDUCATIONAL REQUIREMENTS. —

- (a) Failing to comply with applicable educational course requirements pursuant to this chapter or rules adopted under this chapter regarding human immunodeficiency virus and acquired immune deficiency syndrome.
- (b) Failing to timely comply with applicable continuing education requirements of this chapter.

(7) RELATIONS WITH OTHER LICENSEES. —

- (a) Having been found liable in a civil proceeding for knowingly filing a false report or complaint against another licensee with the department or the board.
- (b) Making any misleading statements or misrepresentations as to the financial condition of any person, or making statements that are falsely and maliciously critical of any person for the purpose of damaging that person's business regulated under this chapter.

(8) TRANSPORT, CUSTODY, TREATMENT, OR DISINTERMENT OF HUMAN REMAINS. —

- (a) Violation of any state law or rule or any municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead human bodies.
- (b) Refusing to surrender promptly the custody of a dead human body upon the express order of the person legally authorized to its custody; however, this provision shall be subject to any state or local laws or rules governing custody or transportation of dead human bodies.
- (c) Taking possession of a dead human body without first having obtained written or oral permission from a legally authorized person. If oral permission is granted, the licensee shall obtain written permission within a reasonable time as established by rule.

(d) Embalming human remains without first having obtained written or oral permission from a legally authorized person; however, washing and other public health procedures, such as closing of the orifices by placing cotton soaked in a disinfectant in such orifices until authorization to embalm is received, shall not be precluded. If oral permission is granted, the licensee shall obtain written permission within a reasonable time as established by board rule.

(e) Failing to obtain written authorization from the family or next of kin of the deceased prior to entombment, interment, disinterment, disentombment, or disinurnment of the remains of any human being.

(9) SALES PRACTICES IN GENERAL. —

- (a) Soliciting by the licensee, or by her or his agent, assistant, or employee, through the use of fraud, undue influence, intimidation, overreaching, or other means that takes advantage of a customer's ignorance or emotional vulnerability.
- (b) Exercising undue influence on a client for the purpose of financial gain of the licensee or a third party in connection with any transaction regulated by this chapter.

(c) Discouraging a customer's purchase of any funeral merchandise or service that is advertised or offered for sale, with the purpose of encouraging the purchase of additional or more expensive merchandise or service, by disparaging its quality or appearance, except that true factual statements concerning features, design, or construction do not constitute disparagement; by misrepresenting its availability or any delay involved in obtaining it; or by suggesting directly or by implication that a customer's concern for price or expressed interest in inexpensive funeral merchandise or services is improper, inappropriate, or indicative of diminished respect or affection for the deceased.

(d) Misrepresenting the benefits, advantages, conditions, or terms of any contract to provide any services or merchandise regulated under this chapter.

(e) Advertising goods and services in a manner that is fraudulent, deceptive, or misleading in form or content.

(f) Directly or indirectly making any deceptive, misleading, or untrue representations, whether oral or written, or employing any trick, scheme, or artifice, in or related to the practice of a profession or occupation regulated under this chapter, including in the advertising or sale of any merchandise or services related to the practice of the profession or occupation.

(10) SPECIFIC MISREPRESENTATIONS.—

(a) Making any false or misleading statement of the legal requirement as to the necessity of any particular burial or funeral merchandise or services.

(b) Making any oral, written, or visual representations, directly or indirectly, that any funeral merchandise or service is offered for sale when such is not a bona fide offer to sell such merchandise or service.

(c) Making any misrepresentation for the purpose of inducing, or tending to induce, the lapse, forfeiture, exchange, conversion, or surrender of any preneed contract or any life insurance policy pledged or assigned to secure payment for funeral or burial goods or services.

(d) Misrepresenting pertinent facts or prepaid contract provisions relating to funeral or burial merchandise or services.

(e) Misrepresenting the amount advanced on behalf of a customer for any item of service or merchandise, including, but not limited to, cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates, described as cash advances, accommodations, or words of similar import on the contract, final bill, or other written evidence of agreement or obligation furnished to customers; however, nothing in this paragraph shall require disclosure of a discount or rebate that may accrue to a licensee subsequent to making a cash advance.

(f) Making any false or misleading statement or claim that natural decomposition or decay of human remains can be prevented or substantially delayed by embalming, use of a gasketed or ungasketed casket, or use of an adhesive or nonadhesive closure on an outer burial container.

(g) Making any false or misleading statement, oral or written, directly or indirectly, regarding any law or rule pertaining to the preparation for disposition, transportation for disposition, or disposition of dead human bodies.

(h) Making any false or misleading statements of the legal requirement as to the conditions under which preservation of a dead human body is required or as to the necessity of a casket or outer burial container.

(11) SPECIFIC SALES PRACTICES.—

(a) Failing to furnish, for retention, to each purchaser of burial rights, burial or funeral merchandise, or burial or funeral services a written agreement, the form of which has been previously approved if and as required by this chapter, that lists in detail the items and services purchased together with the prices for the items and services purchased; the name, address, and telephone number of the licensee; the signatures of the customer and the licensee or her or his representative; and the date signed.

(b) Filling in any contract form for use with a particular customer using language that misrepresents the true nature of the contract.

(c) Selling an irrevocable preneed contract to a person who is not an applicant for or recipient of Supplemental Security Income or Aid to Families with Dependent Children or pursuant to s. 497.459(6)(a).

- (d) Except as authorized in part IV of this chapter, guaranteeing the price of goods and services at a future date.
- (e) Requiring that a casket be purchased for cremation or claiming directly or by implication that a casket is required for cremation.
- (f) When displaying any caskets for sale, failing to display the least expensive casket offered for sale or use in adult funerals in the same general manner as the funeral service industry member's other caskets are displayed.
- (g) Assessing fees and costs that have not been disclosed to the customer in connection with any transaction regulated by this chapter.
- (h) Failure by a cemetery licensed under this chapter to provide to any person, upon request, a copy of the cemetery bylaws.
- (i) Requirements by a cemetery licensee that lot owners or current customers make unnecessary visits to the cemetery company office for the purpose of solicitation.

(12) DISCLOSURE REQUIREMENTS.—

- (a) Failure to disclose, when such disclosure is desired, the components of the prices for alternatives offered by the licensee from whom disclosure is requested, such as graveside service, direct disposition, and body donation without any rites or ceremonies prior to the delivery of the body and prices of service if there are to be such after the residue has been removed following the use thereof.
- (b) Failing to furnish, for retention, to anyone who inquires in person about burial rights, burial or funeral merchandise, or burial or funeral services, before any discussion of selection, a printed or typewritten list specifying the range of retail prices for such rights, merchandise, or services. At a minimum, the list shall itemize the highest and lowest priced product and service regularly offered and shall include the name, address, and telephone number of the licensee and statements that the customer may choose only the items the customer desires, that the customer will be charged for only those items selected, and that there may be other charges for other items or other services.
- (c) Failing to reasonably provide by telephone, upon request, accurate information regarding the retail prices of funeral merchandise and services offered for sale by that licensee.
- (d) Failure by a funeral director to make full disclosure in the case of a funeral or direct disposition with regard to the use of funeral merchandise that is not to be disposed of with the body or failure to obtain written permission from the purchaser regarding disposition of such merchandise.
- (e) Failure by any funeral director to fully disclose all of her or his available services and merchandise prior to the selection of a casket offered by a licensee. The full disclosure required shall identify what is included in the funeral or direct disposition and the prices of all services and merchandise provided by the licensee or registrant.
- (f) Failing to have the price of any casket offered for sale clearly marked on or in the casket, whether the casket is displayed at a funeral establishment or at any other location, regardless of whether the licensee is in control of such location. If a licensee uses books, catalogs, brochures, or other printed display aids, the price of each casket shall be clearly marked.
- (g) Failing to disclose all fees and costs the customer may incur to use the burial rights or merchandise purchased.

(13) CONTRACT OBLIGATIONS.—

- (a) Failing without reasonable justification to timely honor contracts entered into by the licensee or under the licensee's license for funeral or burial merchandise or services.
- (b) Failure to honor preneed contract cancellation requests and make refunds as required by the chapter.

(14) OBLIGATIONS REGARDING COMPLAINTS AND CLAIMS BY CUSTOMERS.—

- (a) Failing to adopt and implement standards for the proper investigation and resolution of claims and complaints received by a licensee relating to the licensee's activities regulated by this chapter.
- (b) Committing or performing with such frequency as to indicate a general business practice any of the following:
 1. Failing to acknowledge and act promptly upon communications from a licensee's customers and their representatives with respect to claims or complaints relating to the licensee's activities regulated by this chapter.

2. Denying claims or rejecting complaints received by a licensee from a customer or customer's representative, relating to the licensee's activities regulated by this chapter, without first conducting reasonable investigation based upon available information.

3. Attempting to settle a claim or complaint on the basis of a material document that was altered without notice to, or without the knowledge or consent of, the contract purchaser or her or his representative or legal guardian.

4. Failing within a reasonable time to affirm or deny coverage of specified services or merchandise under a contract entered into by a licensee upon written request of the contract purchaser or her or his representative or legal guardian.

5. Failing to promptly provide, in relation to a contract for funeral or burial merchandise or services entered into by the licensee or under the licensee's license, a reasonable explanation to the contract purchaser or her or his representative or legal guardian of the licensee's basis for denying or rejecting all or any part of a claim or complaint submitted.

(c) Making a material misrepresentation to a contract purchaser or her or his representative or legal guardian for the purpose and with the intent of effecting settlement of a claim or complaint or loss under a prepaid contract on less favorable terms than those provided in, and contemplated by, the prepaid contract.

(d) Failing to maintain a complete copy of every complaint received by the licensee since the date of the last examination of the licensee by the department. For purposes of this subsection, the term "complaint" means any written communication primarily expressing a grievance and which communication is from:

1. A representative or family member of a deceased person interred at the licensee's facilities or using the licensee's services, or which deceased's remains were the subject of any service provided by the licensee or licensee's business; or

2. A person, or such person's family member or representative, who inquired of the licensee or licensee's business concerning the purchase of, or who purchased or contracted to purchase, any funeral or burial merchandise or services from the licensee or licensee's business.

For purposes of this subsection, the response of a customer recorded by the customer on a customer satisfaction questionnaire or survey form sent to the customer by the licensee, and returned by the customer to the licensee, shall not be deemed to be a complaint.

(15) MISCELLANEOUS FINANCIAL MATTERS.—

(a) Failing to timely pay any fee required by this chapter.

(b) Failing to timely remit as required by this chapter the required amounts to any trust fund required by this chapter. The board may by rule provide criteria for identifying minor, nonwillful trust remittance deficiencies; and remittance deficiencies falling within such criteria, if fully corrected within 30 days after notice to the licensee by the department, shall not constitute grounds for disciplinary action.

(c) Paying to or receiving from any organization, agency, or person, either directly or indirectly, any commission, bonus, kickback, or rebate in any form whatsoever for any business regulated under this chapter, whether such payments are made or received by the licensee, or her or his agent, assistant, or employee; however, this provision shall not prohibit the payment of commissions by a funeral director, funeral establishment, cemetery, or monument establishment to its preneed agents licensed pursuant to this chapter or to licensees under this chapter.

History.—s. 22, ch. 2004-301; s. 90, ch. 2005-2; s. 13, ch. 2005-155; s. 9, ch. 2010-125.

497.153 Disciplinary procedures and penalties.—

(1) JURISDICTION OF LICENSING AUTHORITY TO INVESTIGATE AND PROSECUTE.—The expiration, nonrenewal, or surrender of licensure under this chapter shall not eliminate jurisdiction in the licensing authority to investigate and prosecute for violations committed by a licensee while licensed under this chapter. The prosecution of any matter may be initiated or continued notwithstanding the withdrawal of any complaint.

(2) DETERMINATION OF PROBABLE CAUSE.—

(a) If the department shall determine that there is reasonable cause to believe that any licensee under this chapter is subject to disciplinary action under this chapter and is not eligible for a citation or notice of noncompliance pursuant to criteria established by the board, the department shall present the matter to a probable cause panel of the board.

(b) Prior to submitting a matter to the probable cause panel, the licensee who is the subject of the matter shall be provided by the department with a copy of any written complaint received by the department in the matter and shall be advised that the licensee may, within 20 days after receipt of a copy of such complaint from the department, submit to the department a written response. Any response timely received by the department shall be provided by the department to the probable cause panel. Licensees may not appear in person or through a representative at any probable cause panel proceeding. This paragraph shall not apply to emergency action.

(3) PROBABLE CAUSE PROCEEDINGS.—

(a) The board may provide, by rule, for multiple probable cause panels composed of at least two members. The board may provide, by rule, that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available and willing to serve. Any probable cause panel must include a present board member. The board shall enact rules consistent with this section specifying, according to what categories of licensure are represented on a probable cause panel, what categories of licensee cases may be presented to that panel. Former board members may be from the former Board of Funeral and Cemetery Services or the former Board of Funeral Directors and Embalmers. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession.

(b) The probable cause panel may make a reasonable request to the department for additional investigative information, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days after the date of receipt by the probable cause panel of the investigative report of the department. The probable cause panel shall make its determination as to the existence of probable cause within 30 days after referral of the matter to the probable cause panel by the department. The Chief Financial Officer may grant extensions of the 15-day and the 30-day time limits. If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists.

(c) The probable cause panel may not resolve or direct resolution of a matter presented to it, by issuance of a citation or a letter of guidance or noncompliance or other informal resolution, without the concurrence of the department.

(d) The determination as to whether probable cause exists shall be made by majority vote of the probable cause panel of the board.

(e) If the probable cause panel finds that probable cause exists, it shall direct the department to file a formal complaint against the licensee.

(4) ACTION AFTER PROBABLE CAUSE FOUND.—

(a) Service of an administrative complaint may be in person by department staff or any person authorized to make service of process under the Florida Rules of Civil Procedure. Service upon a licensee may in the alternative be made by certified mail, return receipt requested, to the last known address of record provided by the licensee to the department.

(b) If after service of the administrative complaint on a licensee the licensee does not dispute the facts alleged, the department shall present the matter to the board for final action.

(c) The department may at any time present to the board a proposed settlement by consent order or otherwise of any matter as to which probable cause has been found. If the board accepts the proposed settlement, it may execute and file the consent order as its final order in the matter or may otherwise issue its final order in the matter. If the board does not accept such settlement, the prosecution of the matter shall be resumed. No settlement of any disciplinary matter as to which probable cause has been found may be entered into by the board prior to receipt of a recommended order of an administrative law judge without the department's concurrence.

(d) Hearings concerning disputes as to any fact alleged in a disciplinary action shall be held before an administrative law judge of the Division of Administrative Hearings in accordance with chapter 120. The department shall present the recommended order of the administrative law judge to the board for final action.

(e) If at any time after probable cause has been found in a matter the department shall conclude that the matter should not be further prosecuted, the department may present the matter to any probable cause panel of the board. If that probable cause panel concurs with the department, the prosecution may be terminated, without prejudice to subsequent prosecution of the same matter. If the probable cause panel does not concur with the department, the matter shall be returned to the department for continued prosecution. Upon commencement of taking of evidence in a matter before an administrative law judge, the jurisdiction of the administrative law judge may not be terminated except by order of the administrative law judge or a court of competent jurisdiction.

(f) No disciplinary matter may come before the board for final or other action, nor shall action by the board be taken as to any disciplinary matter, except upon presentation and recommendation by the department.

(5) PENALTIES.—

(a) When the board finds any person to be subject to discipline under this chapter, it may enter an order imposing one or more of the following:

1. Denial of an application for a license.
2. Issuance of a written reprimand.
3. Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify.
4. Restrictions on the authorized scope of practice of the licensee.
5. Requirements that the licensee complete additional education or training as specified by the board.
6. Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense; provided, a licensee may by settlement agree to a fine in excess of such \$5,000 limitation.
7. Suspension of a license. A suspension may be for such period and subject to such terms as the board shall specify in its order imposing discipline. Unless ordered otherwise by the board, during the period of suspension, the person whose license has been suspended shall continue to file all such reports, complete all continuing education, and pay all fees as required under this chapter as if the license had continued in full force. Upon expiration of the suspension period, if within such period the license has not otherwise terminated, the suspended license shall automatically be reinstated unless the board has ordered that the licensee apply for reinstatement, and the board may deny such application if the board finds that the causes of the suspension have not been resolved or that such person is otherwise not in compliance with the requirements of the order or this chapter.
8. Revocation of licensure. The board may specify by final order on a case-by-case basis the period of time that must elapse before a revoked licensee may apply or reapply for any licensure under this chapter. The board may by order on a case-by-case basis specify that a revocation is permanent and that no future application for licensure under this chapter by the revoked person or entity shall be accepted, processed, or approved. In no event shall any person or entity who has been revoked under this section subsequently be issued the same or other licensure under this chapter unless such person shall show by clear and convincing evidence that the person or entity has been rehabilitated and otherwise qualifies for the licensure applied for.

(b) In addition to any fine and other sanction imposed, the board may order the payment by the licensee of the reasonable costs of the department and the board associated with investigation and prosecution of the matter, and

may order the licensee to make restitution as directed by board order to persons harmed by the violation.

(c) The failure of a licensee to timely comply with a final order of the board imposing discipline shall be grounds for emergency suspension of all licensure held by the licensee under this chapter; provided, the department shall give written notice to such licensee, at least 7 days before such emergency suspension, of the department's intent to enter an emergency order of suspension and the ground therefor, and such emergency suspension shall not occur if during the 7-day period the licensee shall provide the department with evidence satisfactory to the department that the licensee was in compliance or has come into compliance with the disciplinary order. Any emergency suspension imposed shall be effective when served, and shall terminate upon notice to the licensee by the department that the department has received evidence satisfactory to the department that the licensee has come into compliance with the board's order, which notice the department shall promptly provide to the licensee upon receipt of such evidence. Notwithstanding the licensee's correction of any noncompliance with a board order, such licensee shall be liable for additional disciplinary action for failure to timely comply with an order of the board.

(d) Any order imposing any penalty pursuant to this section shall recite the grounds upon which the penalty is based.

(6) PROTECTION OF CUSTOMERS OF DISCIPLINED LICENSEES.—In imposing any discipline under this section the board may also impose by its order such restrictions, conditions, and requirements on the licensee and the licensee's assets and the assets of any trust under this chapter utilized by the licensee, as are reasonably necessary for the protection of persons to whom the disciplined licensee is obligated for the future performance or delivery of funeral or burial merchandise or services. The board shall have continuing jurisdiction over revoked persons and entities and their assets and related trusts under this chapter, for the purpose of and to the extent necessary for the protection of persons to whom the disciplined licensee is obligated for the future performance or delivery of funeral or burial merchandise or services, and may issue such subsequent and additional orders as from time to time the board deems necessary or advisable for such purposes. The courts of this state shall have jurisdiction to enforce the reasonable orders of the board issued for such purposes.

(7) LIABILITY FOR AGENTS AND EMPLOYEES.—For purposes of this section, the acts or omissions of any person employed by or under contract to the licensee shall be treated as acts or omissions of the licensee. However, the board may determine that disciplinary action may be more appropriately taken against an individual licensed preneed agent or licensed branch rather than taking action against the sponsoring preneed licensee.

(8) PUBLICATION OF DISCIPLINARY ACTION.—The department may cause notice of any disciplinary action of the board to be published in one or more newspapers of general circulation published in this state.

(9) DETERMINATIONS NOT SUBJECT TO CHAPTER 120.—The following determinations shall not entitle any person to proceedings under chapter 120:

(a) A determination by the department to exercise its authority under this chapter to investigate, financially examine, or inspect any person or entity; or a determination by the department concerning how to conduct such investigation, financial examination, or inspection; or a determination by the department concerning the content of any report of investigation, financial examination, or inspection.

(b) A determination by the department that there is reasonable cause to believe that a licensee under this chapter is subject to disciplinary action under this chapter and that the matter should be presented to a probable cause panel of the board, or that the licensee is not eligible for a citation pursuant to criteria established by the board.

(c) A determination by a probable cause panel of the board that probable cause does or does not exist, or a determination by the department under paragraph (3)(b).

(d) A determination by the department not to offer any settlement to a licensee concerning any disciplinary matter.

History.—s. 23, ch. 2004-301; s. 91, ch. 2005-2; s. 14, ch. 2005-155.

(1) The board shall adopt, by rule, and periodically review the disciplinary guidelines applicable to each ground for disciplinary action which may be imposed by the board pursuant to this chapter, and any rule of the board or department.

(2) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity and repetition of specific offenses, it being the legislative intent that minor violations be distinguished from those which endanger the public health, safety, or welfare; that such guidelines provide reasonable and meaningful notice to the public of likely penalties which may be imposed for proscribed conduct; and that such penalties be consistently applied by the board.

(3) A specific finding of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines. If applicable, the board shall adopt by rule disciplinary guidelines to designate possible mitigating and aggravating circumstances and the variation and range of penalties permitted for such circumstances.

(4) The department must review such disciplinary guidelines for compliance with the legislative intent as set forth in this section to determine whether the guidelines establish a meaningful range of penalties and may also challenge such rules pursuant to s. 120.56.

(5) The rules provided for in this section shall be adopted within 6 months after the enactment of the board.

(6) The administrative law judge, in recommending penalties in any recommended order, must follow the penalty guidelines established by the board and must state in writing the mitigating or aggravating circumstances upon which the recommended penalty is based.

History.—s. 57, ch. 93-399; s. 235, ch. 96-410; s. 24, ch. 2004-301.

Note.—Former s. 497.133.

497.155 Disciplinary citations and minor violations.—

(1) CITATIONS.—

(a) Notwithstanding the provisions of s. 497.153, the board shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedures under s. 497.153. If the subject disputes the matter in the citation, the procedures set forth in s. 497.153 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the board and shall constitute discipline. The penalty shall be a fine or other conditions as established by rule.

(b) The board shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare. Citations shall not be utilized if there was any significant consumer harm resulting from the violation.

(c) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board rule, as part of the penalty levied pursuant to the citation.

(d) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(e) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(2) MINOR VIOLATIONS.—

(a) The board may by rule specify violations of this chapter, and criteria for use by the department in identifying violations of this chapter, which are minor violations and which, if promptly corrected by the licensee upon notice by the department during investigation, may, with the concurrence of the department, result in closure of the investigation in the matter without further action by the department or the board.

(b) The rules may establish limits as to the number of times in total, or per period of time, that this subsection

may be used in regard to any one licensee.

(c) The rules may establish limits or prohibitions on the use of this subsection where the violation relates to a consumer complaint received by the department concerning the licensee, and the complaint has not been resolved.

(d) There may by rule be specified notices of noncompliance and other forms and procedures for use in implementation of this subsection.

History.—s. 51, ch. 93-399; s. 25, ch. 2004-301.

Note.—Former s. 497.121.

497.156 Emergency action against licensees.— In addition to or in lieu of other actions authorized under this chapter for the enforcement of this chapter, the department may issue emergency orders under s. 120.60(6) suspending or restricting a license or ordering a licensee to cease or desist from specified conduct, or taking other action deemed necessary in the circumstances, but shall thereafter promptly present the matter to a probable cause panel of the board. Emergency orders shall be effective when issued, shall be appealable as provided by law, and shall be enforceable in the courts of this state.

History.—s. 26, ch. 2004-301.

497.157 Unlicensed practice; remedies concerning violations by unlicensed persons.—

(1) No person or entity shall engage in any activity for which a license is required under this chapter, without holding such licensure in good standing.

(2)(a) When the department has reasonable cause to believe that any person or entity not licensed under this chapter has violated any provision of this chapter or any rule adopted under this chapter, the department may issue an administrative complaint to such person or entity, alleging violation of this chapter and providing notice therein of intent by the department to order such person to cease and desist from the alleged violation of this chapter, to take corrective action including payment of restitution to persons adversely affected by the violation, to pay the department's reasonable costs of investigation and prosecution, or to impose a fine of up to \$10,000 upon such person for each violation of this chapter alleged in the administrative complaint.

(b) The issuance of the administrative complaint shall be a decision affecting substantial interests and shall entitle the respondent therein to proceedings pursuant to s. 120.569, if such proceedings are requested by the respondent in a writing received by the department within 21 days after service of the administrative complaint. If such proceedings are timely requested and the respondent shall contest any material fact alleged in the administrative complaint, the matter shall be heard before an administrative law judge of the Division of Administrative Hearings, who shall issue her or his recommended order to the department; otherwise, the proceedings shall be before the Chief Financial Officer or her or his designee. Upon conclusion of proceedings under s. 120.57 if the subject timely requested a hearing, or after the expiration of 21 days after service of the administrative complaint if no request for hearing is received within those 21 days, the department may take final agency action and issue its final order concerning the matter, which final order shall be enforceable as set forth in s. 120.69.

(3) Where the department determines that an emergency exists regarding any violation of this chapter by any unlicensed person or entity, the department may issue and serve an immediate final order upon such unlicensed person or entity, in accordance with s. 120.569(2)(n). Such an immediate final order may impose such prohibitions and requirements as are reasonably necessary to protect the public health, safety, and welfare, and shall be effective when served.

(a) For the purpose of enforcing such an immediate final order, the department may file an emergency or other proceeding in the circuit courts of the state seeking enforcement of the immediate final order by injunctive or other order of the court. The court shall issue its injunction or other order enforcing the immediate final order pending administrative resolution of the matter under subsection (2), unless the court determines that such action would work a manifest injustice under the circumstances. Venue for judicial actions under this paragraph shall be, at the

election of the department, in the courts of Leon County, or in a county where the respondent resides or has a place of business.

(b) After serving an immediate final order to cease and desist upon any person or entity, the department shall within 10 days issue and serve upon the same person or entity an administrative complaint as set forth in subsection (2), except that, absent order of a court to the contrary, the immediate final order shall be effective throughout the pendency of proceedings under subsection (2).

(4) For the purpose of this section, the violation of this chapter by a person who is not licensed under this chapter or by any person who aids and abets the unlicensed activity shall be presumed to be irreparable harm to the public health, safety, or welfare.

(5) Any administrative complaint or immediate final order under this section may be served in person by a department employee or by certified mail, return receipt requested, to the subject's place of residence or business, or by other means authorized by law.

History.—s. 27, ch. 2004-301.

497.158 Court enforcement actions; powers; abatement of nuisances. —

(1) In addition to or in lieu of other actions authorized by this chapter, the department may petition the courts of this state for injunctive or other relief against any licensed or unlicensed person for the enforcement of this chapter and orders issued under this chapter. The court shall be authorized to impose a fine of up to \$5,000 per violation on any licensee under this chapter and up to \$10,000 on any person not licensed under this chapter, payable to the department, upon any person determined by the court to have violated this chapter, and may order payment to the department of the department's attorney's fees and litigation costs, by any person found to have violated this chapter.

(2) In addition to all other means provided by law for the enforcement by a court of a temporary restraining order or an injunction, the circuit court may impound the property of a licensee, including books, papers, documents, and records pertaining thereto, and may appoint a receiver or administrator to prevent further violation of this chapter.

(3) A court-appointed receiver or administrator may take any action to implement the provisions of the court order, to ensure the performance of the order, and to remedy any breach thereof.

(4) Any nonconforming physical condition in a cemetery or component thereof which is the result of a violation of this chapter or of the rules adopted under this chapter relating to construction, physical operations, or care and maintenance at the cemetery shall be deemed a public nuisance, and the nonconforming physical conditions caused by such violation may be abated as provided in s. 60.05.

History.—ss. 10, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 89, 122, ch. 93-399; s. 4, ch. 98-268; s. 28, ch. 2004-301; s. 15, ch. 2005-155.

Note.—Former s. 559.374; s. 497.016; s. 497.229.

497.159 Crimes. —

(1) The theft in whole or in part or the act of unauthorized reproducing, circulating, or copying of any questions or answers on, from, or for any prelicensure examination administered by the department or the board, whether such examination is reproduced or copied in part or in whole and by any means, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The act of knowingly giving false information in the course of applying for or obtaining a license under this chapter, with intent to mislead the board or a public employee in the performance of her or his official duties, or the act of attempting to obtain or obtaining a license under this chapter by knowingly misleading statements or knowing misrepresentations, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who willfully obstructs the department or its examiner in any examination or investigation authorized by this chapter commits a misdemeanor of the second degree and is, in addition to any disciplinary action under this chapter, punishable as provided in s. 775.082 or s. 775.083. The initiation of action in any court by or on behalf of any licensee to terminate or limit any examination or investigation under this chapter shall not constitute a violation under this subsection.

(4) Any officer or director, or person occupying similar status or performing similar functions, of a preneed licensee who fails to make required deposits to any trust fund required by this chapter; any director, officer, agent, or employee of a preneed licensee who makes any unlawful withdrawal of funds from any such account or who knowingly discloses to the department or an employee thereof any false report made pursuant to this chapter; or any person who willfully violates any of the provisions of part II, part IV, or part V commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(a) No cemetery company or other legal entity conducting or maintaining any public or private cemetery may deny burial space to any person because of race, creed, marital status, sex, national origin, or color. A cemetery company or other entity operating any cemetery may designate parts of cemeteries or burial grounds for the specific use of persons whose religious code requires isolation. Religious institution cemeteries may limit burials to members of the religious institution and their families.

(b) Any cemetery company or other legal entity which violates the provisions of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.083, and each violation of this section constitutes a separate offense.

(6) Any person who is not licensed under this chapter who engages in activity requiring licensure under this chapter, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 29, ch. 2004-301; s. 16, ch. 2005-155.

497.160 Receivership proceedings.—

(1) The department, with the approval of the board, may petition the circuit courts of this state for appointment of a receiver of any licensee or revoked or suspended licensee under this chapter, or person who has without license conducted activities requiring licensure under this chapter. The court shall appoint a receiver if the court shall determine that a receivership is necessary or advisable:

(a) To ensure the orderly and proper conduct of a licensee's professional business and affairs during or in the aftermath of the administrative proceeding to revoke or suspend the license.

(b) For the protection of the public's interest and rights in the business, premises, or activities of the person sought to be placed in receivership.

(c) Upon a showing of actual or constructive abandonment of premises or business licensed or which was not but should have been licensed under this chapter.

(d) Upon a showing of serious and repeated violations of this chapter demonstrating an inability or unwillingness of a licensee to comply with the requirements of this chapter.

(e) To prevent loss, wasting, dissipation, theft, or conversion of assets that should be marshaled and held available for the honoring of obligations under this chapter.

(f) Upon proof of other grounds which the court deems good and sufficient for instituting receivership action concerning the respondent sought to be placed in receivership.

(2) A receivership under this section may be temporary, or for the winding up and dissolution of the business, as the department may request and the court determines to be necessary or advisable in the circumstances. Venue of receivership proceedings may be, at the department's election, in Leon County, or the county where the subject of the receivership is located. The appointed receiver shall be the department or such person as the department may nominate and the court shall approve. The provisions of part I of chapter 631 shall be applicable to receiverships under this section except to the extent the court shall determine the application of particular of such provisions to be

impracticable or would produce unfair results in the circumstances. Expenditures by the department from its budgeted funds, the Preneed Funeral Contract Consumer Protection Trust Fund, and other regulatory trust funds derived from this chapter, for implementation and effectuation of such a receivership, shall be authorized; any such funds expended shall be a claim against the estate in the receivership proceedings.

(3) The department may adopt rules for the implementation of this section.

History.—ss. 12, 32, ch. 83-316; s. 16, ch. 88-139; ss. 106, 122, ch. 93-399; s. 30, ch. 2004-301; s. 92, ch. 2005-2.

Note.—Former s. 639.165; s. 497.437.

497.161 Other rulemaking provisions.—

(1) In addition to such other rules as are authorized or required under this chapter, the following additional rules, not inconsistent with this chapter, shall be authorized by the licensing authority.

(a) Rules by the board defining any technical term used but not defined in this chapter, and defining the terms “at-need” and “preneed” as used in this chapter.

(b) Rules by the board defining and regulating hazardous materials generated in connection with the practice of embalming, funeral directing, or direct disposition.

(c) Rules by the board governing the operation of cemeteries in this state.

(d) Rules establishing a fee of up to \$100 for issuance of a duplicate license or for a name change on a license.

(e) Rules allowing and prescribing procedure and formats for the electronic submission of any applications, documents, filings, or fees required by this chapter.

(f) Rules establishing procedures for investigation, financial examination, and inspection of licensees.

(2) In addition to challenges for any invalid exercise of delegated legislative authority, no rule shall be adopted under this chapter, and the administrative law judge upon such a challenge by the department or the board may declare all or part of a rule or proposed rule invalid, if the rule or proposed rule:

(a) Does not protect the public from any significant and discernible harm or damages;

(b) Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

(c) Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit.

However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection in the event that the rule or proposed rule is challenged.

(3) The department and the board shall each have standing under chapter 120 for the purposes of challenging rules or proposed rules under this chapter. This subsection shall not be interpreted to deny standing to a licensee to challenge any rule under this chapter if the licensee would otherwise have standing.

(4) The department may, subject to approval by the board, adopt rules that temporarily suspend or modify any provision of this chapter during a state of emergency declared pursuant to s. 252.36. The rules may allow only the suspension or modification of a provision that is necessary or advisable to allow licensees under this chapter to provide essential services to the public under the emergency conditions. The rules may be adopted before any emergency exists, but may not take effect until the Governor issues an executive order or proclamation declaring a state of emergency. The rules may remain in effect after a state of emergency is terminated but only for the limited period necessary to allow for the transition back to normal operations under the nonemergency requirements of this chapter. However, a rule suspending or modifying any provision of this chapter may not remain in effect for more than 12 months after the state of emergency is terminated.

History.—s. 31, ch. 2004-301; s. 17, ch. 2005-155; s. 15, ch. 2007-6; s. 10, ch. 2010-125.

497.162 Health and safety education.— All individuals not licensed under this chapter who intend to be employed as operational personnel affiliated with a direct disposal establishment, cinerator facility, removal service,

refrigeration facility, or centralized embalming facility who have direct contact with human remains on behalf of a funeral establishment, direct disposal establishment, or cinerator facility shall complete one course approved by the licensing authority on communicable diseases, within 30 days after the date that they begin functioning as operational personnel on behalf of any entity that is regulated by this chapter. The course shall not exceed 3 hours and shall be offered at approved locations throughout the state. Such locations may include establishments that are licensed under this chapter. The licensing authority shall adopt rules to implement and enforce this provision, which rules shall include provisions that provide for the use of approved videocassette courses and other types of audio, video, Internet, or home study courses to fulfill the continuing education requirements of this section.

History.—s. 19, ch. 93-399; s. 70, ch. 94-119; s. 3, ch. 96-355; s. 32, ch. 2004-301; s. 4, ch. 2007-55; s. 11, ch. 2010-125.

Note.—Former s. 470.0201.

497.163 Restriction on requirement of citizenship.—No person shall be disqualified from practicing an occupation or profession regulated by this chapter solely because she or he is not a United States citizen.

History.—s. 33, ch. 2004-301.

497.164 Solicitation of goods or services.—

(1) The board is authorized to adopt rules regulating the solicitation of sales of burial rights, merchandise, or services by licensees.

(2) The board shall regulate such solicitation to protect the public from solicitation which is intimidating, overreaching, fraudulent, or misleading; which utilizes undue influence; or which takes undue advantage of a person's ignorance or emotional vulnerability.

(3) The board shall regulate any solicitation which comprises an uninvited invasion of personal privacy. It is the express finding of the Legislature that the public have a high expectation of privacy in their personal residences, and the department by rule shall restrict the hours or otherwise regulate such solicitation in the personal residence of a person unless the solicitation has been previously and expressly requested by the person solicited.

(4) Nothing in this section shall be construed to restrict the right of a person to lawfully advertise, use direct mail, or otherwise communicate in a manner not within the definition of solicitation or to solicit the business of anyone responding to such communication or otherwise initiating discussion of goods and services being offered.

(5) At-need solicitation of sales of burial rights, merchandise, or services is prohibited. No person may contact the family or next of kin of a deceased person to sell services or merchandise unless the person has been initially called or contacted by the family or next of kin of such person or persons and requested to provide services or merchandise.

History.—s. 38, ch. 80-238; s. 409, ch. 81-259; s. 2, ch. 81-318; s. 4, ch. 85-16; s. 1, ch. 89-8; ss. 72, 122, ch. 93-399; s. 34, ch. 2004-301.

Note.—Former s. 559.408; s. 497.043; s. 497.321.

497.165 Liability of owners, directors, and officers regarding trust funds.—The owners, officers, and directors of any licensee under this chapter may be held jointly and severally liable for any deficiency in any trust fund required by this chapter, to the extent the deficiency arose during the period they were owners, officers, or directors of the licensee, if they intentionally or through gross negligence in the performance of their duties caused the deficiency or substantially contributed to conditions that allowed the deficiency to arise or increase.

History.—s. 5, ch. 78-407; ss. 22, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; s. 122, ch. 93-399; s. 4, ch. 96-400; s. 35, ch. 2004-301; s. 18, ch. 2005-155.

Note.—Former s. 559.4405; s. 497.025.

497.166 Preneed sales.—

(1) Regulation of preneed sales shall be as set forth in part IV of this chapter. No person may act as an agent for a preneed licensee with respect to preneed contracts unless such person is licensed as a preneed sales agent pursuant to part IV of this chapter or is a licensed funeral director acting as a preneed sales agent.

(2) Nothing in parts I, II, III, V, or VI of this chapter shall be understood to necessarily prohibit any licensee under this chapter from selling preneed funerals and funeral merchandise through its agents and employees, so long as such sales are permitted by part IV of this chapter.

(3)(a) The funeral director in charge of a funeral establishment is responsible for the control and activities of the establishment's preneed sales agents.

(b) The direct disposer in charge or a funeral director acting as the direct disposer in charge of a direct disposal establishment is responsible for the control and activities of the establishment's preneed sales agents.

(c) The responsibility imposed by this subsection on the funeral director and direct disposer in charge is a duty of reasonable supervision and not absolute liability. The responsibility of the funeral director or direct disposer in charge shall be in addition to the responsibility of the preneed licensee for the conduct of the preneed sales agents it employs.

History.—s. 36, ch. 2004-301; s. 93, ch. 2005-2; s. 19, ch. 2005-155; s. 12, ch. 2010-125.

497.167 Administrative matters.—

(1) The department shall establish and operate a toll-free telephone hotline to receive complaints and provide information relating to the regulation under this chapter.

(2) The director of the division shall serve as executive director of the board. The director is the agency head of the division. The director shall be appointed by and serve at the pleasure of the Chief Financial Officer. The director shall be responsible for preparation of the agenda for each board meeting, and may make presentation to the board of department recommendations and reports, and shall perform such other duties as may be assigned by the Chief Financial Officer.

(3) There shall be submitted to the Legislature a biennial budget for the board's operations at a time and in the manner provided by law.

(4) There shall be developed and implemented a training program for persons newly appointed to membership on the board. The program shall familiarize such persons with the substantive and procedural laws and rules which relate to the regulation under this chapter and with the structure of the department.

(5) There may be informational newsletters, bulletins, and brochures produced and provided to licensees and consumers concerning regulation under this chapter.

(6) The department shall allow applicants for new or renewal licenses and current licensees to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to ensure compliance with a support obligation. The purpose of this subsection is to promote the public policy of this state relating to child support as established in s. 409.2551. The department shall, when directed by the court or the Department of Revenue pursuant to s. 409.2598, suspend or deny the license of any licensee found not to be in compliance with a support order, a subpoena, an order to show cause, or a written agreement with the Department of Revenue. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court or the Department of Revenue that the licensee has complied with the terms of the support order. The department is not liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

(7) Any person retained by the department under contract to review materials, make site visits, or provide expert testimony regarding any complaint or application filed with the department, relating to regulation under this chapter, shall be considered an agent of the department in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

(8) Funds due from any licensee as a result of disciplinary settlements under this chapter may be directed by the board and department to use in support of training of examiners, investigators, and inspectors concerning examinations, investigations and inspections under this chapter, and to the conduct of examinations and investigations under this chapter, in order to enhance oversight and enforcement of laws and regulations governing the activities of licensees under this chapter.

(9) Any application under this chapter which must be reviewed and acted upon by the board under this chapter shall be acted upon by the board at a regularly scheduled board meeting, and such application must be complete at least 25 days in advance of a regularly scheduled board meeting to be considered by the board at such board meeting. The time for approval of completed applications under s. 120.60 shall be deemed tolled between the date the application is complete and the next regularly scheduled board meeting at which the application may be considered by the board.

(10) The board may establish by rule procedures and requirements for the appearance before the board of any applicant or principal of an applicant, to stand for oral interview by the board at a public meeting of the board, before an application shall be deemed complete. Such rule may require such appearance for all or specified categories of applicants and may provide criteria for determining when such appearance shall be required.

(11) In any instance in which a licensee or applicant under this chapter is required to be in compliance with a particular provision by, on, or before a certain date, and if that date occurs on a Saturday, Sunday, or a legal holiday, then the licensee or applicant is deemed to be in compliance with the specific date requirement if the required action occurs on the first succeeding day which is not a Saturday, Sunday, or legal holiday.

(12) Notwithstanding anything to the contrary, any elected official who is licensed pursuant to this chapter may hold employment for compensation with any public agency concurrent with such public service. Such dual service shall be disclosed according to any disclosure required by applicable law.

(13) No application for any approval by the board may come before the board for final or other action, nor shall action by the board be taken as to any application, except upon presentation and recommendation by the department.

(14) The department shall have standing to appear as a party litigant in any judicial proceeding for the purpose of enforcing this chapter or for the protection of Florida residents from the effects of any violation of this chapter.

(15) The Department of Legal Affairs shall provide legal services to the board within the Department of Financial Services, but the primary responsibility of the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the board with respect to its obligations under the laws of the state. Subject to the prior approval of the Attorney General, the board may retain independent legal counsel to provide legal advice to the board on a specific matter. Fees and costs of such counsel shall be paid from the Regulatory Trust Fund.

History.—s. 37, ch. 2004-301; s. 94, ch. 2005-2; s. 7, ch. 2008-92.

497.168 Members of Armed Forces in good standing with administrative boards. —

(1) Any reserve member of the Armed Forces of the United States, and any member of any element of the National Guard, now or hereafter called to active duty in the Armed Forces of the United States for a continuous period of 30 or more days, who at the time of being called to active duty was licensed in good standing to practice a profession under this chapter, shall remain in good standing, without registering, paying dues or fees, or being required to perform any other act, as long as she or he remains on such active duty and for a period of 6 months after discharge from active duty.

(2) The licensing authority shall adopt rules exempting the spouses of members of the Armed Forces of the United States from licensure renewal provisions, but only in cases of absence from the state because of their spouses' call to active duty from the reserves or National Guard.

History.—s. 38, ch. 2004-301.

497.169 Private actions; actions on behalf of consumers; attorney's fee. —

(1) The Attorney General, or the department on behalf of Florida residents, or any person may bring a civil action against a person or company violating the provisions of this chapter in the appropriate court of the county in which the alleged violator resides or has her or his or its principal place of business or in the county wherein the alleged

violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages caused by such violation. The court may, as provided by common law, award punitive damages and may provide such equitable relief as it deems proper or necessary, including enjoining the defendant from further violations of this chapter.

(2) In any civil litigation resulting from a transaction involving a violation of this chapter by a cemetery company or burial rights broker licensed under part II, a monument establishment licensed under part V, or a preneed entity or preneed sales agent licensed under part IV, the court may award to the prevailing party and against such cemetery company, burial rights broker, monument establishment, or preneed entity or sales agent, after judgment in the trial court and exhaustion of any appeal, reasonable attorney's fees and costs from the nonprevailing party in an amount to be determined by the trial court. Any award of attorney's fees or costs shall become a part of the judgment and shall be subject to execution as the law allows. This subsection does not apply to licensees licensed under part III or part VI.

(3) The provisions of this chapter are cumulative to rights under the general civil and common law, and no action of the department may abrogate such rights to damages or other relief in any court.

History.—ss. 30, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 80, 122, ch. 93-399; s. 569, ch. 97-103; s. 10, ch. 98-268; s. 39, ch. 2004-301; s. 20, ch. 2005-155.

Note.—Former s. 559.501; s. 497.056; s. 497.527.

497.170 Unauthorized arrangements.—

(1) Any arrangement to provide merchandise or services as defined in this chapter, by which payment for such merchandise or services is to be paid for through a financial arrangement, other than as authorized pursuant to this chapter, in which the provider of the merchandise or services is a beneficiary, party, agent, or owner is in violation of this chapter.

(2) Any person who provides merchandise or services and who knowingly becomes a beneficiary, agent, party, or coowner as described in subsection (1) is in violation of this chapter.

History.—s. 2, ch. 94-216; s. 40, ch. 2004-301.

Note.—Former s. 497.531.

497.171 Identification of human remains.—

(1) PRIOR TO FINAL DISPOSITION.—

(a) This subsection shall apply to licensees under parts III and VI.

(b) The licensee in charge of the final disposition of dead human remains shall, prior to final disposition of such dead human remains, affix to the ankle or wrist of the deceased, and on the casket, alternative container, or cremation container, a tag providing proper identification of the dead human remains. The identification tag shall be encased in or consist of durable and long-lasting material and shall list the name, date of birth, and date of death of the deceased, if available. The board may adopt rules specifying acceptable materials for such identification tag, acceptable locations for the tag on the casket, alternative container, or cremation container, and acceptable methods of affixing the tag.

(c) If the dead human remains are cremated, proper identification shall be placed in the container or urn containing the cremated remains.

(d) Any licensee responsible for removal of dead human remains to any establishment, facility, or location shall ensure that the remains are identified by a tag or other means of identification that is affixed to the ankle or wrist of the deceased at the time the remains are removed from the place of death or other location.

(2) INTERMENT IN UNLICENSED CEMETERIES.—The identification of human remains interred in an unlicensed cemetery shall be the responsibility of the licensed funeral establishment in charge of the funeral arrangements for the deceased person. The licensed funeral establishment in charge of the funeral arrangements for the interment of human remains in an unlicensed cemetery shall place on the outer burial container, cremation interment container,

or other container or on the inside of a crypt or niche a tag or permanent identifying mark listing the name of the decedent and the date of death, if available. The materials and locations of the tag or mark shall be more specifically described by rule of the licensing authority.

(3) INTERMENT IN LICENSED CEMETERIES.—

(a) This subsection shall apply to cemetery licensees under part II.

(b) As to interments in a licensed cemetery, each licensed cemetery shall place on the outer burial container, cremation interment container, or other container or on the inside of a crypt or niche a tag or permanent identifying marker listing the name of the decedent and the date of death, if available. The materials and the location of the tag or marker shall be more specifically described by rule of the licensing authority.

(c) Each licensed cemetery may rely entirely on the identity stated on the burial transit permit or on the identification supplied by a person licensed under this chapter to establish the identity of the dead human remains delivered by such person for burial and shall not be liable for any differences between the identity shown on the burial transit permit or identification and the actual identity of the dead human remains delivered by such person and buried in the cemetery.

(4) DIRECT DISPOSAL ESTABLISHMENTS.—Direct disposal establishments shall establish a system of identification of human remains received that shall be designed to track the identity of the remains from the time of receipt until delivery of the remains to the authorized persons. This is in addition to the requirements for identification of human remains set forth in subsection (1). A copy of the identification procedures shall be available, upon request, to the department and legally authorized persons.

(5) RELIANCE ON LEGALLY AUTHORIZED PERSON.—Any licensee charged with responsibility under this section may rely on the representation of a legally authorized person to establish the identity of dead human remains.

History.—s. 21, ch. 2005-155.

497.172 Public records exemptions; public meetings exemptions. —

(1) EXAMINATION DEVELOPMENT MEETINGS.—

(a) Those portions of meetings of the board at which licensure examination questions or answers under this chapter are discussed are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. The closed meeting must be recorded, and no portion of the closed meeting may be off the record. The recording shall be maintained by the board.

(b) The recording of a closed portion of a meeting is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2015, unless reviewed and saved from repeal through reenactment by the Legislature.

(2) PROBABLE CAUSE PANEL.—

(a) Meetings of the probable cause panel of the board, pursuant to s. 497.153, are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. The entire closed meeting must be recorded, and no portion of the closed meeting may be off the record. The recording shall be maintained by the board.

(b) Records of exempt meetings of the probable cause panel of the board are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until 10 days after a determination regarding probable cause is made pursuant to s. 497.153.

(3) EXAMINATIONS, INSPECTIONS, AND INVESTIGATIONS.—

(a) Except as otherwise provided in this subsection, information held by the department pursuant to a financial examination conducted under this chapter is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until the examination is completed or ceases to be active.

(b) Except as otherwise provided in this subsection, information held by the department pursuant to an

inspection conducted under this chapter is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until the inspection is completed or ceases to be active.

(c) Except as otherwise provided in this subsection, information held by the department pursuant to an investigation of a violation of this chapter is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until the investigation is completed or ceases to be active or until 10 days after a determination regarding probable cause is made pursuant to s. 497.153.

(d) Information made confidential and exempt pursuant to this subsection may be disclosed by the department as follows:

1. To the probable cause panel of the board, for the purpose of probable cause proceedings pursuant to s. 497.153.
2. To any law enforcement agency or other government agency in the performance of its official duties and responsibilities.
3. If the department uncovers information of immediate and serious concern to the public health, safety, or welfare, it may disseminate such information as it deems necessary for the public health, safety, or welfare.

(e) Information made confidential and exempt pursuant to this subsection shall remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution after the examination, inspection, or investigation is completed or ceases to be active if:

1. The department submits the information to any law enforcement agency or other administrative agency for further examination or investigation. The information shall remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until that agency's examination or investigation is completed or ceases to be active.
2. Disclosure of the information would:
 - a. Jeopardize the integrity of another active investigation or examination;
 - b. Reveal the identity of a confidential source; or
 - c. Reveal investigative or examination techniques or procedures.

(f) For purposes of this subsection, an examination, inspection, or investigation shall be considered active so long as the examination, inspection, or investigation is proceeding with reasonable dispatch and the department has a reasonable good faith belief that the examination, inspection, or investigation may lead to the filing of an administrative, civil, or criminal proceeding or to the denial or conditional grant of an application for license or other approval required under this chapter.

(4) TRADE SECRETS.—Trade secrets, as defined in s. 688.002, held by the department or board, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

History.—s. 1, ch. 2005-162; s. 134, ch. 2008-4; s. 1, ch. 2010-76.

PART II

CEMETERY REGULATION

- 497.260 Cemeteries; exemption; investigation and mediation.
- 497.261 Existing companies, effect of this chapter.
- 497.262 Duty of care and maintenance of licensed cemetery.
- 497.263 Cemetery companies; license required; licensure requirements and procedures.
- 497.264 License not assignable or transferable.
- 497.265 Annual license fees.
- 497.266 Care and maintenance trust fund; remedy of department for noncompliance.
- 497.267 Disposition of income of care and maintenance trust fund; notice to purchasers and depositors.
- 497.268 Care and maintenance trust fund, percentage of payments for burial rights to be deposited.
- 497.269 Care and maintenance trust fund; financial reports.
- 497.270 Minimum acreage; sale or disposition of cemetery lands.

- 497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.
- 497.272 Construction of mausoleums, columbaria, and below ground crypts; preconstruction trust fund; compliance requirement.
- 497.273 Cemetery companies; authorized functions.
- 497.274 Standards for grave spaces.
- 497.276 Records.
- 497.2765 Recording purchase of burial rights.
- 497.277 Other charges.
- 497.278 Monuments; installation fees.
- 497.280 Illegal tying arrangements.
- 497.281 Licensure of brokers of burial rights.
- 497.282 Disclosure of information to public.
- 497.283 Prohibition on sale of personal property or services.
- 497.284 Abandoned cemeteries; immunity; actions.
- 497.285 Inactive cemeteries.
- 497.286 Owners to provide addresses; presumption of abandonment; abandonment procedures; sale of abandoned unused burial rights.
- 497.287 Report of identification of exempt cemeteries.

497.260 Cemeteries; exemption; investigation and mediation. —

- (1) The provisions of this chapter relating to cemeteries and all rules adopted pursuant thereto shall apply to all cemeteries except for:
- (a) Religious institution cemeteries of less than 5 acres which provide only single-level ground burial.
 - (b) County and municipal cemeteries.
 - (c) Community and nonprofit association cemeteries which provide only single-level ground burial and do not sell burial spaces or burial merchandise.
 - (d) Cemeteries owned and operated or dedicated by a religious institution prior to June 23, 1976.
 - (e) Cemeteries beneficially owned and operated since July 1, 1915, by a fraternal organization or its corporate agent.
 - (f) A columbarium consisting of less than one-half acre which is owned by and immediately contiguous to an existing religious institution facility and is subject to local government zoning. The religious institution establishing such a columbarium shall ensure that the columbarium is perpetually kept and maintained in a manner consistent with the intent of this chapter. If the religious institution relocates, the religious institution shall relocate all of the urns and remains placed in the columbarium which were placed therein during its use by the religious institution.
 - (g) Family cemeteries of less than 2 acres which do not sell burial spaces or burial merchandise.
 - (h) A mausoleum consisting of 2 acres or less which is owned by and immediately contiguous to an existing religious institution facility and is subject to local government zoning. The religious institution establishing such a mausoleum must ensure that the mausoleum is kept and maintained in a manner consistent with the intent of this chapter and limit its availability to members of the religious institution. The religious institution establishing such a mausoleum must have been incorporated for at least 25 years and must have sufficient funds in an endowment fund to cover the costs of construction of the mausoleum.
 - (i) A columbarium consisting of 5 acres or less which is located on the main campus of a state university as defined in s. 1000.21(6). The university or university direct-support organization, as defined in s. 1004.28(1), which establishes the columbarium shall ensure that the columbarium is constructed and perpetually kept and maintained in a manner consistent with subsection (2) and the intent of this chapter.
- (2) Section 497.276(1) as to burial records, and ss. 497.152(1)(d), 497.164, 497.2765, 497.278, 497.280, and 497.284

apply to all cemeteries in this state.

(3) All cemeteries exempted under this chapter which are in excess of 5 acres must submit to the following investigation and mediation procedure by the department in the event of a consumer complaint:

- (a) The exempt cemetery shall make every effort to first resolve a consumer complaint;
- (b) If the complaint is not resolved, the exempt cemetery shall advise the consumer of the right to seek investigation and mediation by the department;
- (c) If the department receives a complaint, it shall attempt to resolve it telephonically with the parties involved;
- (d) If the complaint still is not resolved, the department shall conduct an investigation and mediate the complaint;
- (e) If the department conducts an onsite investigation and face-to-face mediation with the parties, it may charge the exempt cemetery a single investigation and mediation fee not to exceed \$300, which fee shall be set by rule and shall be calculated on an hourly basis; and
- (f) If all attempts to resolve the consumer complaint fail, the cemetery shall be subject to proceedings for penalties and discipline under this chapter if it is determined in a proceeding complying with chapter 120 that the cemetery is guilty of fraud, deceit, theft, gross negligence, incompetence, unjustified failure to honor its contracts, or failure to adequately maintain its premises. The department may file and serve on the cemetery an administrative complaint and cause the matter to be prosecuted and may thereafter issue and enforce its final order in the matter pursuant to chapter 120.

(4) Any religious-institution-owned cemetery that is exempt under paragraph (1)(d), is located in a county with a population of at least 1.3 million persons on July 1, 1996, and was selling merchandise and services to the religious institution's members prior to October 1, 1993, may establish one additional exempt cemetery in such county after December 31, 2020.

(5) Any religious-institution-owned cemetery exempt under subsection (1), except those cemeteries qualifying under paragraph (1)(d), which becomes affiliated with a commercial enterprise must meet the requirements of s. 497.263.

(6)(a) This subsection applies to all cemeteries in this state.

(b) No cemetery company or other legal entity conducting or maintaining any public or private cemetery may deny burial space to any person because of race, creed, marital status, sex, national origin, or color. A cemetery company or other entity operating any cemetery may designate parts of cemeteries or burial grounds for the specific use of persons whose religious code requires isolation. Religious institution cemeteries may limit burials to members of the religious institution and their families.

(c) Any cemetery company or other legal entity which violates the provisions of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.083, and each violation of this section constitutes a separate offense.

History.—s. 2, ch. 59-363; s. 1, ch. 65-570; s. 3, ch. 76-168; s. 1, ch. 76-251; s. 1, ch. 77-457; ss. 3, 39, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 1, ch. 85-202; s. 1, ch. 89-8; ss. 38, 122, ch. 93-399; s. 2, ch. 96-400; s. 1, ch. 2000-195; s. 1, ch. 2001-120; s. 2, ch. 2004-24; s. 42, ch. 2004-301; s. 95, ch. 2005-2; s. 22, ch. 2005-155; s. 5, ch. 2007-55; s. 1, ch. 2009-219.

Note.—Former s. 559.31; s. 497.003.

497.261 Existing companies, effect of this chapter.—Cemetery companies existing on October 1, 1993, shall continue in full force and effect but shall be operated in accordance with the provisions of this chapter.

History.—s. 6, ch. 59-363; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 7, 39, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 39, 122, ch. 93-399; s. 43, ch. 2004-301.

Note.—Former s. 559.35; s. 559.315; s. 497.004.

497.262 Duty of care and maintenance of licensed cemetery.—Every cemetery company or other entity

responsible for the care and maintenance of a licensed cemetery in this state shall ensure that the grounds, structures, and other improvements of the cemetery are well cared for and maintained in a proper and dignified condition. The licensing authority shall adopt, by no later than July 1, 1999, such rules as are necessary to implement and enforce this section. In developing and adopting such rules, the licensing authority may define different classes of cemeteries or care and maintenance, and may provide for different rules to apply to each of said classes, if the designation of classes and the application of different rules is in the public interest and is supported by findings by the licensing authority based on evidence of industry practices, economic and physical feasibility, location, or intended uses; provided, that the rules shall provide minimum standards applicable to all cemeteries. For example, and without limiting the generality of the foregoing, the licensing authority may determine that a small rural cemetery with large trees and shade area does not require, and may not be able to attain, the same level of lawn care as a large urban cemetery with large open grassy areas and sprinkler systems.

History.—s. 3, ch. 98-268; s. 44, ch. 2004-301.

Note.—Former s. 497.0255.

497.263 Cemetery companies; license required; licensure requirements and procedures. —

(1) **LICENSE REQUIRED.**—No person may operate a cemetery without first obtaining a license under this section, unless specifically exempted from this chapter.

(2) **APPLICATION PROCEDURES.**—

(a) A person seeking a cemetery license under this section shall apply for such licensure using forms and procedures prescribed by rule.

(b) The applicant shall be a corporation, a partnership, or a limited liability company.

(c) The application shall require the name, principal place of business, date of formation, and federal tax identification number, of the applicant.

(d) The application shall require such historical sketches and audited or unaudited financial statements concerning the applicant and each principal of the applicant, as the licensing authority may require by rule.

(e) The application shall state any and all names under which the cemetery may do business if licensed, if different from the applicant's name.

(f) The application shall state the exact location of the proposed cemetery.

(g) The proposed cemetery must contain at least 30 contiguous acres. The application shall state the exact number of acres in the proposed cemetery.

(h) The applicant must have a net worth of \$50,000, as attested to by a sworn statement signed by all officers of the applicant. Such net worth must be continually maintained as a condition of licensure.

(i) The application shall be accompanied by such description of the proposed financial structure of the cemetery as the licensing authority may require by rule.

(j) The application shall be accompanied by a legal description of the cemetery.

(k) The application shall be accompanied by such maps or surveys of the proposed cemetery, and maps showing the location of the proposed cemetery in the local area, as the licensing authority may require by rule, and the licensing authority may by rule require such maps or surveys of the cemetery to be prepared by a licensed Florida professional surveyor.

(l) The application shall include such description of the development plans for the proposed cemetery as the licensing authority may require by rule.

(m) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142.

(n) The application shall require the applicant to disclose whether the applicant or any principal of the applicant has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. The licensing authority may

require by rule additional information to be provided concerning any affirmative answers. A licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license. The licensing authority may require by rule additional information to be provided concerning any affirmative answers.

(o) The applicant shall submit fingerprints in accordance with s. 497.142.

(p) The applicant shall demonstrate by clear and convincing evidence that the applicant has the ability, experience, financial stability, and integrity to operate a cemetery, and that its principals are of good character.

(q) The application shall be signed in accordance with s. 497.141(12).

(r) The application shall be accompanied by a nonrefundable application fee of \$5,000.

(s) The licensing authority may establish by rule requirements for the appearance before the licensing authority of the applicant and the applicant's principals, to stand for oral interview by the licensing authority at a public licensing authority meeting, before the application shall be deemed complete.

(3) ACTION CONCERNING APPLICATIONS.—If the licensing authority finds that the applicant meets the criteria established in subsection (2), the applicant shall be notified that a license will be issued when all of the following conditions are satisfied:

(a) The establishment of a care and maintenance trust fund containing not less than \$50,000 has been certified by a trust company operating pursuant to chapter 660, a state or national bank holding trust powers, or a savings and loan association holding trust powers as provided in s. 497.458, pursuant to a trust agreement approved by the licensing authority. The \$50,000 required for the care and maintenance trust fund shall be over and above the \$50,000 net worth required by subsection (2).

(b) The applicant files with the licensing authority an opinion or certification from a Florida attorney in good standing, or a Florida title company, in a form acceptable to the licensing authority, that the applicant holds unencumbered fee simple title to all land identified in the application.

(c) The applicant obtains approval of the local zoning authorities regarding the cemetery, and files with the licensing authority evidence satisfactory to the licensing authority of such approval, or if no approval by local zoning authorities is required, such approval of residents adjacent to the proposed cemetery as the licensing authority may require by rule.

(d) The licensing authority determines that the applicant has designated as general manager of the cemetery a person of integrity, who has 3 years of cemetery management experience as defined by rule of the licensing authority, and who has the ability to operate a cemetery.

(e) Evidence satisfactory to the licensing authority that the applicant has fully developed not less than 2 acres for use as burial space, such development to include a paved road from a public roadway to the developed section.

(f) Regarding the cemetery land identified in the application, the applicant has recorded, and provides the licensing authority with a written attestation of such recording signed by a licensed Florida attorney, in the public records of real estate in the county in which the cemetery land is located, a notice which contains the following language:

NOTICE

The property described herein shall not be sold, conveyed, leased, mortgaged, or encumbered without the prior written approval of the Department of Financial Services, as provided in Chapter 497, Florida Statutes.

Such notice shall be clearly printed in boldfaced type of not less than 10 points and may be included on the face of the deed of conveyance to the licensee or may be contained in a separate recorded instrument which contains a description of the property.

(4) ISSUANCE OF LICENSE.—There shall be issued a license to operate a cemetery company to any applicant

who, within 12 months after notice that a license may be issued, meets the criteria of subsection (3). The licensing authority may, for good cause shown, grant up to two extensions of the 12-month period within which the applicant must meet the criteria of subsection (3).

History.— s. 4, ch. 59-363; s. 1, ch. 63-324; s. 2, ch. 65-288; ss. 12, 35, ch. 69-106; s. 3, ch. 72-78; s. 141, ch. 73-333; s. 3, ch. 76-168; s. 3, ch. 76-251; s. 1, ch. 77-457; s. 7, ch. 78-95; s. 1, ch. 78-369; s. 1, ch. 78-407; ss. 5, 39, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 3, ch. 85-202; ss. 1, 4, ch. 87-39; s. 1, ch. 89-8; ss. 59, 122, ch. 93-399; s. 3, ch. 2001-120; s. 558, ch. 2003-261; s. 45, ch. 2004-301; s. 23, ch. 2005-155.

Note.— Former s. 559.33; s. 497.006; s. 497.201.

497.264 License not assignable or transferable.—

(1) A license issued to operate a cemetery pursuant to this chapter is not transferable or assignable, and a licensee may not develop or operate any cemetery authorized by this chapter at any location other than that contained in the application for the license.

(2) Any person or entity that seeks to purchase or otherwise acquire control of any cemetery licensed under this chapter shall first apply to the licensing authority and obtain approval of such purchase or change in control.

(a) The licensing authority may adopt rules establishing forms and procedures for such applications.

(b) The application shall state the name and address of the licensed cemetery to which the application relates.

(c) For applications by a natural person, the application shall state the applicant's name, residence address, address of principal office or place of employment, and social security number.

(d) For applications by an entity, the application shall state the applicant's name, address of principal place of business or headquarters offices, the names and titles of all officers of the applicant, the applicant's state of domicile and date of formation, and the applicant's federal tax identification number.

(e) The application shall require such historical sketches and audited or unaudited financial statements concerning the applicant and each principal of the applicant as the licensing authority may require by rule.

(f) The applicant must have a net worth of \$50,000, as attested to by a sworn statement signed by the applicant if a natural person, otherwise by all officers of the applicant. Such net worth must be continually maintained as a condition of licensure of the cemetery if the application is approved.

(g) The application shall include such description of the development plans the applicant has for the proposed cemetery as the licensing authority may require by rule.

(h) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142.

(i) The application shall require the applicant to disclose whether the applicant or any principal of the applicant has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. The licensing authority may require by rule additional information to be provided concerning any affirmative answers. A licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license. The licensing authority may require by rule additional information to be provided concerning any affirmative answers.

(j) The applicant shall submit fingerprints in accordance with s. 497.142.

(k) The applicant shall demonstrate by clear and convincing evidence that the applicant has the ability, experience, financial stability, and integrity to operate a cemetery, and if the applicant is an entity, that the applicant's principals are of good character.

(l) The application shall be signed in accordance with s. 497.141(12).

(m) The application shall be accompanied by a nonrefundable application fee of \$5,000; provided, the fee shall be \$500 if the application is in regard to a change in ownership that will not be accompanied by any change in ultimate control.

(n) The licensing authority may establish by rule requirements for the appearance before the licensing authority

of the applicant and the applicant's principals, to stand for oral interview by the licensing authority at a public licensing authority meeting, before the application shall be deemed complete.

(o) A completed application shall be approved if the requirements of this section are met.

History.—s. 18, ch. 59-363; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 39, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 39, ch. 83-215; s. 4, ch. 85-202; s. 1, ch. 89-8; ss. 60, 122, ch. 93-399; s. 46, ch. 2004-301; s. 24, ch. 2005-155.

Note.—Former s. 559.47; s. 497.007; s. 497.205.

497.265 Annual license fees. —

(1) The department shall collect from each cemetery company operating under the provisions of this chapter an annual license fee as follows:

- (a) For a cemetery with less than \$25,000 annual gross sales. \$250.
- (b) For a cemetery with at least \$25,000 but less than \$100,000 annual gross sales. \$350.
- (c) For a cemetery with annual gross sales of at least \$100,000 but less than \$250,000. \$600.
- (d) For a cemetery with annual gross sales of at least \$250,000 but less than \$500,000. \$900.
- (e) For a cemetery with annual gross sales of at least \$500,000 but less than \$750,000. \$1,350.
- (f) For a cemetery with annual gross sales of at least \$750,000 but less than \$1 million. \$2,250.
- (g) For a cemetery with annual gross sales of at least \$1 million but less than \$5 million. \$3,250.
- (h) For a cemetery with annual gross sales of \$5 million or more. \$4,900.

(2) An application for license renewal shall be submitted, along with the applicable license fee, on or before December 31 each year in the case of an existing cemetery company and before any sale of cemetery property in the case of a new cemetery company or a change of ownership or control pursuant to s. 497.264. If the renewal application and fee are not received by December 31, the department shall collect a penalty in the amount of \$200 per month or fraction of a month for each month delinquent. For the purposes of this subsection, a renewal application and fee submitted by mail shall be considered timely submitted and received if postmarked by December 31 of the applicable year.

History.—s. 17, ch. 59-363; s. 3, ch. 63-324; s. 1, ch. 65-288; ss. 12, 35, ch. 69-106; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 4, ch. 78-369; ss. 25, 39, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 6, ch. 85-202; s. 1, ch. 88-227; s. 1, ch. 89-8; ss. 62, 122, ch. 93-399; s. 6, ch. 2000-195; s. 47, ch. 2004-301.

Note.—Former s. 559.46, s. 559.345; s. 497.009; s. 497.213.

497.266 Care and maintenance trust fund; remedy of department for noncompliance. —

(1) No cemetery company may establish a cemetery, or operate a cemetery if already established, without providing for the future care and maintenance of the cemetery, for which a care and maintenance trust fund shall be established, to be known as “the care and maintenance trust fund of ____.” The trust fund shall be established with a trust company operating pursuant to chapter 660, with a state or national bank holding trust powers, or with a federal or state savings and loan association holding trust powers. Trust funds which are with a state or national bank or savings and loan association licensed in this state on October 1, 1993, shall remain in force; however, when the amount of any such trust fund exceeds the amount that is insured by an agency of the Federal Government, the cemetery company shall transfer that trust fund to a trust company operating pursuant to chapter 660, to a state or national bank holding trust powers, or to a federal or state savings and loan association holding trust powers.

(2) The cemetery company may appoint a person to advise the trustee in the investment of the trust fund. The

licensing authority must approve the appointment of the initial trustee, and any subsequent changes of the trustee shall also be approved by the licensing authority, pursuant to procedures and utilizing forms as specified by rule. If a cemetery company refuses or otherwise fails to provide or maintain an adequate care and maintenance trust fund in accordance with the provisions of this chapter, the licensing authority, after reasonable notice, shall enforce compliance. However, a nonprofit cemetery corporation which has been incorporated and engaged in the cemetery business prior to and continuously since 1915 and which has current trust assets exceeding \$2 million is not required to designate a corporate trustee. The trust fund agreement shall specify the following: the name, location, and address of both the licensee and the trustee, the terms and conditions of the trust, a statement that the trust is established pursuant to ss. 497.266 and 497.268, and the date of agreement, together with the percentages required to be deposited pursuant to this chapter.

(3) No person may withdraw or transfer any portion of the corpus of the care and maintenance trust fund without first obtaining written consent from the licensing authority.

(4) The trustee of the trust established pursuant to this section may only invest in investments and loan trust funds, as prescribed in s. 497.458. The trustee shall take title to the property conveyed to the trust for the purposes of investing, protecting, and conserving it for the cemetery company; collecting income; and distributing the principal and income as prescribed in this chapter. The cemetery company is prohibited from sharing in the discharge of the trustee's responsibilities under this subsection, except that the cemetery company may request the trustee to invest in tax-free investments.

History.—s. 12, ch. 59-363; s. 7, ch. 65-288; ss. 12, 35, ch. 69-106; s. 3, ch. 76-168; s. 6, ch. 76-251; s. 1, ch. 77-457; s. 9, ch. 78-407; ss. 17, 39, 40, ch. 80-238; ss. 2, 3, ch. 81-318; ss. 1, 3, ch. 82-7; s. 1, ch. 89-8; ss. 64, 122, ch. 93-399; s. 4, ch. 2001-120; s. 48, ch. 2004-301.

Note.—Former s. 559.41; s. 497.021; s. 497.237.

497.267 Disposition of income of care and maintenance trust fund; notice to purchasers and depositors.— The net income of the care and maintenance trust fund shall be used solely for the care and maintenance of the cemetery, including maintenance of monuments, which maintenance shall not be deemed to include the cleaning, refinishing, repairing, or replacement of monuments; for reasonable costs of administering the care and maintenance; and for reasonable costs of administering the trust fund. At the time of making a sale or receiving an initial deposit, the cemetery company shall deliver to the person to whom the sale is made, or who makes a deposit, a written instrument which shall specifically state the purposes for which the income of the trust fund shall be used.

History.—s. 13, ch. 59-363; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 18, 39, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 9, ch. 85-202; s. 1, ch. 89-8; ss. 89, 122, ch. 93-399; s. 49, ch. 2004-301.

Note.—Former s. 559.42; s. 497.022; s. 497.241.

497.268 Care and maintenance trust fund, percentage of payments for burial rights to be deposited.—

(1) Each cemetery company shall set aside and deposit in its care and maintenance trust fund the following percentages or amounts for all sums received from sales of burial rights:

(a) For burial rights, 10 percent of all payments received; however, for sales made after September 30, 1993, no deposit shall be less than \$25 per grave. For each burial right which is provided without charge, the deposit to the fund shall be \$25.

(b) For mausoleums or columbaria, 10 percent of payments received.

(c) For general endowments for the care and maintenance of the cemetery, the full amount of sums received when received.

(d) For special endowments for a specific lot or grave or a family mausoleum, memorial, marker, or monument, the cemetery company may set aside the full amount received for this individual special care in a separate trust fund or by a deposit to a savings account in a bank or savings and loan association located within and authorized to do business in the state; however, if the licensee does not set up a separate trust fund or savings account for the special

endowment, the full amount thereof shall be deposited into the care and maintenance trust fund as required of general endowments.

(2) Deposits to the care and maintenance trust fund shall be made by the cemetery company not later than 30 days following the close of the calendar month in which any payment was received; however, when such payments are received in installments, the percentage of the installment payment placed in trust must be identical to the percentage which the payment received bears to the total cost for the burial rights. Trust income may be used to pay for all usual and customary services for the operation of a trust account, including, but not limited to: reasonable trustee and custodian fees, investment adviser fees, allocation fees, and taxes. If the net income is not sufficient to pay the fees and other expenses, the fees and other expenses shall be paid by the cemetery company. Capital gains taxes shall be paid from the corpus.

(3) Any payments made to the care and maintenance trust fund on contracts which are canceled shall be credited against future obligations to the care and maintenance trust fund, provided they have been refunded to the purchaser.

(4) When a cemetery which is exempt from the provisions of this chapter changes ownership so as to lose its exempt status, it shall establish and maintain a care and maintenance trust fund pursuant to this chapter. The initial deposit for establishment of this trust fund shall be \$25 per space for all spaces either previously sold or contracted for sale in the cemetery at the time of conversion or \$50,000, whichever is greater.

(5) In each sales contract, reservation, or agreement wherein burial rights are priced separately, the purchase price of the burial rights shall be the only item subject to care and maintenance trust fund deposits; but if the burial rights are not priced separately, the full amount of the contract, reservation, or agreement shall be subject to care and maintenance trust fund deposits as provided in this section, unless the purchase price of the burial rights can be determined from the accounting records of the cemetery company.

(6) If an installment contract or promissory note for the purchase of a burial space is sold or discounted to a third party, the entire amount due the care and maintenance trust fund shall be payable no later than 30 days following the close of the calendar month in which the contract was sold or discounted.

History.—s. 14, ch. 59-363; s. 8, ch. 65-288; s. 5, ch. 72-78; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 10, ch. 78-407; ss. 20, 39, 40, ch. 80-238; s. 410, ch. 81-259; ss. 2, 3, ch. 81-318; s. 10, ch. 85-202; s. 1, ch. 89-8; ss. 65, 122, ch. 93-399; s. 11, ch. 96-400; s. 7, ch. 2000-195; s. 5, ch. 2001-120; s. 50, ch. 2004-301.

Note.—Former s. 559.43; s. 497.023; s. 497.245.

497.269 Care and maintenance trust fund; financial reports.—On or before April 1 of each year, the trustee shall furnish adequate financial reports with respect to the care and maintenance trust fund utilizing forms and procedures specified by rule. However, the department may require the trustee to make such additional financial reports as it deems necessary. In order to ensure that the proper deposits to the trust fund have been made, the department shall examine the status of the trust fund of the company on a semiannual basis for the first 2 years of the trust fund's existence.

History.—s. 15, ch. 59-363; s. 1, ch. 65-288; ss. 12, 35, ch. 69-106; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 21, 39, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 89, 122, ch. 93-399; s. 12, ch. 96-400; s. 51, ch. 2004-301.

Note.—Former s. 559.44; s. 497.024; s. 497.249.

1497.270 Minimum acreage; sale or disposition of cemetery lands.—

(1) No land in a licensed cemetery may be sold, mortgaged, leased, or encumbered without prior approval of the licensing authority pursuant to procedures specified by rule. Such approval shall not be given unless it be shown that such approval would be in the public interest. The licensing authority may adopt rules establishing criteria for approval of the sale, mortgaging, leasing, or encumbering of cemetery land.

(2) Any lands owned by a licensee and dedicated for use by it as a cemetery, which are in excess of a minimum of

30 contiguous acres, may be sold, conveyed, or disposed of by the licensee, after obtaining written approval pursuant to procedures and utilizing forms specified by rule and consistent with subsection (3), for use by the new owner for other purposes than as a cemetery. All of the human remains which have been previously interred therein shall first have been removed from the lands proposed to be sold, conveyed, or disposed of; however, the provisions of ss. 497.152(8)(e) and 497.384 must be complied with prior to any disinterment of human remains. Any and all titles, interests, or burial rights which may have been sold or contracted to be sold in lands which are the subject of the sale shall be conveyed to and revested in the licensee prior to consummation of any such sale, conveyance, or disposition.

(3)(a) If the property to be sold, conveyed, or disposed of under subsection (2) has been or is being used for the permanent interment of human remains, the applicant for approval of such sale, conveyance, or disposition shall cause to be published, at least once a week for 4 consecutive weeks, a notice meeting the standards of publication set forth in s. 125.66(4)(b)2. The notice shall describe the property in question and the proposed noncemetery use and shall advise substantially affected persons that they may file a written request for a hearing pursuant to chapter 120, within 14 days after the date of last publication of the notice, with the department if they object to granting the applicant's request to sell, convey, or dispose of the subject property for noncemetery uses.

(b) If the property in question has never been used for the permanent interment of human remains, no notice or hearing is required.

(c) If the property in question has been used for the permanent interment of human remains, the department shall approve the application, in writing, if it finds that it would not be contrary to the public interest. In determining whether to approve the application, the department shall consider any evidence presented concerning the following:

1. The historical significance of the subject property, if any.
2. The archaeological significance of the subject property, if any.
3. The public purpose, if any, to be served by the proposed use of the subject property.
4. The impact of the proposed change in use of the subject property upon the reasonable expectations of the families of the deceased regarding whether the cemetery property was to remain as a cemetery in perpetuity.
5. Whether any living relatives of the deceased actively oppose the relocation of their deceased's remains and the conversion of the subject property to noncemetery uses.
6. The elapsed time since the last interment in the subject property.
7. Any other factor enumerated in this chapter that the department considers relevant to the public interest.

(d) Any deed, mortgage, or other conveyance by a cemetery company or other owner pursuant to subsections (a) and (c) above must contain a disclosure in the following or substantially similar form:

NOTICE: The property described herein was formerly used and dedicated as a cemetery. Conveyance of this property and its use for noncemetery purposes was authorized by the Florida Department of Financial Services by Order No. _____, dated _____.

(e) The department shall adopt such rules as are necessary to carry out the provisions of this section.

(4) A licensee may convey and transfer to a municipality or county its real and personal property, together with moneys deposited in trust funds pursuant to this chapter, provided the municipality or county will accept responsibility for maintenance thereof and prior written approval of the department is obtained.

(5) The provisions of subsections (1) and (2) relating to a requirement for minimum acreage shall not apply to any cemetery company licensed by the department on or before July 1, 2001, which owns a total of less than 30 acres of land; however, no cemetery company shall dispose of any land without the prior written consent of the department.

(6) Except for road system, transportation corridor, or rights-of-way purposes, property dedicated for cemetery purposes and licensed under this part may not be taken by eminent domain if the area of property to be taken is 1 contiguous acre or greater in size, unless the taking entity determines in a public hearing that there are no reasonable

alternatives except to use cemetery property for the project.

(7) A governmental entity may not require the transfer of property dedicated for cemetery purposes and licensed pursuant to part II as a condition of obtaining regulatory approval under this chapter.

History.—s. 9, ch. 65-288; ss. 12, 35, ch. 69-106; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 12, ch. 78-407; ss. 26, 39, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 2, ch. 88-227; s. 1, ch. 89-8; ss. 89, 122, ch. 93-399; s. 5, ch. 98-268; s. 6, ch. 2001-120; s. 559, ch. 2003-261; s. 52, ch. 2004-301; s. 1, ch. 2008-83.

¹**Note.**—Section 15, ch. 98-268, provides that “[e]xcept as otherwise provided herein, this act shall take effect July 1 of [1998]; however, . . . the changes to section 497.253, Florida Statutes, as amended by this act, shall not be enforceable until the rules implementing those provisions have been adopted by the Board of Funeral and Cemetery Services or the Department of Banking and Finance, as applicable.” Section 497.253 was redesignated as s. 497.270 by s. 52, ch. 2004-301, and the regulating agency was redesignated as the Board of Funeral, Cemetery, and Consumer Services of the Department of Financial Services by ch. 2004-301.

Note.—Former s. 559.481; s. 497.027; s. 497.253.

497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(1) All newly constructed and significantly altered or renovated mausoleums and columbaria must, in addition to complying with applicable building codes, conform to the standards adopted under this section.

(2) The licensing authority shall adopt, by no later than July 1, 1999, rules establishing minimum standards for all newly constructed and significantly altered or renovated mausoleums and columbaria; however, in the case of significant alterations or renovations to existing structures, the rules shall apply only, when physically feasible, to the newly altered or renovated portion of such structures, except as specified in subsection (4). In developing and adopting such rules, the licensing authority may define different classes of structures or construction standards, and may provide for different rules to apply to each of said classes, if the designation of classes and the application of different rules is in the public interest and is supported by findings by the licensing authority based on evidence of industry practices, economic and physical feasibility, location, or intended uses; provided, that the rules shall provide minimum standards applicable to all construction. For example, and without limiting the generality of the foregoing, the licensing authority may determine that a small single-story ground level mausoleum does not require the same level of construction standards that a large multistory mausoleum might require; or that a mausoleum located in a low-lying area subject to frequent flooding or hurricane threats might require different standards than one located on high ground in an area not subject to frequent severe weather threats. The licensing authority shall develop the rules in cooperation with, and with technical assistance from, the Florida Building Commission, to ensure that the rules are in the proper form and content to be included as part of the Florida Building Code under part IV of chapter 553. If the Florida Building Commission advises that some of the standards proposed by the licensing authority are not appropriate for inclusion in such building codes, the licensing authority may choose to include those standards in a distinct chapter of its rules entitled “Non-Building-Code Standards for Mausoleums” or “Additional Standards for Mausoleums,” or other terminology to that effect. If the licensing authority elects to divide the standards into two or more chapters, all such rules shall be binding on licensees and others subject to the jurisdiction of the licensing authority, but only the chapter containing provisions appropriate for building codes shall be transmitted to the Florida Building Commission pursuant to subsection (3). Such rules may be in the form of standards for design and construction; methods, materials, and specifications for construction; or other mechanisms. Such rules shall encompass, at a minimum, the following standards:

(a) No structure may be built or significantly altered for use for interment, entombment, or inurnment purposes unless constructed of such material and workmanship as will ensure its durability and permanence, as well as the safety, convenience, comfort, and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science.

(b) Such structure must be so arranged that the exterior of any vault, niche, or crypt may be readily examined at any time by any person authorized by law to do so.

(c) Such structure must contain adequate provision for drainage and ventilation. Private or family mausoleums with all crypts bordering an exterior wall must contain pressure relief ventilation from the crypts to the outside of the mausoleum through the exterior wall or roof.

(d) Such structure must be of fire-resistant construction. Notwithstanding the requirements of s. 553.895 and chapter 633, any mausoleum or columbarium constructed of noncombustible materials, as defined in the Standard Building Code, shall not require a sprinkler system.

(e) Such structure must be resistant to hurricane and other storm damage to the highest degree provided under applicable building codes for buildings of that class.

(f) Suitable provisions must be made for securely and permanently sealing each crypt with durable materials after the interment or entombment of human remains, so that no effluvia or odors may escape therefrom except as provided by design and sanitary engineering standards. Panels for permanent seals must be solid and constructed of materials of sufficient weight, permanence, density, imperviousness, and strength as to ensure their durability and continued functioning. Permanent crypt sealing panels must be securely installed and set in with high quality fire-resistant, resilient, and durable materials after the interment or entombment of human remains. The outer or exposed covering of each crypt must be of a durable, permanent, fire-resistant material; however, plastic, fiberglass, and wood are not acceptable materials for such outer or exposed coverings.

(g) Interior and exterior fastenings for hangers, clips, doors, and other objects must be of copper, copper-base alloy, aluminum, or stainless steel of adequate gauges, or other materials established by rule which provide equivalent or better strength and durability, and must be properly installed.

(3) The licensing authority shall transmit the rules as adopted under subsection (2), hereinafter referred to as the "mausoleum standards," to the Florida Building Commission, which shall initiate rulemaking under chapter 120 to consider such mausoleum standards. If such mausoleum standards are not deemed acceptable, they shall be returned by the Florida Building Commission to the licensing authority with details of changes needed to make them acceptable. If such mausoleum standards are acceptable, the Florida Building Commission shall adopt a rule designating the mausoleum standards as an approved revision to the State Minimum Building Codes under part IV of chapter 553. When so designated by the Florida Building Commission, such mausoleum standards shall become a required element of the State Minimum Building Codes under s. 553.73(2) and shall be transmitted to each local enforcement agency, as defined in s. 553.71(5). Such local enforcement agency shall consider and inspect for compliance with such mausoleum standards as if they were part of the local building code, but shall have no continuing duty to inspect after final approval of the construction pursuant to the local building code. Any further amendments to the mausoleum standards shall be accomplished by the same procedure. Such designated mausoleum standards, as from time to time amended, shall be a part of the State Minimum Building Codes under s. 553.73 until the adoption and effective date of a new statewide uniform minimum building code, which may supersede the mausoleum standards as provided by the law enacting the new statewide uniform minimum building code.

(4) In addition to the rules adopted under subsection (2), the licensing authority shall adopt rules providing that following all interments, inurnments, and entombments in mausoleums and columbaria occurring after the effective date of such rules, whether newly constructed or existing, suitable provision must be made, when physically feasible, for sealing each crypt in accordance with standards adopted pursuant to paragraph (2)(f).

(5) For purposes of this section, "significant alteration or renovation" means any addition, renovation, or repair which results in the creation of new crypt or niche spaces.

History.—s. 6, ch. 98-268; s. 43, ch. 2000-141; s. 42, ch. 2000-154; s. 53, ch. 2004-301; s. 6, ch. 2007-55; s. 135, ch. 2008-4; s. 407, ch. 2011-142.

Note.—Former s. 497.255.

497.272 Construction of mausoleums, columbaria, and belowground crypts; preconstruction trust fund;

compliance requirement. —

(1) A cemetery company shall start construction of that section of a mausoleum, columbarium, or bank of belowground crypts in which sales, contracts for sales, reservations for sales, or agreements for sales are being made within 4 years after the date of the first such sale or 50 percent of the mausoleum, columbarium, or belowground crypts have been sold and the purchase price has been received, whichever occurs first. The construction shall be completed within 5 years after the date of the first sale made. However, extensions for completion, not to exceed 1 year, may be granted by the department for good cause shown. If the units have not been completely constructed at the time of need or the time specified herein, all moneys paid shall be refunded upon request, plus interest earned thereon for that portion of the moneys deposited in the trust fund and an amount equal to the interest that would have been earned on that portion of the moneys that were not in trust.

(2) A cemetery company which plans to offer for sale space in a section of a mausoleum, columbarium, or bank of belowground crypts prior to construction shall establish a preconstruction trust fund by written instrument. The preconstruction trust fund shall be administered by a corporate trustee and operated in conformity with s. 497.458. The preconstruction trust fund shall be separate from any other trust funds that may be required by this chapter. The written instrument by which the trustee of the preconstruction trust fund agrees to act as trustee shall contain a statement that the trust is created pursuant to the requirements of this section. The trust shall be subject to examination by the licensing authority.

(3) Before a sale, contract for sale, reservation for sale, or agreement for sale in a mausoleum section, columbarium, or bank of belowground crypts may be made, the cemetery company shall compute the amount to be deposited to the preconstruction trust fund. The total amount to be deposited in the fund for each unit of the project shall be computed by dividing the cost of the project plus 10 percent of the cost, as computed by a licensed contractor, engineer, or architect, by the number of crypts in the section or bank of belowground crypts or the number of niches in the columbarium. When payments are received in installments, the percentage of the installment payment placed in trust must be identical to the percentage which the payment received bears to the total cost of the contract, including other merchandise and services purchased. Preconstruction trust fund payments shall be made within 30 days after the end of the month in which payment is received.

(4) When the cemetery company delivers a completed crypt or niche acceptable to the purchaser in lieu of the crypt or niche purchased prior to construction, all sums deposited to the preconstruction trust fund for that purchaser shall be paid to the cemetery company.

(5) Each cemetery company may negotiate, at the time of establishment of the preconstruction trust fund, a procedure for withdrawal of the escrowed funds as a part of the construction cost of the mausoleum section, columbarium, or bank of belowground crypts contemplated, subject to the approval of the department. Upon completion of the mausoleum section, columbarium, or bank of belowground crypts, the cemetery company shall certify completion to the trustee and shall be entitled to withdraw all funds deposited to the account thereof.

(6) If the mausoleum section, columbarium, or bank of belowground crypts is not completed within the time limits set out in this section, the trustee shall contract for and cause the project to be completed and pay therefor from the trust funds deposited to the project's account paying any balance, less cost and expenses, to the cemetery company. The refund provisions of subsection (1) apply only to the extent there are funds remaining in excess of the costs to complete the facilities, prior to any payments to the cemetery company.

(7) On or before April 1 of each year, the trustee shall file with the licensing authority in the form prescribed by rule a full and true statement as to the activities of any trust established pursuant to this chapter for the preceding calendar year.

(8) In lieu of the payments outlined hereunder to the preconstruction trust fund, the cemetery company may deliver to the department a performance bond in an amount and by a surety company acceptable to the department.

History.—s. 7, ch. 72-78; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 27, 39, 40, ch. 80-238; s. 412, ch. 81-259; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 66, 122, ch. 93-399; s. 13, ch. 96-400; s. 7, ch. 98-268; s. 54, ch. 2004-301.

Note.— Former s. 559.482; s. 497.029; s. 497.257.

497.273 Cemetery companies; authorized functions.—

(1) Within the boundaries of the cemetery lands it owns, a cemetery company may perform the following functions:

(a) The exclusive care and maintenance of the cemetery.

(b) The exclusive interment, entombment, or inurnment of human remains, including the exclusive right to open, prepare for interment, and close all ground, mausoleum, and urn burials. Each preneed contract for burial rights or services shall disclose, pursuant to licensing authority rule, whether opening and closing of the burial space is included in the contract and, if not, the current prices for opening and closing and a statement that these prices are subject to change. Each cemetery which sells preneed contracts must offer opening and closing as part of a preneed contract.

(c) The exclusive initial preneed and at-need sale of interment or burial rights in earth, mausoleum, crypt, niche, or columbarium interment; however, nothing herein shall limit the right of a person owning interment or burial rights to sell those rights to third parties subject to the transfer of title by the cemetery company.

(d) The adoption of bylaws regulating the activities conducted within its boundaries, provided that no funeral director licensed pursuant to this chapter shall be denied access to any cemetery to conduct a funeral for or supervise a disinterment of human remains. All bylaws provided for herein shall be subject to the approval of the licensing authority under the provisions of chapter 120 prior to becoming effective. The licensing authority shall not approve any bylaw which unreasonably restricts the use of interment or burial rights, which unreasonably restricts competition, or which unreasonably increases the cost to the owner of interment or burial rights in utilizing these rights.

(e) The nonexclusive preneed and at-need sale of monuments, memorials, markers, burial vaults, urns, flower vases, floral arrangements, and other similar merchandise for use within the cemetery.

(f) The nonexclusive cremation of human remains, subject to provisions of s. 497.606.

(g) The entry into sales or management contracts with other persons. The cemetery company shall be responsible for the deposit of all moneys required by this part to be placed in a trust fund.

(2) A full disclosure shall be made for all fees required for interment, entombment, or inurnment of human remains.

(3) A cemetery company may adopt bylaws establishing minimum standards for burial merchandise or the installation thereof. Such bylaws shall include minimum standards for access to install burial merchandise. A cemetery company must comply with its adopted bylaws.

(4) This chapter does not prohibit the interment or entombment of the inurned cremated animal remains of the decedent's pet or pets with the decedent's human remains or cremated human remains if:

(a) The human remains or cremated human remains are not commingled with the inurned cremated animal remains; and

(b) The interment or entombment with the inurned cremated animal remains is with the authorization of the decedent or other legally authorized person.

History.— s. 8, ch. 78-407; ss. 16, 19, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 4, ch. 87-39; s. 1, ch. 89-8; ss. 68, 122, ch. 93-399; s. 79, ch. 94-119; s. 55, ch. 2004-301; s. 7, ch. 2007-55.

Note.— Former s. 559.405; s. 497.033; s. 497.305.

497.274 Standards for grave spaces.—

(1) A standard adult grave space shall measure at least 42 inches in width and 96 inches in length, except for preinstalled vaults in designated areas. For interments, except cremated remains, the covering soil shall measure no less than 12 inches from the top of the outer burial container at time of interment, unless such level of soil is not physically possible. In any interment, the family or next of kin may waive the 12-inch coverage minimum.

(2)(a) Prior to the sale of grave spaces in any undeveloped areas of a licensed cemetery, the cemetery company shall prepare a map documenting the establishment of recoverable internal survey reference markers installed by the cemetery company no more than 100 feet apart in the areas planned for development. The internal reference markers shall be established with reference to survey markers that are no more than 200 feet apart which have been set by a surveyor and mapper licensed under chapter 472 and documented in a certified land survey. Both the map and the certified land survey shall be maintained by the cemetery company and shall be made available upon request to the department or members of the public.

(b) The map of the area proposed to be developed shall show:

1. The number of grave spaces available for sale.
2. The location of each grave space.
3. The number designation assigned to each grave space.
4. The dimensions of a standard adult grave space.

(3) Adult grave spaces established prior to October 1, 2005, are not required to meet the standards established under this section for the dimensions or separation of grave spaces.

History.—s. 56, ch. 2004-301.

497.276 Records.—

(1) A record shall be kept of every burial in the cemetery of a cemetery company, showing the date of burial and the name of the person buried, together with lot, plot, and space in which the burial was made. All financial records of the cemetery company shall be available at its principal place of business in this state and shall be readily available at all reasonable times for examination by the department.

(2) Notwithstanding the provisions of subsection (1), the licensing authority may, upon request, authorize a cemetery company to maintain its financial records at a location other than its principal place of business and may, if necessary, require the company to make its books, accounts, records, and documents available at a reasonable and convenient location in this state.

(3) The licensing authority may prescribe by rule the minimum information to be shown in the books, accounts, records, and documents of a cemetery company to enable the department to determine the company's compliance with this chapter, and may prescribe financial statements that shall be prepared annually by licensed cemetery companies.

History.—s. 9, ch. 59-363; s. 4, ch. 65-288; ss. 12, 35, ch. 69-106; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 15, 39, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 69, 122, ch. 93-399; s. 58, ch. 2004-301.

Note.—Former s. 559.38; s. 497.035; s. 497.309.

497.2765 Recording purchase of burial rights.—

(1) Any person purchasing a burial right, below ground crypt, grave space, mausoleum, columbarium, ossuary, or scattering garden for the interment, entombment, inurnment, or other disposition of human remains may, at the person's option, permanently record the purchase of the burial right, below ground crypt, grave space, mausoleum, columbarium, ossuary, or scattering garden with the clerk of the court in the county where the burial right, below ground crypt, grave space, mausoleum, columbarium, ossuary, or scattering garden is located. The recordation pursuant to this section is for the purpose of public notification and for the purpose of establishing a permanent record in the official records of the county; however, it does not create any priority of interest or ownership.

(2) The clerk of the court shall record the evidence of the purchase of a burial right, below ground crypt, grave space, mausoleum, columbarium, ossuary, or scattering garden presented to him or her for recording upon payment of the service charge as otherwise provided by law for the recording of the purchase documents in the official records.

History.—s. 1, ch. 2004-24.

Note.— Former s. 497.310.

497.277 Other charges.— Other than the fees for the sale of burial rights, burial merchandise, and burial services, no other fee may be directly or indirectly charged, contracted for, or received by a cemetery company as a condition for a customer to use any burial right, burial merchandise, or burial service, except for:

- (1) Charges paid for opening and closing a grave and vault installation.
- (2) Charges paid for transferring burial rights from one purchaser to another; however, no such fee may exceed \$50.
- (3) Charges for sales, documentary excise, and other taxes actually and necessarily paid to a public official, which charges must be supported in fact.
- (4) Charges for credit life and credit disability insurance, as requested by the purchaser, the premiums for which may not exceed the applicable premiums chargeable in accordance with the rates filed with the Office of Insurance Regulation of the Financial Services Commission.
- (5) Charges for interest on unpaid balances pursuant to chapter 687.
- (6) Charges paid for processing, filing, and archiving a cemetery sales contract and for performing other administrative duties related to the contract. However, these charges may not be imposed on a cemetery sales contract for the opening and closing of a grave or other burial right or for the installation of a vault in a grave for which burial rights were previously purchased. A cemetery company must disclose these charges to the customer and include them on its standard printed price lists and other disclosure information provided to the public under s. 497.282. These charges are not subject to the trust deposit requirements in s. 497.458. The department may, subject to approval by the board, adopt rules to administer this subsection.

History.—s. 70, ch. 93-399; s. 560, ch. 2003-261; s. 59, ch. 2004-301; s. 13, ch. 2010-125.

Note.— Former s. 497.313.

497.278 Monuments; installation fees.—

- (1) No cemetery company may charge a fee for the installation of a monument purchased or obtained from and to be installed by a person or firm other than the cemetery company or its agents.
- (2) To verify that a monument is installed on the proper grave in accordance with cemetery bylaws, rules, or regulations, the cemetery company shall mark the place on the grave where the marker or monument is to be installed and shall inspect the installation when completed. Nothing in this subsection is intended to imply or require that a cemetery company shall have to lay out or engineer a grave site or grave sites for the installation of a marker or monument.
- (3) A cemetery company may require any person or firm that delivers, installs, places, or sets a monument to show proof of liability insurance coverage and, if required by law, workers' compensation insurance coverage. However, a cemetery company may not set liability insurance coverage limits or require any person or firm to obtain any form of bond or surety, or make any form of pledge, deposit, or monetary guarantee, as a condition for entry on or access to cemetery property.

History.—ss. 19, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 11, ch. 85-202; s. 3, ch. 88-227; s. 1, ch. 89-8; ss. 71, 122, ch. 93-399; s. 60, ch. 2004-301; s. 14, ch. 2010-125.

Note.— Former s. 559.406; s. 497.041; s. 497.317.

497.280 Illegal tying arrangements.—

- (1) No person authorized to sell grave space may tie the purchase of any grave space to the purchase of a monument from or through the seller of any other designated person or corporation.
- (2)(a) Noncemetery licensed persons and firms shall have the right to sell monuments and to perform or provide on cemetery property foundation, preparation, and installation services for monuments. However, a cemetery company or any other entity owning and operating a cemetery may establish reasonable rules regarding the style

and size of a monument or its foundation, provided such rules are applicable to all monuments from whatever source obtained and are enforced uniformly as to all monuments. Such rules shall be conspicuously posted and readily accessible to inspection and copy by interested persons.

(b) No person who is authorized to sell grave space and no cemetery company or other entity owning and operating a cemetery may:

1. Require the payment of a setting or service charge, by whatever name known, from third party installers for the placement of a monument;
2. Refuse to provide care or maintenance for any portion of a gravesite on which a monument has been placed; or
3. Require waiver of liability with respect to damage caused by cemetery employees or agents to a monument after installation,

where the monument or installation service is not purchased from the person authorized to sell grave space or the cemetery company providing grave space or from or through any other person or corporation designated by the person authorized to sell grave space or the cemetery company providing grave space. No cemetery company may be held liable for the improper installation of a monument where the monument is not installed by the cemetery company or its agents.

(3) No program offering free burial rights may be conditioned by any requirement to purchase additional burial rights, funeral merchandise, or services. Any program offering free burial rights shall comply with s. 817.415.

History.—ss. 19, 32, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 12, ch. 85-202; s. 4, ch. 88-227; s. 1, ch. 89-8; ss. 73, 122, ch. 93-399; s. 15, ch. 96-400; s. 61, ch. 2004-301.

Note.—Former s. 559.409; s. 497.044; s. 497.325.

497.281 Licensure of brokers of burial rights. —

(1) No person shall receive compensation to act as a third party to the sale or transfer of three or more burial rights in a 12-month period unless the person pays a license fee as determined by licensing authority rule but not to exceed \$250 and is licensed with the department as a burial rights broker in accordance with this section.

(2)(a) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142.

(b) The application shall require the applicant to disclose whether the applicant or any principal of the applicant has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. The licensing authority may require by rule additional information to be provided concerning any affirmative answers. A licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license. The licensing authority may require by rule additional information to be provided concerning any affirmative answers.

(c) The applicant shall submit fingerprints in accordance with s. 497.142. The application shall be signed in accordance with s. 497.141(12).

(d) The applicant shall demonstrate by clear and convincing evidence that the applicant has the ability, experience, and integrity to act as a burial broker and, if the applicant is an entity, that the applicant's principals are of good character.

(3) For the purpose of preventing confusion and error by the licensee or by the cemeteries in which the burial rights are located as to the status as sold or unsold, and as to the identity of the owner, of the burial rights and related interment spaces in the cemetery, the licensing authority shall by rule establish requirements for minimum records to be maintained by licensees under this section.

(4) The licensing authority may by rule require inspections of the records of licensees under this section.

(5) The department, by rule, shall provide for the biennial renewal of licenses under this section and a renewal fee

as determined by licensing authority rule but not to exceed \$250.

(6) The licensure requirements of this section shall not apply to persons otherwise licensed pursuant to this chapter, but such persons, if they engage in activity as burial rights brokers, shall be subject to rules relating to required records and inspections.

History.—s. 74, ch. 93-399; s. 62, ch. 2004-301; s. 25, ch. 2005-155.

Note.—Former s. 497.329.

497.282 Disclosure of information to public.— A licensee offering to provide burial rights, merchandise, or services to the public shall:

(1) Provide by telephone, upon request, accurate information regarding the retail prices of burial merchandise and services offered for sale by the licensee.

(2) Fully disclose all regularly offered services and merchandise prior to the selection of burial services or merchandise. The full disclosure required shall identify the prices of all burial rights, services, and merchandise provided by the licensee.

(3) Not make any false or misleading statements of the legal requirement as to the necessity of a casket or outer burial container.

(4) Provide a good faith estimate of all fees and costs the customer will incur to use any burial rights, merchandise, or services purchased.

(5) Provide to the customer, upon request, a current copy of the bylaws of the licensee.

(6) Provide to the customer, upon the purchase of any burial right, merchandise, or service, a written contract, the form of which has been approved by the licensing authority pursuant to procedures specified by rule.

(a) The written contract shall be completed as to all essential provisions prior to the signing of the contract by the customer.

(b) The written contract shall provide an itemization of the amounts charged for all services, merchandise, and fees, which itemization shall be clearly and conspicuously segregated from everything else on the written contract.

(c) A description of the merchandise covered by the contract to include, when applicable, model, manufacturer, and other relevant specifications.

(7) Provide the licensee's policy on cancellation and refunds to each customer.

(8) In a manner established by rule of the licensing authority, provide on the signature page, clearly and conspicuously in boldfaced 10-point type or larger, the following:

(a) The words "purchase price."

(b) The amount to be trusted.

(c) The amount to be refunded upon contract cancellation.

(d) The amounts allocated to merchandise, services, and cash advances.

(e) The toll-free number of the department which is available for questions or complaints.

(f) A statement that the purchaser shall have 30 days from the date of execution of contract to cancel the contract and receive a total refund of all moneys paid for items not used.

(9) Effective October 1, 2006, display in its offices for free distribution to all potential customers, and provide to all customers at the time of sale, a brochure explaining how and by whom cemeteries and preneed sales are regulated; summarizing consumer rights under the law; and providing the name, address, and phone number of the department's consumer affairs division. The format and content of the brochure shall be as prescribed by rule. The licensing authority may cause the publication of such brochures and by rule establish requirements that cemetery and preneed licensees purchase and make available such brochures as so published, in the licensee's offices, to all potential customers.

(10) Provide to each customer a complete description of any monument, marker, or memorialization to be placed at the gravesite.

History.—s. 37, ch. 80-238; s. 2, ch. 81-318; s. 1, ch. 89-8; ss. 75, 122, ch. 93-399; s. 16, ch. 96-400; s. 63, ch. 2004-301.

Note.—Former s. 559.407; s. 497.046; s. 497.333.

497.283 Prohibition on sale of personal property or services. —

(1) This section applies to all cemetery companies licensed pursuant to this chapter that offer for sale or sell personal property or services which may be used in a cemetery in connection with the burial of human remains or the commemoration of the memory of a deceased human being and also to any person in direct written contractual relationship with licensed cemetery companies.

(2)(a) Except as otherwise provided in this chapter, no cemetery company shall directly or indirectly enter into a contract for the sale of personal property or services, excluding burial or interment rights, which may be used in a cemetery in connection with disposing of human remains, or commemorating the memory of a deceased human being, if delivery of the personal property or performance of the service is to be made more than 120 days after receipt of final payment under the contract of sale, except as provided in s. 497.458. This shall include, but not be limited to, the sale for future delivery of burial vaults, grave liners, urns, memorials, vases, foundations, memorial bases, and similar merchandise and related services commonly sold or used in cemeteries and interment fees but excluding burial or interment rights.

(b) For the purposes of this section, the term “delivery” means actual delivery and installation at the time of need or at the request of the owner or the owner’s agent. Merchandise is not considered delivered under paragraph (a) if it is stored on the grounds of the cemetery or at a storage facility except for monuments, markers, and permanent outer burial receptacles that are stored in a protected environment and are comprised of materials designed to withstand prolonged, protected storage without adversely affecting the structural integrity or aesthetic characteristics of such permanent outer burial receptacles.

(c) In lieu of delivery as required by paragraph (b), for sales to cemetery companies and funeral establishments, and only for such sales, the manufacturer of a permanent outer burial receptacle which meets standards adopted by rule may elect, at its discretion, to comply with the delivery requirements of this section by annually submitting for approval pursuant to procedures and forms as specified by rule, in writing, evidence of the manufacturer’s financial responsibility with the licensing authority for its review and approval. The standards and procedures to establish evidence of financial responsibility shall be those in s. 497.461, with the manufacturer of permanent outer burial receptacles which meet national industry standards assuming the same rights and responsibilities as those of a preneed licensee under s. 497.461.

(3) No nonprofit cemetery corporation which has been incorporated and engaged in the cemetery business prior to and continuously since 1915 and which has current trust assets exceeding \$2 million shall be required to designate a corporate trustee.

History.—s. 6, ch. 72-78; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 11, ch. 78-407; ss. 23, 39, 40, ch. 80-238; s. 411, ch. 81-259; ss. 2, 3, ch. 81-318; ss. 2, 3, ch. 82-7; s. 13, ch. 85-202; s. 7, ch. 88-227; s. 1, ch. 89-8; ss. 76, 122, ch. 93-399; s. 64, ch. 2004-301.

Note.—Former s. 559.441; s. 497.048; s. 497.337.

497.284 Abandoned cemeteries; immunity; actions. —

(1) Notwithstanding any provision of law to the contrary, a county or municipality which has within its jurisdiction an abandoned cemetery or a cemetery that has not been reasonably maintained for a period in excess of 6 months may, upon notice to the department, take such action as is necessary and appropriate to provide for maintenance and security of the cemetery. The solicitation of private funds and the expenditure of public funds for the purposes enumerated in this subsection are hereby authorized, provided that no action taken by a county or municipality under this subsection shall establish an ongoing obligation or duty to provide continuous security or maintenance for any cemetery.

(2) No county or municipality nor any person under the supervision or direction of the county or municipality, providing good faith assistance in securing or maintaining a cemetery under subsection (1), may be subject to civil

liabilities or penalties of any type for damages to property at the cemetery.

(3) A county or municipality that has maintained or secured a cemetery pursuant to the provisions of subsection (1) may maintain an action at law against the owner of the cemetery to recover an amount equal to the value of such maintenance or security.

History.—s. 7, ch. 78-407; ss. 33, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 1, ch. 88-300; s. 1, ch. 89-8; ss. 84, 122, ch. 93-399; s. 65, ch. 2004-301.

Note.—Former s. 559.525; s. 497.071; s. 497.345.

497.285 Inactive cemeteries.—

(1) A licensee shall be considered inactive upon the acceptance of the surrender of its license by the department or upon the nonreceipt by the department of the license renewal fees required by s. 497.265.

(2) A cemetery licensee licensed to engage in preneed sales shall cease all preneed sales to the public upon becoming inactive in regard to its cemetery license. At-need sales to the public shall cease within 30 days after becoming inactive.

(3) Any licensee desiring to surrender its license to the department shall first:

(a) File notice with the department.

(b) Submit copies of its existing trust agreements.

(c) Resolve to the department's satisfaction all findings and violations resulting from the last examination conducted.

(d) Pay all outstanding fines and invoices due the department.

(e) Submit its current license.

(4) Upon receipt of the notice, the department shall review the licensee's:

(a) Trust funds.

(b) Trust agreements.

(c) Care and maintenance of the cemetery grounds.

(5) After a review to the department's satisfaction, the department shall terminate the license.

(6)(a) The care and maintenance trust fund of a licensee shall be held intact and in trust after the licensee has become inactive, and funds in that trust fund shall be disbursed to the cemetery on a regular basis for the upkeep of the grounds.

(b) The merchandise trust fund of a licensee shall be held intact and in trust after the licensee has become inactive, and the funds in that trust fund shall be disbursed in accordance with the requirements of the written contracts until the fund has been exhausted.

History.—s. 85, ch. 93-399; s. 66, ch. 2004-301.

Note.—Former s. 497.349.

497.286 Owners to provide addresses; presumption of abandonment; abandonment procedures; sale of abandoned unused burial rights.—

(1) For purposes of this section, all owners of burial rights in any cemetery licensed under the provisions of this chapter shall have the legal duty to keep the cemetery companies informed in writing of their residence addresses. Cemetery companies shall notify their present burial rights owners by letter at the owner's last known address and notify all future burial rights owners, in the contract for sale and the certificate of ownership, of the requirement to keep the cemetery company informed in writing of their current residence address.

(2) There is hereby created a presumption that burial rights in any cemetery licensed under this chapter have been abandoned when an owner of unused burial rights has failed to provide the cemetery with a current residence address for a period of 50 consecutive years and the cemetery is unable to communicate by certified letter with said owner of unused burial rights for lack of address. No such presumption of abandonment shall exist for burial rights

held in common ownership which are adjoining, whether in a grave space, plot, mausoleum, columbarium, or other place of interment, if any such burial rights have been used within such common ownership.

(3) Upon the occurrence of a presumption of abandonment as set forth in subsection (2), a cemetery may file with the department a certified notice attesting to the abandonment of the burial rights. The notice shall do the following:

- (a) Describe the burial rights certified to have been abandoned;
- (b) Set forth the name of the owner or owners of the burial rights, or if the owner is known to the cemetery to be deceased, then the names, if known to the cemetery, of such claimants as are heirs at law, next of kin, or specific devisees under the will of the owner;
- (c) Detail the facts with respect to the failure of the owner or survivors as outlined in this section to keep the cemetery informed of the owner's address for a period of 50 consecutive years or more; and
- (d) Certify that no burial right has been exercised which is held in common ownership with any abandoned burial rights as set forth in subsection (2).

(4) Irrespective of diversity of ownership of the burial rights, a cemetery may include in its certification burial rights in as many owners as are certified to have been abandoned.

(5) The department shall notice and publish the approved abandoned burial rights in the manner provided by s. 717.118.

(6) Within 120 days from the final notice and publication as provided in subsection (5), the department shall notify the cemetery if there has been no claim filed for the burial rights, and the cemetery shall have the right to sell such burial rights at a public sale subject to the approval of the sale price by the department.

(7) Notice of the time and place of any sale held pursuant to the provisions of this section shall be published by the cemetery once in a newspaper of general circulation in the county in which the cemetery is located, such publication to be not less than 30 days prior to the date of sale.

(8) The proceeds derived from any sale shall be disbursed in the following manner: an amount specified in s. 497.268 shall be deposited to the cemetery care and maintenance trust fund; an amount equal to the cemetery company's actual and necessary costs incurred pursuant to this section but not to exceed 10 percent of the selling price of the abandoned burial right shall be deposited to the cemetery company's operating account; and the balance of the proceeds shall be deposited with the department within 20 days after receipt of said funds. The department shall deposit all funds received pursuant to this subsection in accordance with the provisions of s. 717.123.

(9) Persons or their heirs who were owners of burial rights which were sold under this section shall have the right at any time to obtain equivalent burial rights in the cemetery without further charge. If no burial rights are desired, such persons or their heirs may obtain the amount paid to the department in accordance with the provisions of s. 717.124.

(10) The cemetery shall set aside equivalent burial rights equal to 10 percent of the abandoned burial rights sold under this section for the exclusive use of persons or their heirs who were owners of burial rights which were sold under this section, who have the right at any time to obtain equivalent burial rights in the cemetery under this section.

(11) Persons who purchase burial rights at a sale pursuant to this section shall have the right to sell, alienate, or otherwise transfer said burial rights subject to and in accordance with the rules and regulations of the cemetery and payment of a reasonable transfer fee.

History.— ss. 2, 4, ch. 87-39; s. 1, ch. 89-8; ss. 86, 122, ch. 93-399; s. 43, ch. 2000-154; s. 7, ch. 2001-120; s. 67, ch. 2004-301.

Note.— Former s. 497.091; s. 497.353.

497.287 Report of identification of exempt cemeteries. —

(1) All cemeteries in excess of 5 acres located in this state that are exempt from the provisions of this chapter shall be required to file a report of identification with the department and pay a \$25 fee. The department shall maintain such reports as public records. Such report of identification shall be refiled every 5 years pursuant to a schedule set

by board rule. Solely for purposes of chapter 120, such report of identification shall be considered a license with the department.

(2) The report shall be submitted on a form and pursuant to procedures specified by rule, and shall list the name and address of the authorized agent who is responsible for conducting the business of the cemetery and to whom inquiries about the cemetery can be directed.

(3) The department may institute proceedings in any appropriate court for injunctive relief to enforce this section. Upon issuance of an injunctive order, the court shall award the department its costs and attorney fees in the action.

History.—s. 87, ch. 93-399; s. 17, ch. 96-400; s. 68, ch. 2004-301.

Note.—Former s. 497.357.

PART III

FUNERAL DIRECTING, EMBALMING, AND RELATED SERVICES

- 497.365 Licensure; inactive and delinquent status.
- 497.366 Licensure; renewal and cancellation notices.
- 497.368 Embalmers; licensure as an embalmer by examination; provisional license.
- 497.369 Embalmers; licensure as an embalmer by endorsement; licensure of a temporary embalmer.
- 497.370 Embalmers; licensure of an embalmer intern.
- 497.371 Embalmers; establishment of embalmer apprentice program.
- 497.372 Funeral directing; conduct constituting practice of funeral directing.
- 497.373 Funeral directing; licensure as a funeral director by examination; provisional license.
- 497.374 Funeral directing; licensure as a funeral director by endorsement; licensure of a temporary funeral director.
- 497.375 Funeral directing; licensure of a funeral director intern.
- 497.376 License as funeral director and embalmer permitted.
- 497.377 Concurrent internships.
- 497.378 Renewal of funeral director and embalmer licenses.
- 497.379 Inactive status.
- 497.380 Funeral establishment; licensure; display of license.
- 497.381 Solicitation of goods or services.
- 497.382 Reports of cases embalmed and bodies handled.
- 497.383 Additional rights of legally authorized persons.
- 497.384 Disinterment; transportation; authorization and notification.
- 497.385 Removal services; refrigeration facilities; centralized embalming facilities.
- 497.386 Storage, preservation, and transportation of human remains.
- 497.387 Unlawful to remove or embalm body without consent of proper official when crime is suspected.
- 497.389 Funeral establishments; cash advance accounts; escrow refund accounts.
- 497.390 Reciprocity.
- 497.391 Exceptions.
- 497.392 Branch chapels.

497.365 Licensure; inactive and delinquent status. —

(1) This section shall apply only to licenses issued under this part. A licensee may practice a profession or occupation regulated under this part only if the licensee has an active status license. A licensee who practices a profession without an active status license is in violation of this chapter, and the licensing authority may impose discipline on the licensee.

(2) Pursuant to procedures specified by rule, a licensee shall be permitted to choose, at the time of licensure renewal, an active or inactive status. However, a licensee who changes from inactive to active status is not eligible to return to inactive status until the licensee thereafter completes a licensure cycle on active status.

(3) There shall be imposed pursuant to rule a fee for an inactive status license which is no greater than the fee for an active status license.

(4) An inactive status licensee may change to active status at any time, provided the licensee meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status licensee, pays any applicable reactivation fees as set by the licensing authority, and meets all continuing education requirements as specified in this section.

(5) A licensee shall apply with a complete application, as defined by rule of the licensing authority, to renew an active or inactive status license, before the license expires. Failure of a licensee to renew before the license expires shall cause the license to become delinquent in the license cycle following expiration.

(6) A delinquent status licensee must affirmatively apply with a complete application, as defined by rule of the licensing authority, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent status licensee to become active or inactive before the expiration of the current licensure cycle shall render the license null without any further action by the board or the licensing authority. Any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

(7) There shall be imposed pursuant to rule an additional delinquency fee, not to exceed the biennial renewal fee for an active status license, on a delinquent status licensee when such licensee applies for active or inactive status.

(8) There shall be imposed pursuant to rule an additional fee, not to exceed the biennial renewal fee for an active status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) There may be imposed pursuant to rule reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination, to assess current competency necessary to ensure that a licensee who has been on inactive status for more than 4 consecutive years and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) Before reactivation, an inactive or delinquent licensee shall meet the same continuing education requirements, if any, imposed on an active status licensee for all licensure periods in which the licensee was inactive or delinquent.

(11) The status or a change in status of a licensee shall not alter in any way the right to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent.

(12) The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, a delinquency fee, and a fee for reactivation of a license. None of these fees may exceed the biennial renewal fee established by the board for an active license. The department may not reactivate a license unless the inactive or delinquent licensee has paid any applicable biennial renewal or delinquency fee, or both, and a reactivation fee.

(13) A person may not embalm human remains unless he or she is licensed under this chapter as:

(a) An embalmer;

(b) A funeral director and embalmer; or

(c) An embalmer intern or embalmer apprentice, while under the direct supervision or general supervision of a licensed embalmer or licensed funeral director and embalmer as required by this chapter.

History.—s. 70, ch. 2004-301; s. 26, ch. 2005-155; s. 15, ch. 2010-125.

- (1) At least 90 days before the end of a licensure cycle, the licensing authority shall:
 - (a) Forward a licensure renewal notification to an active or inactive licensee at the licensee's last known address of record with the licensing authority.
 - (b) Forward a notice of pending cancellation of licensure to a delinquent status licensee at the licensee's last known address of record with the licensing authority.
- (2) Each licensure renewal notification and each notice of pending cancellation of licensure must state conspicuously that a licensee who remains on inactive status for more than 4 years and who wishes to reactivate the license may be required to demonstrate the competency to resume active practice by sitting for a special purpose examination or by completing other reactivation requirements, as defined by rule of the licensing authority.
- (3) This section shall apply only to licensees licensed under this part.

History.—s. 71, ch. 2004-301.

497.368 Embalmers; licensure as an embalmer by examination; provisional license. —

- (1) Any person desiring to be licensed as an embalmer shall apply to the licensing authority to take the licensure examination. The licensing authority shall examine each applicant who has remitted an examination fee set by rule of the licensing authority not to exceed \$200 plus the actual per applicant cost to the licensing authority for portions of the examination and who has:
 - (a) Completed the application form and remitted a nonrefundable application fee set by the licensing authority not to exceed \$200.
 - (b) Submitted proof satisfactory to the licensing authority that the applicant is at least 18 years of age and is a recipient of a high school degree or equivalent.
 - (c) Made disclosure of the applicant's criminal records, if any, as required by s. 497.142. The applicant shall submit fingerprints in accordance with s. 497.142. The applicant may not be licensed under this section unless the licensing authority determines the applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters.
 - (d) Completed a course in mortuary science approved by the licensing authority, which course embraces, at least, the following subjects: theory and practice of embalming, restorative art, pathology, anatomy, microbiology, chemistry, hygiene, and public health and sanitation.
 - (e) Submitted proof of completion of a course on communicable diseases approved by the licensing authority.
- (2) The licensing authority shall license the applicant as an embalmer if the applicant:
 - (a) Passes an examination on the subjects of the theory and practice of embalming, restorative art, pathology, anatomy, microbiology, chemistry, hygiene, public health and sanitation, and local, state, and federal laws and rules relating to the disposition of dead human bodies; however, there may by rule be approved by the licensing authority the use of a national examination, such as the embalming examination prepared by the Conference of Funeral Service Examining Boards, in lieu of part of this examination requirement; and
 - (b) Completes a 1-year internship under a licensed embalmer.
- (3) Any applicant who has completed the required 1-year internship and has been approved for examination as an embalmer may qualify for a provisional license to work in a licensed funeral establishment, under the direct supervision of a licensed embalmer for a limited period of 6 months as provided by rule of the licensing authority. The fee for provisional licensure shall be set by rule of the licensing authority, but may not exceed \$200, and shall be nonrefundable and in addition to the fee required in subsection (1). This provisional license may be renewed no more than one time.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 19, ch. 88-205; s. 1, ch. 89-8; s. 44, ch. 89-162; s. 17, ch. 91-137; ss. 5, 122, ch. 93-399; s. 60, ch. 94-119; s. 314, ch. 97-103; s. 2, ch. 98-298; s. 73, ch. 2004-301; s. 27, ch. 2005-155.

Note.—Former s. 470.006.

497.369 Embalmers; licensure as an embalmer by endorsement; licensure of a temporary embalmer. —

(1) The licensing authority shall issue a license by endorsement to practice embalming to an applicant who has remitted an examination fee set by rule of the licensing authority not to exceed \$200 and who the licensing authority certifies:

(a) Has completed the application form and remitted a nonrefundable application fee set by rule of the licensing authority not to exceed \$200.

(b)1. Holds a valid license to practice embalming in another state of the United States, provided that, when the applicant secured her or his original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in this state; or

2. Meets the qualifications for licensure in s. 497.368, except that the internship requirement shall be deemed to have been satisfied by 1 year's practice as a licensed embalmer in another state, and has, within 10 years prior to the date of application, successfully completed a state, regional, or national examination in mortuary science, which, as determined by rule of the licensing authority, is substantially equivalent to or more stringent than the examination given by the licensing authority.

(c) Has submitted proof of completion of a licensing authority-approved course on communicable diseases.

(d) Has made disclosure of the applicant's criminal records, if any, as required by s. 497.142. The applicant shall submit fingerprints in accordance with s. 497.142. The applicant may not be licensed under this section unless the licensing authority determines the applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters.

(2) State, regional, or national examinations and requirements for licensure in another state shall be presumed to be substantially equivalent to or more stringent than the examination and requirements in this state unless found otherwise by rule of the licensing authority.

(3) The licensing authority shall not issue a license by endorsement or a temporary license to any applicant who is under investigation or prosecution in any jurisdiction for an act which would constitute a violation of this chapter until such time as the investigation or prosecution is complete.

(4) Each applicant for licensure by endorsement must pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies which is required under s. 497.368 and which shall be given by the licensing authority.

(5) There may be adopted by the licensing authority rules authorizing an applicant who has met the requirements of paragraphs (1)(b) and (c) and who is awaiting an opportunity to take the examination required by subsection (4) to be licensed as a temporary licensed embalmer. A temporary licensed embalmer may work as an embalmer in a licensed funeral establishment under the general supervision of a licensed embalmer. Such temporary license shall expire 60 days after the date of the next available examination required under subsection (4); however, the temporary license may be renewed one time under the same conditions as initial issuance. The fee for issuance or renewal of an embalmer temporary license shall be set by rule of the licensing authority but may not exceed \$200. The fee required in this subsection shall be nonrefundable and in addition to the fee required in subsection (1).

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; s. 135, ch. 92-149; ss. 6, 122, ch. 93-399; s. 61, ch. 94-119; s. 315, ch. 97-103; s. 74, ch. 2004-301; s. 96, ch. 2005-2; s. 28, ch. 2005-155.

Note.—Former s. 470.007.

497.370 Embalmers; licensure of an embalmer intern. —

(1) Any person desiring to become an embalmer intern shall make application to the licensing authority on forms specified by rule, together with a nonrefundable fee determined by rule of the licensing authority but not to exceed \$200. The application shall indicate the name and address of the licensed embalmer under whose supervision the intern will receive training and the name of the licensed funeral establishment or centralized embalming facility where such training is to be conducted. The embalmer intern shall intern under the direct supervision of a licensed embalmer who has an active, valid license under s. 497.368 or s. 497.369.

(2) An applicant for internship under this section shall meet the requirements of s. 497.368(1)(b)-(e) prior to being licensed as an embalmer intern.

(3) There shall be adopted rules establishing an embalmer internship program and criteria for embalmer intern training agencies and supervisors. Any funeral establishment or centralized embalming facility where embalming is conducted must apply to the licensing authority for approval as an embalmer intern training agency.

(4) A funeral establishment or centralized embalming facility designated as an embalmer intern training agency may not exact a fee from any person obtaining intern training at such funeral establishment or centralized embalming facility.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 85-133; s. 1, ch. 89-8; s. 18, ch. 91-137; s. 136, ch. 92-149; ss. 7, 122, ch. 93-399; s. 62, ch. 94-119; s. 75, ch. 2004-301.

Note.—Former s. 470.008.

497.371 Embalmers; establishment of embalmer apprentice program.— The licensing authority adopts rules establishing an embalmer apprentice program. An embalmer apprentice may perform only those tasks, functions, and duties relating to embalming which are performed under the direct supervision of an embalmer who has an active, valid license under s. 497.368 or s. 497.369. An embalmer apprentice shall be eligible to serve in an apprentice capacity for a period not to exceed 3 years as may be determined by licensing authority rule or for a period not to exceed 5 years if the apprentice is enrolled in and attending a course in mortuary science or funeral service education at any mortuary college or funeral service education college or school. An embalmer apprentice shall be licensed upon payment of a licensure fee as determined by licensing authority rule but not to exceed \$200.

History.—ss. 12, 43, ch. 82-179; s. 1, ch. 89-8; s. 122, ch. 93-399; s. 3, ch. 98-298; s. 76, ch. 2004-301.

Note.—Former s. 470.0085.

497.372 Funeral directing; conduct constituting practice of funeral directing.—

(1) The practice of funeral directing shall be construed to consist of the following functions, which may be performed only by a licensed funeral director:

(a) Selling or offering to sell funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, on an at-need basis.

(b) Planning or arranging, on an at-need basis, the details of funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, with the family or friends of the decedent or any other person responsible for such services; setting the time of the services; establishing the type of services to be rendered; acquiring the services of the clergy; and obtaining vital information for the filing of death certificates and obtaining of burial transit permits.

(c) Making, negotiating, or completing the financial arrangements for funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, on an at-need basis, except that nonlicensed personnel may assist the funeral director in performing such tasks.

(d) Directing, being in charge or apparent charge of, or supervising, directly or indirectly, a visitation or viewing. Such functions shall not require that a licensed funeral director be physically present throughout the visitation or viewing, provided that the funeral director is readily available by telephone for consultation.

(e) Directing, being in charge or apparent charge of, or supervising, directly or indirectly, any funeral service held in a funeral establishment, cemetery, or elsewhere.

(f) Directing, being in charge or apparent charge of, or supervising, directly or indirectly, any memorial service held prior to or within 72 hours of the burial or cremation, if such memorial service is sold or arranged by a licensee.

(g) Using in connection with one's name or employment the words or terms "funeral director," "funeral establishment," "undertaker," "mortician," or any other word, term, title, or picture, or combination of any of the above, that when considered in the context in which used would imply that such person is engaged in the practice of

funeral directing or that such person is holding herself or himself out to the public as being engaged in the practice of funeral directing; provided, however, that nothing in this paragraph shall prevent using the name of any owner, officer, or corporate director of a funeral establishment, who is not a licensee, in connection with the name of the funeral establishment with which such individual is affiliated, so long as such individual's affiliation is properly specified.

(h) Managing or supervising the operation of a funeral establishment, except for administrative matters such as budgeting, accounting and personnel, maintenance of buildings, equipment and grounds, and routine clerical and recordkeeping functions.

(2) A funeral director may not engage in the practice of funeral directing except through affiliation with a funeral establishment licensed under this chapter. The board shall adopt by rule criteria for determining whether such an affiliation exists through the funeral director's ownership of, employment by, or contractual relationship with, a funeral establishment. This subsection does not prohibit a funeral director from being designated the licensed funeral director in charge of a cineration facility.

(3) The practice of funeral directing shall not be construed to consist of the following functions:

(a) The phoning-in, faxing, or electronic transmission of obituary notices; ordering of flowers or merchandise; delivery of death certificates to attending physicians; or clerical preparation and processing of death certificates, insurance forms, and any clerical tasks that record the information compiled by the funeral director or that are incidental to any of the functions specified above.

(b) Furnishing standard printed price lists and other disclosure information to the public by telephone or by providing such lists to persons making inquiry.

(c) Removing or transporting human remains from the place of death, or removing or transporting human remains from or to a funeral establishment, centralized embalming facility, refrigeration facility, cemetery, crematory, medical examiner's office, common carrier, or other locations as authorized and provided by law.

(d) Arranging, coordinating, or employing licensed removal services, licensed refrigeration facilities, or licensed centralized embalming facilities.

(e) Any aspect of making preneed funeral arrangements or entering into preneed contracts.

(f) Any functions normally performed by cemetery or crematory personnel.

History.—s. 8, ch. 93-399; s. 77, ch. 2004-301; s. 16, ch. 2010-125; s. 40, ch. 2011-4.

Note.—Former s. 470.0087.

497.373 Funeral directing; licensure as a funeral director by examination; provisional license. —

(1) Any person desiring to be licensed as a funeral director shall apply to the licensing authority to take the licensure examination. The licensing authority shall examine each applicant who has remitted an examination fee set by rule of the licensing authority not to exceed \$200 plus the actual per applicant cost to the licensing authority for portions of the examination and who the licensing authority certifies has:

(a) Completed the application form and remitted a nonrefundable application fee set by rule of the licensing authority not to exceed \$200.

(b) Submitted proof satisfactory to the licensing authority that the applicant is at least 18 years of age and is a recipient of a high school degree or equivalent.

(c) Made disclosure of the applicant's criminal records, if any, as required by s. 497.142. The applicant shall submit fingerprints in accordance with s. 497.142. The applicant may not be licensed under this section unless the licensing authority determines the applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters.

(d)1. Received an associate in arts degree, associate in science degree, or an associate in applied science degree in mortuary science approved by the licensing authority; or

2. Holds an associate degree or higher from a college or university accredited by a regional accrediting agency

recognized by the United States Department of Education and is a graduate of a course of study in mortuary science or funeral service arts approved by the licensing authority from a college or university accredited by the American Board of Funeral Service Education.

(e) Submitted proof of completion of a course on communicable diseases approved by the licensing authority.

(2) The licensing authority shall license the applicant as a funeral director if she or he:

(a) Passes an examination on the theory and practice of funeral directing and funeral service arts; however, the licensing authority may approve by rule the use of a national examination, such as the funeral service arts examination prepared by the Conference of Funeral Service Examining Boards, in lieu of this examination requirement.

(b) Passes an examination approved by the department on the local, state, and federal laws and rules relating to the disposition of dead human bodies.

(c) Completes a 1-year internship under a licensed funeral director.

(3) Any applicant who has completed the required 1-year internship and has been approved for examination as a funeral director may qualify for a provisional license to work in a licensed funeral establishment, under the direct supervision of a licensed funeral director for 6 months as provided by rule of the licensing authority. However, a provisional licensee may work under the general supervision of a licensed funeral director upon passage of the laws and rules examination required under paragraph (2)(b). The fee for provisional licensure shall be set by rule of the licensing authority but may not exceed \$200. The fee required in this subsection shall be nonrefundable and in addition to the fee required by subsection (1). This provisional license may be renewed no more than one time.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; s. 19, ch. 91-137; ss. 9, 122, ch. 93-399; s. 63, ch. 94-119; s. 316, ch. 97-103; s. 4, ch. 98-298; s. 78, ch. 2004-301; s. 29, ch. 2005-155; s. 17, ch. 2010-125.

Note.—Former s. 470.009.

497.374 Funeral directing; licensure as a funeral director by endorsement; licensure of a temporary funeral director. —

(1) The licensing authority shall issue a license by endorsement to practice funeral directing to an applicant who has remitted a fee set by rule of the licensing authority not to exceed \$200 and who:

(a) Has completed the application form and remitted a nonrefundable application fee set by rule of the licensing authority not to exceed \$200.

(b)1. Holds a valid license to practice funeral directing in another state of the United States, provided that, when the applicant secured her or his original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in this state; or

2. Meets the qualifications for licensure in s. 497.373 and has successfully completed a state, regional, or national examination in mortuary science or funeral service arts, which, as determined by rule of the licensing authority, is substantially equivalent to or more stringent than the examination given by the licensing authority.

(c) Has submitted proof of completion of a licensing authority-approved course on communicable diseases.

(d) Has made disclosure of the applicant's criminal records, if any, as required by s. 497.142. The applicant shall submit fingerprints in accordance with s. 497.142. The applicant may not be licensed under this section unless the licensing authority determines the applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters.

(2) The licensing authority shall not issue a license by endorsement or a temporary license to any applicant who is under investigation or prosecution in any jurisdiction for acts which would constitute a violation of this chapter until such time as the investigation or prosecution is complete.

(3) State, regional, or national examinations and requirements for licensure in another state shall be presumed to be substantially equivalent to or more stringent than the examination and requirements in this state unless found otherwise by rule of the licensing authority.

(4) Each applicant for licensure by endorsement must pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies which is required under s. 497.373 and which shall be given by the licensing authority.

(5) There may be adopted rules authorizing an applicant who has met the requirements of paragraphs (1)(b) and (c) and who is awaiting an opportunity to take the examination required by subsection (4) to obtain a license as a temporary funeral director. A licensed temporary funeral director may work as a funeral director in a licensed funeral establishment under the general supervision of a funeral director licensed under subsection (1) or s. 497.373. Such license shall expire 60 days after the date of the next available examination required under subsection (4); however, the temporary license may be renewed one time under the same conditions as initial issuance. The fee for initial issuance or renewal of a temporary license under this subsection shall be set by rule of the licensing authority but may not exceed \$200. The fee required in this subsection shall be nonrefundable and in addition to the fee required in subsection (1).

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; s. 137, ch. 92-149; ss. 10, 122, ch. 93-399; s. 64, ch. 94-119; s. 317, ch. 97-103; s. 79, ch. 2004-301; s. 30, ch. 2005-155; s. 9, ch. 2007-55; s. 18, ch. 2010-125.

Note.—Former s. 470.011.

497.375 Funeral directing; licensure of a funeral director intern. —

(1)(a) Any person desiring to become a funeral director intern must apply to the licensing authority on forms prescribed by rule of the licensing authority, together with a nonrefundable fee set by rule of the licensing authority not to exceed \$200.

(b)1. Except as provided in subparagraph 2., an applicant must hold the educational credentials required for licensure of a funeral director under s. 497.373(1)(d).

2. An applicant who has not completed the educational credentials required for a funeral director license is eligible for licensure as a funeral director intern if the applicant:

a. Holds an associate degree or higher in any field from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education.

b. Is currently enrolled in and attending a licensing authority-approved course of study in mortuary science or funeral service arts required for licensure of a funeral director under s. 497.373(1)(d)2.

c. Has taken and received a passing grade in a college credit course in mortuary law or funeral service law and has taken and received a passing grade in a college credit course in ethics.

(c) An application must include the name and address of the funeral director licensed under s. 497.373 or s. 497.374(1) under whose supervision the intern will receive training and the name of the licensed funeral establishment where the training will be conducted.

(d) A funeral director intern may perform only the tasks, functions, and duties relating to funeral directing which are performed under the direct supervision of a licensed funeral director who has an active, valid license under s. 497.373 or s. 497.374(1). However, a funeral director intern may perform those tasks, functions, and duties under the general supervision of a licensed funeral director upon graduation from a licensing authority-approved course of study in mortuary science or funeral service arts required under s. 497.373(1)(d)2. and passage of the laws and rules examination required under s. 497.373(2)(b), if the funeral director in charge of the funeral director internship training agency, after 6 months of direct supervision, certifies to the licensing agency that the intern is competent to complete the internship under general supervision.

(2) Rules shall be adopted establishing a funeral director internship program and criteria for funeral director intern training agencies and supervisors. Any funeral establishment where funeral directing is conducted may apply to the licensing authority for approval as a funeral director intern training agency.

(3) A funeral establishment designated as a funeral director intern training agency may not exact a fee from any person obtaining intern training at such funeral establishment.

(4)(a) A funeral director intern license expires 1 year after issuance and, except as provided in paragraph (b) or paragraph (c), may not be renewed.

(b) A funeral director intern who is eligible for licensure under subparagraph (1)(b)2. may renew her or his funeral director intern license for an additional 1-year period if the funeral director in charge of the funeral director intern training agency certifies to the licensing authority that the intern has completed at least one-half of the course of study in mortuary science or funeral service arts.

(c) The licensing authority may adopt rules that allow a funeral director intern to renew her or his funeral director intern license for an additional 1-year period if the funeral director intern demonstrates her or his failure to complete the internship before expiration of the license due to illness, personal injury, or other substantial hardship beyond her or his reasonable control or demonstrates that she or he has completed the requirements for licensure as a funeral director but is awaiting the results of a licensure examination. However, a funeral director intern who renews her or his license under paragraph (b) is not eligible to renew the license under this paragraph.

(d) The licensing authority may require payment of a nonrefundable fee for the renewal of any funeral director intern license. The fee shall be set by rule of the licensing authority but may not exceed the fee set pursuant to paragraph (1)(a) for an initial funeral director intern license.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; s. 20, ch. 91-137; s. 138, ch. 92-149; ss. 11, 122, ch. 93-399; s. 65, ch. 94-119; s. 80, ch. 2004-301; s. 19, ch. 2010-125.

Note.—Former s. 470.012.

497.376 License as funeral director and embalmer permitted.— This chapter does not prohibit a person from holding a license as an embalmer and a license as a funeral director at the same time. There may be issued and renewed by the licensing authority a combination license as both funeral director and embalmer to persons meeting the separate requirements for both licenses as set forth in this chapter. The licensing authority may adopt rules providing procedures for applying for and renewing such combination license. The licensing authority may by rule establish application, renewal, and other fees for such combination license, which fees shall not exceed the sum of the maximum fees for the separate funeral director and embalmer license categories as provided in this chapter. Persons holding a combination license as a funeral director and an embalmer shall be subject to regulation under this chapter both as a funeral director and an embalmer.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; s. 139, ch. 92-149; ss. 12, 122, ch. 93-399; s. 66, ch. 94-119; s. 81, ch. 2004-301; s. 31, ch. 2005-155; s. 20, ch. 2010-125.

Note.—Former s. 470.013.

497.377 Concurrent internships.— The internship requirement for embalmers and funeral directors may be served concurrently pursuant to rules adopted by the licensing authority.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; s. 122, ch. 93-399; s. 82, ch. 2004-301.

Note.—Former s. 470.014.

497.378 Renewal of funeral director and embalmer licenses.—

(1) The licensing authority shall renew a funeral director or embalmer license upon receipt of the renewal application and fee set by the licensing authority, not to exceed \$500. The licensing authority may adopt rules for the renewal of a funeral director or embalmer license. The rules may require continuing education of up to 12 classroom hours and may establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis, in addition to a licensing authority-approved course on communicable diseases, for the renewal of a funeral director or embalmer license. The rules may also provide for the waiver of continuing education requirements in circumstances that would justify the waiver, such as hardship, disability, or illness. The continuing education requirement is not required for a licensee who is over the age of 75 years if the licensee does not qualify as the sole person in charge of an establishment or facility.

(2) The licensing authority shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) The licensing authority shall adopt rules to establish requirements for the advertising of continuing education courses.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 13, 122, ch. 93-399; s. 209, ch. 94-119; s. 2, ch. 96-355; s. 5, ch. 98-298; s. 24, ch. 2000-356; s. 83, ch. 2004-301; s. 32, ch. 2005-155; s. 21, ch. 2010-125.

Note.—Former s. 470.015.

497.379 Inactive status.—

(1) A funeral director or embalmer license that has become inactive may be reactivated under s. 497.378 upon application to the licensing authority. The licensing authority shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license may not exceed 12 classroom hours, and the licensing authority may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis, in addition to a licensing authority-approved course on communicable diseases, for each year the license was inactive.

(2) The licensing authority shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, a delinquency fee, and a fee for reactivation of a license. None of these fees may exceed the biennial renewal fee established by the licensing authority for an active license.

(3) The licensing authority may not reactivate a license unless the inactive or delinquent licensee has paid any applicable biennial renewal or delinquency fee, or both, and a reactivation fee.

History.—ss. 1, 5, ch. 79-231; s. 337, ch. 81-259; ss. 2, 3, ch. 81-318; s. 103, ch. 83-329; s. 1, ch. 89-8; ss. 14, 122, ch. 93-399; s. 210, ch. 94-119; s. 25, ch. 2000-356; s. 1, ch. 2001-63; s. 84, ch. 2004-301.

Note.—Former s. 470.016.

497.380 Funeral establishment; licensure; display of license.—

(1) A funeral establishment shall be a place at a specific street address or location consisting of at least 1,250 contiguous interior square feet and shall maintain or make arrangements for capacity for the refrigeration and storage of dead human bodies handled and stored by the establishment and a preparation room equipped with necessary ventilation and drainage and containing necessary instruments for embalming dead human bodies or shall make arrangements for a preparation room as established by rule.

(2) Each licensed funeral establishment may operate a visitation chapel at a separate location within the county in which the funeral establishment is located. A visitation chapel must be a facility of not less than 500 square feet and not more than 700 square feet and may be operated only when a licensed funeral director is present at the facility. A visitation chapel may be used only for visitation of a deceased human body and may not be used for any other activity permitted by this chapter.

(3) No person may conduct, maintain, manage, or operate a funeral establishment unless a funeral establishment operating license has been issued under this chapter for that funeral establishment.

(4) Application for a funeral establishment license shall be made on forms and pursuant to procedures specified by rule, shall be accompanied by a nonrefundable fee not to exceed \$300 as set by licensing authority rule, and shall include the name of the licensed funeral director who is in charge of that establishment. The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142. The applicant shall submit fingerprints in accordance with s. 497.142. A duly completed application accompanied by the required fees shall be approved and the license issued if the proposed funeral establishment has passed an inspection pursuant to rule of the licensing authority, the licensing authority determines the applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters, and the applicant otherwise is in compliance with all applicable requirements of this chapter.

(5) A funeral establishment license shall be renewable biennially pursuant to procedures, and upon payment of a

nonrefundable fee not to exceed \$500, as set by licensing authority rule. The licensing authority may also establish by rule a delinquency fee not to exceed \$50 per day.

(6) The practice of embalming done at a funeral establishment shall only be practiced by an embalmer licensed under this chapter.

(7) Each licensed funeral establishment shall have one full-time funeral director in charge and shall have a licensed funeral director reasonably available to the public during normal business hours for the establishment. The full-time funeral director in charge is responsible for ensuring that the facility, its operation, and all persons employed in the facility comply with all applicable state and federal laws and rules. The full-time funeral director in charge must have an active license and may not be the full-time funeral director in charge of any other funeral establishment or of any other direct disposal establishment. Effective October 1, 2010, the full-time funeral director in charge must hold an active, valid embalmer license or combination license as a funeral director and an embalmer. However, a funeral director may continue as the full-time funeral director in charge without an embalmer or combination license if, as of September 30, 2010:

(a) The funeral establishment and the funeral director both have active, valid licenses.

(b) The funeral director is currently the full-time funeral director in charge of the funeral establishment.

(c) The name of the funeral director was included, as required in subsection (4), in the funeral establishment's most recent application for issuance or renewal of its license or was included in the establishment's report of change provided under paragraph (12)(c).

(8) The issuance of a license to operate a funeral establishment to a person or entity who is not individually licensed as a funeral director does not entitle the person to practice funeral directing.

(9) Each funeral establishment located at a specific address shall be deemed to be a separate entity and shall require separate licensing and compliance with the requirements of this chapter. A funeral establishment may not be operated at the same location as any other funeral establishment or direct disposal establishment unless such establishments were licensed as colocated establishments on October 1, 1993.

(10) Every funeral establishment licensed under this chapter shall at all times be subject to the inspection of all its buildings, grounds, and vehicles used in the conduct of its business, by the department or any of its designated representatives or agents, or local or Department of Health inspectors. The licensing authority shall by rule establish requirements for inspection of funeral establishments.

(11) The licensing authority shall set by rule an annual inspection fee not to exceed \$300, payable upon application for licensure and upon each renewal of such license.

(12)(a) A change in ownership of a funeral establishment shall be promptly reported pursuant to procedures established by rule and shall require the relicensure of the funeral establishment, including reinspection and payment of applicable fees.

(b) A change in location of a funeral establishment shall be promptly reported to the licensing authority pursuant to procedures established by rule. Operations by the licensee at a new location may not commence until an inspection by the licensing authority of the facilities, pursuant to rules of the licensing authority, has been conducted and passed at the new location.

(c) A change in the funeral director in charge of a funeral establishment shall be promptly reported pursuant to procedures established by rule.

(13) Each application for a funeral establishment license shall identify every person with the ability to direct the management or policies of the establishment and must identify every person having more than a 10-percent ownership interest in the establishment or the business or corporation which owns the establishment. The licensing authority may deny, suspend, or revoke the license if any person identified in the application has been or thereafter is disciplined by a regulatory agency in any jurisdiction for any offense that would constitute a violation of this chapter. The licensing authority may deny, suspend, or revoke the license if any person identified in the application has ever been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime

in any jurisdiction that directly relates to the ability to operate a funeral establishment.

(14) Each funeral establishment must display at the public entrance the name of the establishment and the name of the full-time funeral director in charge. A funeral establishment must transact its business under the name by which it is licensed.

(15)(a) A funeral establishment and each funeral director and, if applicable, embalmer employed at the establishment must display their current licenses in a conspicuous place within the establishment in such a manner as to make the licenses visible to the public and to facilitate inspection by the licensing authority. If a licensee is simultaneously employed at more than one location, the licensee may display a copy of the license in lieu of the original.

(b) Each licensee shall permanently affix a photograph taken of the licensee within the previous 6 years to each displayed license issued to that licensee as a funeral director or embalmer.

History.— ss. 1, 5, ch. 79-231; s. 338, ch. 81-259; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; s. 46, ch. 89-162; s. 24, ch. 89-374; s. 21, ch. 91-137; ss. 23, 122, ch. 93-399; s. 72, ch. 94-119; s. 4, ch. 96-355; s. 7, ch. 98-298; s. 85, ch. 2004-301; s. 33, ch. 2005-155; s. 22, ch. 2010-125.

Note.— Former s. 470.024.

497.381 Solicitation of goods or services. —

(1) The licensing authority shall regulate such solicitation to protect the public from solicitation which is intimidating, overreaching, fraudulent, or misleading; which utilizes undue influence; or which takes undue advantage of a person's ignorance or emotional vulnerability.

(2) The licensing authority shall regulate such solicitation which comprises an uninvited invasion of personal privacy. It is the express finding of the Legislature that the public has a high expectation of privacy in one's personal residence, and the licensing authority may restrict the hours or otherwise regulate such solicitation in the personal residence of a person unless the solicitation has been previously and expressly requested by the person solicited.

(3) Nothing in this chapter may be construed to restrict the right of a person to lawfully advertise, direct mail, or otherwise communicate in a manner not within the definition of solicitation or to solicit the business of anyone responding to such communication or otherwise initiating discussion of the goods or services being offered.

(4) At-need solicitation of funeral merchandise or services is prohibited. No funeral director or direct disposer or her or his agent or representative may contact the family or next of kin of a deceased person to sell services or merchandise unless the funeral director or direct disposer or her or his agent or representative has been initially called or contacted by the family or next of kin of such person and requested to provide her or his services or merchandise.

History.— ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 2, ch. 85-16; s. 1, ch. 89-8; ss. 26, 122, ch. 93-399; s. 322, ch. 97-103; s. 86, ch. 2004-301; s. 76, ch. 2013-18.

Note.— Former s. 470.026.

497.382 Reports of cases embalmed and bodies handled. —

(1) Each funeral establishment, direct disposal establishment, cinerator facility, and centralized embalming facility shall record monthly on a form prescribed and furnished by the licensing authority the name of the deceased and such other information as may be required by rule with respect to each dead human body embalmed or otherwise handled by the establishment or facility. Such forms shall be signed monthly by the embalmer who performs the embalming, if the body is embalmed, and the funeral director in charge of the establishment or facility or by the direct disposer who disposes of the body and shall be maintained at the business premises of the establishment or facility for inspection by division staff. The licensing authority shall prescribe by rule the procedures for preparing and retaining such forms.

(2) Funeral directors performing disinterments shall record monthly on the form specified in subsection (1) and pursuant to procedures prescribed by rule the name of the deceased and such other information as may be required

by rule with respect to each dead human body disinterred.

History.—ss. 1, 5, ch. 79-231; s. 339, ch. 81-259; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 29, 122, ch. 93-399; s. 74, ch. 94-119; s. 8, ch. 98-298; s. 87, ch. 2004-301; s. 18, ch. 2013-138.

Note.—Former s. 470.029.

497.383 Additional rights of legally authorized persons. —

(1) In addition to any other common law or statutory rights a legally authorized person may otherwise have, that person may authorize a funeral director or direct disposer licensed under this chapter to lawfully dispose of fetal remains in circumstances when a fetal death certificate is not issued under chapter 382. A person licensed under this chapter or former chapter 470 is not liable for damages as a result of following the instructions of the legally authorized person in connection with the final disposition of fetal remains in circumstances in which a fetal death certificate is not issued under chapter 382 or in connection with the final disposition of a dead human body.

(2) Any ambiguity or dispute concerning the right of any legally authorized person to provide authorization under this chapter or the validity of any documentation purporting to grant that authorization shall be resolved by a court of competent jurisdiction.

History.—s. 6, ch. 96-355; s. 88, ch. 2004-301.

Note.—Former s. 470.0294.

497.384 Disinterment; transportation; authorization and notification. —

(1) The disinterment and reinterment of human remains shall require the physical presence of a licensed funeral director, unless the reinterment is to be made in the same cemetery.

(2) In order to ensure that any disinterment or transportation of a dead human body is conducted in a manner that properly protects the public health, safety, and welfare, the licensing authority may adopt rules to regulate the disinterment and transportation of human remains.

(3) The funeral director shall obtain written authorization from a legally authorized person or a court of competent jurisdiction prior to the disinterment and reinterment of a dead human body.

(4) Notification must be provided licensing authority as provided in s. 497.382.

(5) The removal of human remains from a designated temporary storage area to a place of permanent burial within a cemetery shall not be considered a disinterment or reinterment.

History.—s. 75, ch. 94-119; s. 89, ch. 2004-301.

Note.—Former s. 470.0295.

497.385 Removal services; refrigeration facilities; centralized embalming facilities. — In order to ensure that the removal, refrigeration, and embalming of all dead human bodies is conducted in a manner that properly protects the public's health and safety, the licensing authority shall adopt rules to provide for the licensure of removal services, refrigeration facilities, and centralized embalming facilities operated independently of funeral establishments, direct disposal establishments, and cinerator facilities.

(1) REMOVAL SERVICES AND REFRIGERATION SERVICES. —

(a) Application for licensure of a removal service or a refrigeration service shall be made using forms and procedures as specified by rule, shall be accompanied by a nonrefundable fee not to exceed \$300 as set by licensing authority rule, and shall include the name of the business owner, manager in charge, business address, and copies of occupational and other local permits. The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142. The applicant shall submit fingerprints in accordance with s. 497.142. A duly completed application accompanied by the required fees shall be approved and the license issued if the applicant has passed an inspection pursuant to rule of the licensing authority, the licensing authority determines the applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters, and the applicant otherwise is in compliance with all applicable requirements of this chapter.

(b) The licensing authority shall set by rule requirements for licensure of removal services and refrigeration services.

(c) The licensure shall be renewed biennially pursuant to procedures and upon payment of a nonrefundable fee not to exceed \$300 as set by licensing authority rule. The licensing authority may also establish by rule a late renewal penalty fee not to exceed \$50 per day. Any licensure not renewed within 30 days after its renewal date shall expire without further action.

(d) Each business located at a specific address shall be deemed to be a separate entity and shall require separate licensure and compliance with the requirements of this chapter.

(e) Every licensee under this section shall at all times be subject to the inspection of all its buildings, grounds, and vehicles used in the conduct of its business, by the department or any of its designated representatives or agents, or local or Department of Health inspectors. The licensing authority shall by rule establish requirements for inspection of removal services and refrigeration services.

(f) The licensing authority shall set by rule an annual inspection fee not to exceed \$300, payable upon application for licensure and upon each renewal of such licensure.

(g)1. A change in ownership shall be promptly reported using forms and procedures specified by rule and may require the relicensure of the licensee, including reinspection and payment of applicable fees, as required by rule.

2. A change in location shall be promptly reported to the licensing authority pursuant to procedures established by rule. Operations by the licensee at a new location may not commence until an inspection by the licensing authority of the facilities, pursuant to rules of the licensing authority, has been conducted and passed at the new location.

(h) The licensing authority may deny, suspend, or revoke the licensure if any person identified in the application has ever been disciplined by a regulatory agency in any jurisdiction for any offense that would constitute a violation of this chapter. The licensing authority may deny, suspend, or revoke the license of any person identified in the application who has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the ability to operate a removal service or refrigeration service.

(i) Each business must display at the public entrance the name of the establishment and the name of the full-time manager in charge. Each licensee must transact its business under the name by which it is licensed with the licensing authority.

(j) No person may conduct, maintain, manage, or operate a removal service or refrigeration service unless licensed for such service under this chapter.

(k) Such removal services and refrigeration services may not enter into removal or refrigeration contracts with the general public.

(2) **CENTRALIZED EMBALMING FACILITIES.**—In order to ensure that all funeral establishments have access to embalming facilities that comply with all applicable health and safety requirements, the licensing authority shall adopt rules to provide for the licensure and operation of centralized embalming facilities and shall require, at a minimum, the following:

(a) All centralized embalming facilities shall contain all of the equipment and meet all of the requirements that a preparation room located in a funeral establishment is required to meet. The licensing authority may adopt rules establishing the equipment and other requirements for operation of a centralized embalming facility consistent with this paragraph.

(b) Each licensed centralized embalming facility shall have at least one full-time embalmer in charge. The full-time embalmer in charge must have an active license and may not be the full-time embalmer in charge, full-time funeral director in charge, or full-time direct disposer in charge of any other establishment licensed under this chapter.

(c) Any person, regardless of whether such person is otherwise regulated by this chapter, may own such a

facility, provided that such facility is operated in accordance with the rules established by the licensing authority.

(d) A centralized embalming facility may only provide services to funeral establishments.

(e) The practice of embalming done at a centralized embalming facility shall only be practiced by an embalmer licensed under this chapter and shall be provided only to licensed funeral establishments.

(f) Application for licensure of a centralized embalming facility shall be made utilizing forms and procedures prescribed by rule and shall be accompanied by a nonrefundable fee not to exceed \$300 as set by licensing authority rule, and licensure shall be renewed biennially pursuant to procedures and upon payment of a nonrefundable fee not to exceed \$300 as set by licensing authority rule. The licensing authority may also establish by rule a late fee not to exceed \$50 per day. Any licensure not renewed within 30 days after the renewal date shall expire without further action by the department. The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142. The applicant shall submit fingerprints in accordance with s. 497.142. A duly completed application accompanied by the required fees shall be approved and the license issued if the applicant has passed an inspection pursuant to rule of the licensing authority, the licensing authority determines the applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters, and the applicant otherwise is in compliance with all applicable requirements of this chapter.

(g) The licensing authority shall set by rule an annual inspection fee not to exceed \$300, payable upon application for licensure and upon renewal of such licensure. Centralized embalming facilities shall be subject to inspection before issuance of license and annually thereafter and also upon change of location and during investigation of any complaint. A centralized embalming facility shall notify the licensing authority of any change in location. A change in ownership shall be promptly reported to the licensing authority using forms and procedures specified by rule and may require the relicensure of the licensee, including reinspection and payment of applicable fees, as required by rule. The licensing authority shall adopt rules establishing inspection criteria and otherwise establishing forms and procedures for the implementation of this paragraph.

(h) The licensing authority shall, by rule, establish operating procedures which shall require, at a minimum, that centralized embalming facilities maintain a system of identification of human remains received for embalming.

(i) A change in location shall be promptly reported to the licensing authority pursuant to procedures established by rule. Operations by the licensee at a new location may not commence until an inspection by the licensing authority of the facilities, pursuant to rules of the licensing authority, has been conducted and passed at the new location.

History.—s. 21, ch. 93-399; s. 76, ch. 94-119; s. 7, ch. 96-355; s. 9, ch. 98-298; s. 231, ch. 99-8; s. 30, ch. 2000-356; s. 90, ch. 2004-301; s. 34, ch. 2005-155.

Note.—Former s. 470.0301.

497.386 Storage, preservation, and transportation of human remains. —

(1) A person may not store or maintain human remains at any establishment or facility except an establishment or facility licensed under this chapter or a health care facility, medical examiner's facility, morgue, or cemetery holding facility.

(2) A dead human body may not be held in any place or in transit over 24 hours after death or pending final disposition unless the body is maintained under refrigeration at a temperature of 40 degrees Fahrenheit or below or is embalmed or otherwise preserved in a manner approved by the licensing authority in accordance with the provisions of this chapter.

(3) A dead human body transported by common carrier or any agency or individual authorized to carry dead human bodies must be placed in a carrying container adequate to prevent the seepage of fluids and escape of offensive odors. A dead human body may be transported only when accompanied by a properly completed burial-transit permit issued in accordance with the provisions of chapter 382.

(4) The licensing authority shall establish by rule the minimal standards of acceptable and prevailing practices

for the handling and storing of dead human bodies, provided that all human remains transported or stored must be completely covered and at all times treated with dignity and respect.

(5) A person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 10, ch. 98-298; s. 91, ch. 2004-301.

Note.—Former s. 470.0315.

497.387 Unlawful to remove or embalm body without consent of proper official when crime is suspected.— It is unlawful for a licensee under this chapter to remove or embalm a dead human body when she or he has information indicating crime or violence of any sort in connection with the cause of death until permission of the medical examiner or other lawfully authorized official has first been obtained.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; s. 122, ch. 93-399; s. 325, ch. 97-103; s. 92, ch. 2004-301.

Note.—Former s. 470.032.

497.389 Funeral establishments; cash advance accounts; escrow refund accounts.—

(1) Funeral establishments may elect to maintain special, segregated bank accounts to be used in conjunction with making cash advances to vendors. The money in such accounts may be used by the funeral establishments to pay third-party vendors when such amounts must be paid before the funeral establishment has been paid by the purchaser.

(2) Funeral establishments may elect to maintain special, segregated escrow accounts to be used in conjunction with making cash refunds to their purchasers. A funeral establishment may deposit in such accounts any amounts paid by its purchasers that were in excess of the actual funeral costs incurred and cash advances made by the funeral establishment.

History.—s. 32, ch. 93-399; s. 94, ch. 2004-301.

Note.—Former s. 470.0375.

497.390 Reciprocity.— In order to ensure that funeral directors, embalmers, and direct disposers who are licensed in this state may be considered for licensure or registration in other jurisdictions, the licensing authority may enter into reciprocity agreements with other jurisdictions.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 33, 122, ch. 93-399; s. 95, ch. 2004-301.

Note.—Former s. 470.038.

497.391 Exceptions.—

(1) Nothing in this chapter may be construed to limit the sale of caskets, alternative containers, outer burial containers, or funeral merchandise by any person on an at-need basis.

(2) Nothing in this chapter may be construed to override the written instructions or wishes of the deceased as to how her or his body is to be disposed of, if such instructions are reasonably available at the time of death.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 34, 122, ch. 93-399; s. 329, ch. 97-103; s. 96, ch. 2004-301.

Note.—Former s. 470.039.

497.392 Branch chapels.— Notwithstanding the provisions of s. 497.380, any licensed establishment operating a branch chapel on June 30, 1979, in accordance with the law then in effect, as determined by the licensing authority, may continue to operate such branch chapel for the sole and exclusive purpose of providing and holding funeral services.

History.—ss. 3, 4, ch. 79-231; s. 1, ch. 81-303; s. 2, ch. 81-318; s. 1, ch. 89-8; ss. 35, 122, ch. 93-399; s. 4, ch. 2000-332; s. 97, ch. 2004-301.

Note.—Former s. 470.0395.

PRENEED SALES

- 497.450 Preneed sales; chapter exclusive; applicability of other laws.
- 497.451 Insurance business not authorized.
- 497.452 Preneed license required.
- 497.453 Application for preneed license, procedures and criteria; renewal; reports.
- 497.454 Approval of preneed contract and related forms.
- 497.455 Nonconforming contracts.
- 497.4555 Charges for preneed contract.
- 497.456 Preneed Funeral Contract Consumer Protection Trust Fund.
- 497.457 Ownership of proceeds received on contracts.
- 497.458 Disposition of proceeds received on contracts.
- 497.459 Cancellation of, or default on, preneed contracts.
- 497.460 Payment of funds upon death of named beneficiary.
- 497.461 Surety bonding as alternative to trust deposit.
- 497.462 Other alternatives to deposits under s. 497.458.
- 497.463 Existing merchandise trust funds; proof of compliance with law.
- 497.464 Alternative preneed contracts.
- 497.465 Inactive, surrendered, and revoked preneed licensees.
- 497.466 Preneed sales agents, license required; application procedures and criteria; appointment of agents; responsibility of preneed licensee.
- 497.467 Acceptability of funeral and burial merchandise.
- 497.468 Disclosure of information to the public.

497.450 Preneed sales; chapter exclusive; applicability of other laws. — Except as provided in this chapter, preneed funeral merchandise or service contract businesses and preneed burial merchandise or service contract businesses shall be governed by this chapter and shall be exempt from all provisions of the Florida Insurance Code.

History.—ss. 21, 52, ch. 85-321; ss. 90, 122, ch. 93-399; s. 99, ch. 2004-301.

Note.—Former s. 639.085; s. 497.401.

497.451 Insurance business not authorized. — Nothing in the Florida Insurance Code or this chapter shall be deemed to authorize any preneed funeral merchandise or service contract business or any preneed burial merchandise or service business to transact any insurance business, other than that of preneed funeral merchandise or service insurance or preneed burial merchandise or service insurance, or otherwise to engage in any other type of insurance unless it is authorized under a certificate of authority issued under the provisions of the Florida Insurance Code. Any insurance business transacted under this section must comply with the provisions of s. 626.785.

History.—ss. 22, 52, ch. 85-321; ss. 91, 122, ch. 93-399; s. 561, ch. 2003-261; s. 100, ch. 2004-301.

Note.—Former s. 639.087; s. 497.403.

497.452 Preneed license required. —

(1)(a) No person, including any cemetery exempt under s. 497.260, may sell, advertise to sell, or make an arrangement for a preneed contract without first having a valid preneed license.

(b) No person, including any cemetery exempt under s. 497.260, may sell, advertise to sell, or make an arrangement for services, merchandise, or burial rights on a preneed basis unless such person is authorized pursuant to this chapter to provide such services, merchandise, or burial rights on an at-need basis.

(2)(a) No person may receive any funds for payment on a preneed contract who does not hold a valid preneed license.

(b) The provisions of paragraph (a) do not apply to a trust company operating pursuant to chapter 660, to a national or state bank holding trust powers, or to a federal or state savings and loan association having trust powers which company, bank, or association receives any money in trust pursuant to the sale of a preneed contract.

(c) The provisions of paragraph (a) do not apply to any Florida corporation existing under chapter 607 acting as a servicing agent hereunder in which the stock of such corporation is held by 100 or more persons licensed pursuant to part III of this chapter, provided no one stockholder holds, owns, votes, or has proxies for more than 5 percent of the issued stock of such corporation; provided the corporation has a blanket fidelity bond, covering all employees handling the funds, in the amount of \$50,000 or more issued by a licensed insurance carrier in this state; and provided the corporation processes the funds directly to and from the trustee within the applicable time limits set forth in this chapter. The department may require any person claiming that the provisions of this paragraph exempt it from the provisions of paragraph (a) to demonstrate to the satisfaction of the department that it meets the requirements of this paragraph.

(3) No person may obtain a preneed license under this chapter for the preneed sale of merchandise or services unless such person or its agent, in the case of a corporate entity, holds a license as a funeral establishment, cemetery company, direct disposal establishment, or monument establishment.

(4) The provisions of this section do not apply to religious-institution-owned cemeteries exempt under s. 497.260(1)(d), in counties with a population of at least 960,000 persons on July 1, 1996, with respect to the sale to the religious institution's members and their families of interment rights, mausoleums, crypts, cremation niches, cremation interment containers, vaults, liners, urns, memorials, vases, foundations, memorial bases, floral arrangements, monuments, markers, engraving, and the opening and closing of interment rights, mausoleums, crypts, cremation niches, and cremation interment containers, if such cemeteries have engaged in the sale of preneed contracts prior to October 1, 1993, and maintain a positive net worth at the end of each fiscal year of the cemetery.

History.—s. 4, ch. 28211, 1953; s. 24, ch. 57-1; s. 5, ch. 65-393; ss. 13, 35, ch. 69-106; s. 3, ch. 77-438; s. 2, ch. 81-318; ss. 3, 31, 32, ch. 83-316; s. 3, ch. 88-139; ss. 92, 122, ch. 93-399; s. 19, ch. 96-400; s. 9, ch. 2000-195; s. 8, ch. 2001-120; s. 101, ch. 2004-301.

Note.—Former s. 639.09; s. 497.405.

497.453 Application for preneed license, procedures and criteria; renewal; reports. —

(1) PRENEED LICENSE APPLICATION PROCEDURES. —

(a) A person seeking a license to enter into preneed contracts shall apply for such licensure using forms prescribed by rule.

(b) The application shall require the name, business address, residence address, date and place of birth or incorporation, and business phone number of the applicant and all principals of the applicant. The application shall require the applicant's social security number, or, if the applicant is an entity, its federal tax identification number.

(c) The application may require information as to the applicant's financial resources.

(d) The application may require information as to the educational and employment history of an individual applicant; and as to applicants that are not natural persons, the business and employment history of the applicant and principals of the applicant.

(e) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142.

(f) The application shall require the applicant to disclose whether the applicant or any of the applicant's principals have ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. A licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(g) The applicant shall submit fingerprints in accordance with s. 497.142.

(h) The application shall state the name and license number of the funeral establishment, cemetery company, direct disposal establishment, or monument establishment, under whose license the preneed application is made.

(i) The application shall state the types of preneed contracts proposed to be written.

(j) The application shall disclose the existence of all preneed contracts for service or merchandise entered into by the applicant, or by any other entity under common control with the applicant, without or prior to authorization under this section or predecessors to this section. As to each such contract, the applicant shall disclose the name and address of the contract purchaser, the status of the contract, and what steps or measures the applicant has taken to ensure performance of unfulfilled contracts, setting forth the treatment and status of funds received from the customer in regard to the contract, and stating the name and address of any institution where such funds are deposited and the number used by the institution to identify the account. With respect to contracts entered into before January 1, 1983, an application to issue or renew a preneed license may not be denied solely on the basis of such disclosure. The purchaser of any such contract may not be required to liquidate the account if such account was established before July 1, 1965. Information disclosed may be used by the licensing authority to notify the contract purchaser and the institution in which such funds are deposited should the holder of a preneed license be unable to fulfill the requirements of the contract.

(k) The application shall require the applicant to demonstrate that the applicant complies and will comply with all requirements for preneed contract licensure under this chapter.

(l) The application may require any other information considered necessary by the department or board to meet its responsibilities under this chapter.

(m) The application shall be sworn to and signed in accordance with s. 497.141(12).

(n) The application shall be accompanied by a nonrefundable fee as determined by licensing authority rule but not to exceed \$500.

(2) ACTION CONCERNING APPLICATIONS.—A duly completed application for licensure under this section, accompanied by the required fees, shall be approved and a license issued, if the licensing authority determines that the following conditions are met:

(a) The application is made by a funeral establishment, cemetery company, direct disposal establishment, or monument establishment, or on behalf of one of the preceding licensees by its agent in the case of a corporate entity, licensed and in good standing under this chapter.

(b) The applicant meets net worth requirements specified by rule of the licensing authority.

1. The net worth required by rule to obtain or renew a preneed license and write and carry up to \$100,000 in total retail value of outstanding preneed contracts shall not exceed \$20,000. The board may specify higher net worth requirements by increments, for total retail value of outstanding preneed contracts carried in excess of \$100,000, as the board determines necessary for the protection of the public.

2. An applicant to obtain or renew a preneed license who cannot demonstrate the required initial minimum net worth may voluntarily submit to the licensing authority, and request acceptance of, alternative evidence of financial stability and resources or agree to additional oversight in lieu of the required net worth. Such additional evidence or oversight may include, as appropriate, one or more of the following:

a. An agreement to submit monthly financial statements of the entity.

b. An agreement to submit quarterly financial statements of the entity.

c. An appraisal of the entity's property or broker's opinion of the entity's assets.

d. A credit report of the entity or its principals.

e. A subordination-of-debt agreement from the entity's principals.

f. An indemnification or subrogation agreement binding the entity and its principals.

g. A guarantee agreement for the entity from its principals.

h. A written explanation of past financial activity.

i. Submission of a 12-month projected business plan that includes:

- (I) A statement of cash flows.
- (II) Pro forma income statements, with sources of revenues identified.
- (III) Marketing initiatives.
- j. Submission of previous department examination reports.
- k. An agreement of 100 percent voluntary trust by the entity.

3. The licensing authority may accept such alternative evidence or arrangements in lieu of the required net worth only if the licensing authority determines such alternative evidence or arrangements are an adequate substitute for required net worth and that acceptance would not substantially increase the risk to existing or future customers of nonperformance by the applicant or licensee on its retail sales agreements.

(c) The applicant has and will have the ability to discharge her or his liabilities as they become due in the normal course of business, and has and will have sufficient funds available during the calendar year to perform her or his obligations under her or his contracts.

(d) If the applicant or any entity under common control with the applicant has entered into preneed contracts prior to being authorized to do so under the laws of this state:

1. The licensing authority determines that adequate provision has been made to ensure the performance of such contracts.

2. The licensing authority determines that the improper sale of such preneed contracts prior to authorization under this chapter does not indicate, under the facts of the particular application in issue, that the applicant has a disregard of the laws of this state such as would expose the public to unreasonable risk if the applicant were issued a preneed license.

3. Nothing in this section shall imply any authorization to enter into preneed contracts without authorization under this chapter.

(e) Neither the applicant nor the applicant's principals have a demonstrated history of conducting their business affairs to the detriment of the public.

(f) The applicant and the applicant's principals are of good character and have no demonstrated history of lack of trustworthiness or integrity in business or professional matters.

(g) The applicant does and will comply with all other requirements of this chapter relating to preneed licensure.

(3) ISSUANCE OF LICENSES ON PROBATIONARY STATUS.—It is the policy of this state to encourage competition for the public benefit in the preneed contract business by, among other means, the entry of new licensees into that business. To facilitate issuance of licenses concerning applications judged by the licensing authority to be borderline as to qualification for licensure, the licensing authority may issue a new license under this section on a probationary basis, subject to conditions specified by the licensing authority on a case-by-case basis, which conditions may impose special monitoring, reporting, and restrictions on operations for up to the first 12 months of licensure, to ensure the licensee's responsibility, competency, financial stability, and compliance with this chapter. Provided, no such probationary license shall be issued unless the licensing authority determines that issuance would not pose an unreasonable risk to the public, and the licensing authority shall within 12 months after issuance of the license either remove the probationary status or determine that the licensee is not qualified for licensure under this chapter and institute proceedings for revocation of licensure.

(4) CHANGE IN CONTROL SUBSEQUENT TO LICENSURE.—

(a) Each licensee under this section shall provide notice as required by rule prior to any change in control of the licensee. Any such change is subject to disapproval or to reasonable conditions imposed by the licensing authority, for the protection of the public to ensure compliance with this chapter, based upon criteria established by rule, which criteria shall promote the purposes of this part in protecting the consumer.

(b) The licensing authority may authorize the transfer of a preneed license and establish by rule a fee for the transfer in an amount not to exceed \$500. Upon receipt of an application for transfer, the executive director may grant a temporary preneed license to the proposed transferee, based upon criteria established by the licensing authority by

rule, which criteria shall promote the purposes of this chapter in protecting the consumer. Such a temporary preneed license shall expire at the conclusion of the next regular meeting of the board unless renewed by the board. The licensing authority may by rule establish forms and procedures for the implementation of this paragraph.

(5) RENEWAL OF LICENSES.—

(a) A preneed license shall expire annually on June 1, unless renewed, or at such other time or times as may be provided by rule. The application for renewal of the license shall be on forms prescribed by rule and shall be accompanied by a renewal fee as specified in paragraph (c).

(b) Within 3 months after the end of its fiscal period, or within an extension of time therefor, as the department for good cause may grant, the licensee shall file with the department a full and true statement of her or his financial condition, transactions, and affairs, prepared on a basis as adopted by rule, as of the end of the preceding fiscal period or at such other time or times as may be required by rule, together with such other information and data that may be required by rule. To facilitate uniformity in financial statements and to facilitate department analysis, there may be adopted by rule a form for financial statements. The rules regarding net worth, authorized by paragraph (2)(b), shall be applicable to the renewal of preneed licenses.

(c)1. Each annual application for renewal of a preneed license that is not held by a monument establishment shall be accompanied by the appropriate fee as follows:

- a. For a preneed licensee with no preneed contract sales during the immediately preceding year. \$300.
- b. For a preneed licensee with at least 1 but fewer than 50 preneed contract sales during the immediately preceding year. \$400.
- c. For a preneed licensee with at least 50 but fewer than 250 preneed contract sales during the immediately preceding year. \$500.
- d. For a preneed licensee with at least 250 but fewer than 1,000 preneed contract sales during the immediately preceding year. \$850.
- e. For a preneed licensee with at least 1,000 but fewer than 2,500 preneed contract sales during the immediately preceding year. \$1,500.
- f. For a preneed licensee with at least 2,500 but fewer than 5,000 preneed contract sales during the immediately preceding year. \$2,500.
- g. For a preneed licensee with at least 5,000 but fewer than 15,000 preneed contract sales during the immediately preceding year. \$6,000.
- h. For a preneed licensee with at least 15,000 but fewer than 30,000 preneed contract sales during the immediately preceding year. \$12,500.
- i. For a preneed licensee with 30,000 preneed contract sales or more during the immediately preceding year. \$18,500.

2. Each annual application for renewal of a preneed license that is held by a monument establishment shall be accompanied by the appropriate fee determined by its total gross aggregate at-need and preneed retail sales for the 12-month period ending 2 full calendar months prior to the month in which the renewal is required, as follows:

- a. Total sales of \$1 to \$50,000: \$1,000 renewal fee.
- b. Total sales of \$50,001 to \$250,000: \$1,500 renewal fee.
- c. Total sales of \$250,001 to \$500,000: \$2,000 renewal fee.
- d. Total sales over \$500,000: \$2,500 renewal fee.

(d) An application for renewal shall disclose the existence of all preneed contracts for service or merchandise funded by any method other than a method permitted by this chapter, which contracts are known to the applicant and were entered into by the applicant, or any other entity under common control with the applicant, during the annual license period then ending. Such disclosure shall include the name and address of the contract purchaser, the name and address of the institution where such funds are deposited, and the number used by the institution to

identify the account.

(e) In addition to any other penalty that may be provided for under this chapter, there may be levied a late fee as determined by licensing authority rule but not to exceed \$50 a day for each day the preneed licensee fails to file its annual statement, and there may be levied a late fee as determined by licensing authority rule but not to exceed \$50 a day for each day the preneed licensee fails to file the statement of activities of the trust. Upon notice to the preneed licensee by the department that the preneed licensee has failed to file the annual statement or the statement of activities of the trust, the preneed licensee's authority to sell preneed contracts shall cease while such default continues.

(6) QUARTERLY PAYMENTS.—In addition to other amounts required to be paid by this section, each preneed licensee shall pay to the Regulatory Trust Fund an amount established by rule not to exceed \$10 for each preneed contract entered into. This amount shall be paid within 60 days after the end of each quarter. These funds shall be used to defray the cost of administering the provisions of this chapter.

(7) BRANCH OPERATIONS AND LICENSURE.—

(a) Any person or entity that is part of a common business enterprise that has a preneed license issued pursuant to this section and desires to operate under a name other than that of the common business enterprise may submit an application on a form adopted by rule to become a branch licensee. The application shall be accompanied by an application fee as determined by licensing authority rule but not to exceed \$300.

(b) Upon a determination that such branch applicant qualifies to sell preneed contracts under this part except for the requirements of paragraph (2)(c), and if the sponsoring preneed licensee under whose preneed license the branch applicant seeks branch status meets the requirements of such paragraph and is in compliance with all requirements of this part regarding its preneed license and operations thereunder, a branch license shall be issued.

(c) Branch licenses shall be renewed annually by payment of a renewal fee set by licensing authority rule and not to exceed \$500. Branch licenses may be renewed only so long as the preneed license of the sponsoring preneed licensee remains in good standing.

(d) Preneed sales of the branch shall be deemed to be sales of the sponsoring licensee for purposes of renewal fees and trust requirements under this chapter.

(e) The sponsoring preneed licensee shall be responsible for performance of preneed contracts entered into by its branch if the branch does not timely fulfill any such contract.

(8) ANNUAL TRUST REPORTS.—On or before April 1 of each year, the preneed licensee shall file in the form prescribed by rule a full and true statement as to the activities of any trust established by it pursuant to this part for the preceding calendar year.

(9) DEPOSIT OF FUNDS.—All sums collected under this section shall be deposited to the credit of the Regulatory Trust Fund.

History.—s. 5, ch. 28211, 1953; ss. 6, 7, ch. 65-393; ss. 13, 35, ch. 69-106; s. 4, ch. 77-438; s. 169, ch. 79-164; s. 246, ch. 79-400; s. 2, ch. 81-318; ss. 4, 31, 32, ch. 83-316; s. 2, ch. 85-89; s. 4, ch. 88-139; ss. 93, 122, ch. 93-399; s. 20, ch. 96-400; s. 1147, ch. 97-103; s. 27, ch. 99-155; s. 10, ch. 2000-195; s. 102, ch. 2004-301; s. 97, ch. 2005-2; s. 35, ch. 2005-155.

Note.—Former s. 639.10; s. 497.407.

497.454 Approval of preneed contract and related forms. —

(1) Preneed contract forms and related forms shall be filed with and approved by the licensing authority prior to use, pursuant to procedures specified by rule. The licensing authority may not approve any preneed contract form that does not provide for sequential prenumbering thereon.

(2) A form filed for approval under this section shall be approved unless it is determined that it:

(a) Is in any respect in violation of, or does not comply with, this chapter.

(b) Contains, or incorporates by reference any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the benefits purportedly provided to the customer in the general terms of the

contract.

(c) Has any title, heading, or other indication of its contents which is misleading.

(d) Is printed or otherwise reproduced in such manner as to render any material provision substantially illegible, or contains variations in print size which de-emphasize provisions which limit or restrict the customer's rights under the contract.

(e) Contains provisions that are unfair or inequitable or contrary to the public policy of this state or that encourage misrepresentation.

(f) Does not provide for the specification in reasonable detail of the type, size, and design of merchandise and the description of service to be delivered or performed.

(3) Specific disclosure regarding the preneed licensee's ability to select either trust funding or the financial responsibility alternative as set forth in s. 497.461 in connection with the receipt of preneed contract proceeds is required in the preneed contract.

History.—ss. 5, 32, ch. 83-316; s. 5, ch. 88-139; ss. 94, 122, ch. 93-399; s. 103, ch. 2004-301.

Note.—Former s. 639.105; s. 497.409.

497.455 Nonconforming contracts.— Any preneed contract that requires the moneys paid to the seller or trustee to be placed in trust and fails to comply with s. 497.458 shall comply with and be construed under s. 497.464.

History.—ss. 6, 17, ch. 88-139; ss. 95, 122, ch. 93-399; s. 104, ch. 2004-301.

Note.—Former s. 639.107; s. 497.411.

497.4555 Charges for preneed contract.— A preneed licensee may charge the purchaser of a preneed contract for processing, filing, and archiving the contract and for performing other administrative duties related to the contract. A preneed licensee must disclose these charges to the purchaser and include them on its standard printed price lists and other disclosure information provided to the public under s. 497.468. These charges are not subject to the trust deposit requirements in s. 497.458. The department may, subject to approval by the board, adopt rules to administer this section.

History.—s. 23, ch. 2010-125.

497.456 Preneed Funeral Contract Consumer Protection Trust Fund.—

(1) There is hereby created in the department the Preneed Funeral Contract Consumer Protection Trust Fund to be administered and regulated by the licensing authority.

(2) Within 60 days after the end of each calendar quarter, for each preneed contract written during the quarter and not canceled within 30 days after the date of the execution of the contract, each preneed licensee, whether funding preneed contracts by the sale of insurance or by establishing a trust pursuant to s. 497.458 or s. 497.464, shall remit the sum of \$2.50 for each preneed contract having a purchase price of \$1,500 or less, and the sum of \$5 for each preneed contract having a purchase price in excess of \$1,500; and each preneed licensee utilizing s. 497.461 or s. 497.462 shall remit the sum of \$5 for each preneed contract having a purchase price of \$1,500 or less, and the sum of \$10 for each preneed contract having a purchase price in excess of \$1,500.

(3) In addition to the amounts specified in subsection (2), each remittance shall contain such other additional information as needed by the licensing authority to carry out its responsibilities under this chapter and as prescribed by rule.

(4) All funds received by the licensing authority pursuant to this section shall be deposited into the Preneed Funeral Contract Consumer Protection Trust Fund.

(5) The amounts remitted for deposit into the Preneed Funeral Contract Consumer Protection Trust Fund shall not be deemed proceeds from the sale of a preneed contract within the meaning of this chapter.

(6) Upon the commencement of a delinquency proceeding pursuant to this chapter against a preneed licensee, the licensing authority may use up to 50 percent of the balance of the trust fund not already committed to a prior

delinquency proceeding for the purpose of establishing a receivership and providing restitution to preneed contract purchasers and their estates due to a preneed licensee's failure to provide the benefits of a preneed contract or failure to refund the appropriate principal amount by reason of cancellation thereof. The balance of the trust fund shall be determined as of the date of the delinquency proceeding.

(7) In any situation in which a delinquency proceeding has not commenced, the licensing authority may, in its discretion, use the trust fund for the purpose of providing restitution to any consumer, owner, or beneficiary of a preneed contract or similar regulated arrangement under this chapter entered into after June 30, 1977. If, after investigation, the licensing authority determines that a preneed licensee has breached a preneed contract by failing to provide benefits or an appropriate refund, or that a provider, who is a former preneed licensee or an establishment which has been regulated under this chapter, has sold a preneed contract and has failed to fulfill the arrangement or provide the appropriate refund, and such preneed licensee or provider does not provide or does not possess adequate funds to provide appropriate refunds, payments from the trust fund may be authorized by the licensing authority. In considering whether payments shall be made or when considering who will be responsible for such payments, the licensing authority shall consider whether the preneed licensee or previous provider has been acquired by a successor who is or should be responsible for the liabilities of the defaulting entity. With respect to preneed contracts funded by life insurance, payments from the fund shall be made: if the insurer is insolvent, but only to the extent that funds are not available through the liquidation proceeding of the insurer; or if the preneed licensee is unable to perform under the contract and the insurance proceeds are not sufficient to cover the cost of the merchandise and services contracted for. In no event shall the licensing authority approve payments in excess of the insurance policy limits unless it determines that at the time of sale of the preneed contract, the insurance policy would have paid for the services and merchandise contracted for. Such monetary relief shall be in an amount as the licensing authority may determine and shall be payable in such manner and upon such conditions and terms as the licensing authority may prescribe. However, with respect to preneed contracts to be funded pursuant to s. 497.458, s. 497.459, s. 497.461, or s. 497.462, any restitution made pursuant to this subsection shall not exceed, as to any single contract or arrangement, the lesser of the gross amount paid under the contract or 4 percent of the uncommitted assets of the trust fund. With respect to preneed contracts funded by life insurance policies, any restitution shall not exceed, as to any single contract or arrangement, the lesser of the face amount of the policy, the actual cost of the arrangement contracted for, or 4 percent of the uncommitted assets of the trust fund. The total of all restitutions made to all applicants under this subsection in a single fiscal year shall not exceed the greater of 30 percent of the uncommitted assets of the trust fund as of the end of the most recent fiscal year or \$120,000. The department may use moneys in the trust fund to contract with independent vendors pursuant to chapter 287 to administer the requirements of this subsection.

(8) All moneys deposited in the Preneed Funeral Contract Consumer Protection Trust Fund together with all accumulated income shall be used only for the purposes expressly authorized by this chapter and shall not be subject to any liens, charges, judgments, garnishments, or other creditor's claims against the preneed licensee, any trustee utilized by the preneed licensee, any company providing a surety bond as specified in this chapter, or any purchaser of a preneed contract. No preneed contract purchaser shall have any vested rights in the trust fund.

(9) If restitution is paid to a preneed contract purchaser or her or his estate in accordance with this section, the amount of restitution paid shall not exceed the gross amount of the principal payments made by the purchaser on its contract.

(10) Whenever the licensing authority makes payments from the trust fund to a purchaser or its estate, the licensing authority shall be subrogated to the purchaser's rights under the contract, and any amounts so collected by the licensing authority shall be deposited in the Preneed Funeral Contract Consumer Protection Trust Fund.

(11) No person shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or

television station, or in any other way, any advertisement, announcement, or statement which uses the existence of the Preneed Funeral Contract Consumer Protection Trust Fund for the purpose of sales, solicitation, or inducement to purchase any form of preneed contract covered under this chapter.

(12) Notwithstanding the fee structure in subsection (2), the department shall review the status of the trust fund annually, and if it determines that the uncommitted trust fund balance exceeds \$1 million, the licensing authority may by rule lower the required payments to the trust fund to an amount not less than \$1 per preneed contract.

(13) Regarding the Preneed Funeral Contract Consumer Protection Trust Fund, the licensing authority shall have authority to adopt rules for the implementation of this section, including:

(a) Forms to be used in filing claims against the trust fund, which may require that the claims be sworn to or affirmed, and that the forms be signed, before a notary public.

(b) Procedures to be used for filing claims against the trust fund.

(c) Information and supporting documentation that must be provided by claimants to support claims against the trust fund.

(d) Procedures for the investigation of claims against the trust fund.

(e) Criteria to be used in determining whether a claim is allowable and in what amount.

(f) Forms and procedures to be used by preneed licensees in making remittances to the trust fund required by this chapter.

History.—ss. 7, 17, ch. 88-139; s. 67, ch. 89-360; s. 1, ch. 92-97; ss. 96, 122, ch. 93-399; s. 21, ch. 96-400; s. 1148, ch. 97-103; s. 105, ch. 2004-301; s. 36, ch. 2005-155; s. 24, ch. 2010-125.

Note.—Former s. 639.108; s. 497.413.

497.457 Ownership of proceeds received on contracts. —

(1) Subject to the provisions of this chapter, all funds paid pursuant to a preneed contract by a purchaser to a preneed licensee shall be the sole property of, and within the full dominion and control of, said preneed licensee.

(2) Subject to the provisions of this chapter, the relationship between the purchaser of a preneed contract and a preneed licensee shall be deemed for all purposes as a debtor-creditor relationship.

History.—ss. 8, 17, ch. 88-139; ss. 97, 122, ch. 93-399; s. 106, ch. 2004-301.

Note.—Former s. 639.109; s. 497.415.

497.458 Disposition of proceeds received on contracts. —

(1)(a) Any person who is paid, collects, or receives funds under a preneed contract for funeral services or merchandise or burial services or merchandise shall deposit an amount at least equal to the sum of 70 percent of the purchase price collected for all services sold and facilities rented; 100 percent of the purchase price collected for all cash advance items sold; and 30 percent of the purchase price collected or 110 percent of the wholesale cost, whichever is greater, for each item of merchandise sold.

(b) The method of determining wholesale cost shall be established by rule of the licensing authority and shall be based upon the preneed licensee's stated wholesale cost for the 12-month period beginning July 1 during which the initial deposit to the preneed trust fund for the preneed contract is made.

(c) Such deposits shall be made within 30 days after the end of the calendar month in which payment is received, under the terms of a revocable trust instrument entered into with a trust company operating pursuant to chapter 660, with a national or state bank holding trust powers, or with a federal or state savings and loan association holding trust powers.

(d) The trustee shall take title to the property conveyed to the trust for the purpose of investing, protecting, and conserving it for the preneed licensee; collecting income; and distributing the principal and income as prescribed in this chapter. The preneed licensee is prohibited from sharing in the discharge of these responsibilities, except that the preneed licensee may request the trustee to invest in tax-free investments and may appoint an adviser to the trustee.

The licensing authority may adopt rules limiting or otherwise specifying the degree to which the trustee may rely on the investment advice of an investment adviser appointed by the preneed licensee. The licensing authority may adopt rules limiting or prohibiting payment of fees by the trust to investment advisors that are employees or principals of the licensee to whom the trust fund relates.

(e) The trust agreement shall be submitted to the licensing authority for approval and filing prior to use. The licensing authority may adopt rules specifying procedures and establishing criteria and requirements not inconsistent with this chapter for approval of trusts submitted under this paragraph.

(f) The deposited funds shall be held in trust, both as to principal and income earned thereon, and shall remain intact, except that the cost of the operation of the trust or trust account authorized by this section may be deducted from the income earned thereon.

(g) The preneed contract purchaser shall have no interest whatsoever in, or power whatsoever over, funds deposited in trust pursuant to this section.

(h) In no event may trust funds be loaned, directly or indirectly, to any of the following persons: the preneed licensee; any entity under any degree of common control with the preneed licensee; any employee, director, full or partial owner, or principal of the preneed licensee; or any person related by blood or marriage to any of those persons. In no event may trust funds, directly or indirectly, be invested in or with, or loaned to, any business or business venture in which any of the following persons have an interest: the preneed licensee; any entity under any degree of common control with the preneed licensee; any employee, director, full or partial owner, or principal of the preneed licensee; or any person related by blood or marriage to any of those persons.

(i) The preneed licensee's interest in said trust shall not be pledged as collateral for any loans, debts, or liabilities of the preneed licensee and shall not be transferred to any person without the prior written approval from the department and the trustee which shall not be unreasonably withheld.

(j) Even though the preneed licensee shall be deemed and treated as the settlor and beneficiary of said trust for all purposes, all of said trust funds are exempt from all claims of creditors of the preneed licensee except as to the claims of the preneed contract purchaser, her or his representative, the board, or the department.

(2) Except as provided in s. 497.283, the delivery of funeral merchandise before the death of the person for whom it is purchased does not constitute performance or fulfillment, either wholly or in part, of any preneed contract entered into after July 1, 1977.

(3)(a) The trustee shall make regular valuations of assets it holds in trust and provide a report of such valuations to the preneed licensee at least quarterly.

(b) Any person who withdraws appreciation in the value of trust, other than the pro rata portion of such appreciation which may be withdrawn upon the death of a contract beneficiary or upon cancellation of a preneed contract, shall be required to make additional deposits from her or his own funds to restore the aggregate value of assets to the value of funds deposited in trust, but excluding from the funds deposited those funds paid out upon preneed contracts which such person has fully performed or which have been otherwise withdrawn, as provided for in this chapter.

(c) The preneed licensee shall be liable to third parties to the extent that income from the trust is not sufficient to pay the expenses of the trust.

(4) The licensing authority may adopt rules exempting from the prohibition of paragraph (1)(h), pursuant to criteria established in such rule, the investment of trust funds in investments, such as widely and publicly traded stocks and bonds, notwithstanding that the licensee, its principals, or persons related by blood or marriage to the licensee or its principals have an interest by investment in the same entity, where neither the licensee, its principals, or persons related by blood or marriage to the licensee or its principals have the ability to control the entity invested in, and it would be in the interest of the preneed contract holders whose contracts are secured by the trust funds to allow the investment.

(5) The trustee of the trust established pursuant to this section shall only have the power to:

(a) Invest in investments as prescribed in s. 215.47 and exercise the powers set forth in part VIII of chapter 736, provided that the licensing authority may by order require the trustee to liquidate or dispose of any investment within 30 days after such order, or within such other times as the order may direct. The licensing authority may issue such order if it determines that the investment violates any provision of this chapter or is not in the best interests of the preneed contract holders whose contracts are secured by the trust funds.

(b) Borrow money up to an aggregate amount of 10 percent of trust assets, at interest rates then prevailing from any individual, bank, insurance company, or other source, irrespective of whether any such person is then acting as trustee, and to create security interests in no more than 10 percent of trust assets by mortgage, pledge, or otherwise, upon the terms and conditions and for such purposes as the trustee may deem advisable.

(c) Commingle the property of the trust with the property of any other trust established pursuant to this chapter and make corresponding allocations and divisions of assets, liabilities, income, and expenses.

(6) The preneed licensee, at her or his election, shall have the right and power, at any time, to revest in it title to the trust assets, or its pro rata share thereof, provided it has complied with s. 497.461.

(7) Notwithstanding anything contained in this chapter to the contrary, the preneed licensee, via its election to sell or offer for sale preneed contracts subject to this section, shall represent and warrant, and is hereby deemed to have done such, to all federal and Florida taxing authorities, as well as to all potential and actual preneed contract purchasers, that:

(a) Section 497.461 is a viable option available to it at any and all relevant times;

(b) Section 497.462 is a viable option available to it at any and all relevant times for contracts written prior to July 1, 2001, for funds not held in trust as of July 1, 2001; or

(c) For any preneed licensee authorized to do business in this state that has total bonded liability exceeding \$100 million as of July 1, 2001, s. 497.462 is a viable option to it at any and all relevant times for contracts written prior to December 31, 2004, for funds not held in trust as of July 1, 2001.

(8) If in the preneed licensee's opinion it does not have the ability to select the financial responsibility alternative of s. 497.461 or s. 497.462, then the preneed licensee shall not have the right to sell or solicit preneed contracts.

(9) The amounts required to be placed in trust by this section for contracts previously entered into shall be as follows:

(a) For contracts entered into before October 1, 1993, the trust amounts as amended by s. 6, chapter 83-316, Laws of Florida, shall apply.

(b) For contracts entered into on or after October 1, 1993, the trust amounts as amended by s. 98, chapter 93-399, Laws of Florida, shall apply.

History.—s. 6, ch. 28211, 1953; s. 8, ch. 65-393; s. 5, ch. 77-438; s. 247, ch. 79-400; s. 2, ch. 81-318; ss. 6, 31, 32, 33, ch. 83-316; s. 9, ch. 88-139; s. 68, ch. 89-360; ss. 98, 122, ch. 93-399; s. 22, ch. 96-400; s. 1149, ch. 97-103; s. 8, ch. 98-268; s. 9, ch. 2001-120; s. 107, ch. 2004-301; s. 98, ch. 2005-2; s. 37, ch. 2005-155; s. 59, ch. 2006-1; s. 14, ch. 2006-217.

Note.—Former s. 639.11; s. 497.417.

497.459 Cancellation of, or default on, preneed contracts. —

(1) **CANCELLATION BY CUSTOMER WITHIN 30 DAYS.**—A purchaser, by providing written notice to the preneed licensee, may cancel a preneed contract within 30 days of the date that the contract was executed provided that the burial rights, merchandise and services have not yet been used. Upon providing such notice, the purchaser shall be entitled to a complete refund of the amount paid, except for the amount allocable to any burial rights, merchandise or services that have been used, and shall be released from all obligations under the contract. This subsection shall apply to all items that are purchased as part of a preneed contract, including burial rights, regardless of whether such burial rights are purchased as part of a preneed contract or purchased separately.

(2) **CANCELLATION BY PURCHASER AFTER 30 DAYS.**—

(a) A purchaser, by providing written notice to the preneed licensee, may cancel the services, facilities, and cash

advance items portions of a preneed contract at any time, and shall be entitled to a full refund of the purchase price allocable to such items. Any accumulated earnings allocable to such preneed contract shall be paid to the preneed licensee upon such cancellation.

(b) Subject to subparagraphs 1. and 2., a purchaser may cancel the merchandise portion of a preneed contract by providing written notice to the preneed licensee, and shall be entitled to a full refund of the purchase price allocable to the specific item or items of merchandise that the preneed licensee cannot or does not deliver in accordance with this subsection.

1. Such refund shall be provided only if at the time that the preneed licensee is required to fulfill its obligations under the preneed contract the preneed licensee does not or cannot comply with the terms of the contract by actually delivering the merchandise, within a reasonable time, depending upon the nature of the merchandise purchased, after having been requested to do so.

2. In order to fulfill its obligations under the preneed contract, a preneed licensee may elect either or both of the following options:

- a. Subcontract with a person located outside the preneed licensee's market area to provide the merchandise; or
- b. Provide other items of equal or greater quality.

(3) **REQUIRED DISCLOSURE.**—Each preneed licensee shall provide in conspicuous type in its contract that the contract purchaser may cancel the contract and receive a full refund within 30 days of the date of execution of the contract. The failure to make such provision shall not impair the contract purchaser's right to cancellation and refund as provided in this section.

(4) **BREACH OF CONTRACT BY SELLER.**—Upon breach of contract or failure of the preneed licensee to provide funeral merchandise or services under a preneed contract, the contract purchaser shall be entitled to a refund of all money paid on the contract. Such refund shall be made within 30 days after receipt by the preneed licensee of the contract purchaser's written request for refund.

(5) **DEFAULT BY PURCHASER.**—If a purchaser is 90 days past due in making payments on a preneed contract, the contract shall be considered to be in default, and the preneed licensee shall be entitled to cancel the contract, withdraw all funds in trust allocable to merchandise items, and retain such funds as liquidated damages. Upon making such withdrawal, the preneed licensee shall return all funds in trust allocable to services, facilities, or cash advance items to the purchaser, provided that the preneed licensee has provided the purchaser with 30 days' written notice of its intention to exercise any of its rights under this provision. The board may by rule specify the required format and content of the notice required under this subsection and the manner in which the notice shall be sent.

(6) **OTHER PROVISIONS.**—

(a) All preneed contracts are cancelable and revocable as provided in this section, provided that a preneed contract does not restrict any contract purchaser who is a qualified applicant for, or a recipient of, supplemental security income, temporary cash assistance, or Medicaid from making her or his contract irrevocable.

(b) The amounts required to be refunded by this section for contracts previously entered into shall be as follows:

1. For contracts entered into before October 1, 1993, the refund amounts as amended by s. 7, chapter 83-316, Laws of Florida, shall apply.

2. For contracts entered into on or after October 1, 1993, the refund amounts as amended by s. 99, chapter 93-399, Laws of Florida, shall apply.

(c) Persons who purchase merchandise or burial rights pursuant to this chapter shall have the right to sell, alienate, or otherwise transfer the merchandise or burial rights subject to and in accordance with rules adopted by the licensing authority.

(d) All refunds required to be made under this section to a purchaser who has canceled a contract must be made within 30 days after the date written notice of cancellation is received by the preneed licensee.

History.—s. 8, ch. 28211, 1953; s. 10, ch. 65-393; s. 6, ch. 77-438; s. 1, ch. 78-276; s. 2, ch. 81-318; s. 2, ch. 82-159; ss. 7, 31, 32, 33, ch. 83-316; s. 10, ch. 88-139; ss. 99, 122, ch. 93-399; s. 105, ch. 96-175; s. 23, ch. 96-400; s. 1150, ch. 97-103; s. 151, ch. 2000-165; s. 108, ch. 2004-

Note.— Former s. 639.13; s. 497.419.

497.460 Payment of funds upon death of named beneficiary.— Disbursements of funds discharging any preneed contract fulfilled after September 30, 1993, shall be made by the trustee to the preneed licensee upon receipt of a certified copy of the death certificate of the contract beneficiary or satisfactory evidence as established by rule of the licensing authority that the preneed contract has been performed in whole or in part. However, if the contract is only partially performed, the disbursement shall only cover that portion of the contract performed. In the event of any contract default by the contract purchaser, or in the event that the funeral merchandise or service or burial merchandise or service contracted for is not provided or is not desired by the heirs or personal representative of the contract beneficiary, the trustee shall return, within 30 days after its receipt of a written request therefor, funds paid on the contract to the preneed licensee or to its assigns, subject to the provisions of s. 497.459.

History.— s. 9, ch. 28211, 1953; s. 11, ch. 65-393; s. 7, ch. 77-438; s. 2, ch. 78-276; s. 2, ch. 81-318; ss. 8, 31, 32, ch. 83-316; s. 11, ch. 88-139; ss. 100, 122, ch. 93-399; s. 24, ch. 96-400; s. 109, ch. 2004-301.

Note.— Former s. 639.14; s. 497.421.

497.461 Surety bonding as alternative to trust deposit.—

(1) In lieu of depositing funds into a trust as required by s. 497.458(1) or s. 497.464, a preneed licensee may elect annually, at its discretion, to comply with this section by filing annually a written request with, and receiving annual approval from, the licensing authority.

(2) No preneed licensee shall utilize this section unless it has filed annually a written request with, and received approval by, the licensing authority.

(3) The preneed licensee receiving approval from the licensing authority to comply with this section shall maintain compliance with this section at all times during the period this election is in effect.

(4) The preneed licensee's request to be governed by this section shall be in the form prescribed by rule by the licensing authority and shall be accompanied by, in addition to other information that the licensing authority may require by rule, the surety bond, the audited financial statements, and proof of the other requirements specified in this section, all as described in this section.

(5) For each 12-month period, or any part thereof, in which this section is applicable, the electing preneed licensee shall maintain a bond, issued by a surety company admitted to do business in this state, in an amount at least equal to the sum of:

(a) All amounts not currently in trust.

(b) An amount equal to the total purchase price for all installed preneed contracts where the total purchase price has not been collected, excluding those amounts already in trust.

(c) All amounts the preneed licensee intends to remove from trust if the licensing authority approves the preneed licensee's request to comply with this section.

(d) An amount equal to 70 percent of the total purchase price for each preneed contract the preneed licensee expects to sell in the year for which the preneed licensee is electing to comply with this section.

(6) The surety bond shall be conditioned in such a manner to secure the faithful performance of all conditions of any preneed contracts for which the preneed licensee was required to have covered by the amount of the bond, including refunds requested pursuant to ss. 497.459 and 497.460. The surety bond shall also guarantee the financial responsibility of such preneed licensee against its default arising out of any of its preneed contracts. The terms of the surety bond shall cover liabilities arising from all moneys received by the electing preneed licensee from preneed contracts for which the preneed licensee was required to have covered by the amount of the bond during the time the bond is in effect, and the liability of the surety shall continue until the contracts thereunder are fulfilled. The bond shall be in favor of the state for the benefit of any person damaged as a result of purchasing a preneed contract from the preneed licensee. The aggregate liability of the surety to all persons for all breaches of the conditions of the bonds

shall in no event exceed the amount of the bond. The per preneed contract liability shall not exceed the amount of the funds received by the preneed licensee per preneed contract during the effective period in which the bond is issued. The bond shall be filed and maintained with the licensing authority.

(7) The amount of the surety bond shall, upon order of the licensing authority, be increased if, in the licensing authority's discretion, it finds such increase to be warranted by the volume of preneed contracts handled, or expected to be handled, by the preneed licensee.

(8) The surety bond shall be in a form to be approved by the licensing authority, and the licensing authority shall have the right to disapprove any bond which does not provide assurance as provided in, and required by, this section.

(9) The bond shall be maintained unimpaired for as long as the preneed licensee continues in business in this state and continues to utilize this section. Whenever the preneed licensee notifies the licensing authority that it no longer desires to be governed by this section and furnishes to the licensing authority satisfactory proof that it has discharged or otherwise adequately provided for all of its obligations to its preneed contract purchasers covered by the bond, such as by evidence satisfactory to the licensing authority demonstrating that s. 497.458 or s. 497.464 has been complied with, the licensing authority shall release the bond to the entitled parties, provided said parties acknowledge receipt of same.

(10) No surety bond used to comply with this section shall be canceled or subject to cancellation unless at least 60 days' advance notice thereof, in writing, is filed with the licensing authority, by the surety company. The cancellation of the bond shall not relieve the obligation of the surety company for claims arising out of contracts issued or otherwise covered before cancellation of the bond.

(11) In the event that notice of cancellation of the bond is filed with the licensing authority, the preneed licensee insured thereunder shall, within 30 days of the filing of the notice of termination with the licensing authority, provide the licensing authority with a replacement bond or with evidence which is satisfactory to the licensing authority demonstrating that s. 497.458 or s. 497.464 has been fully complied with. If within 30 days of filing of the notice of termination with the licensing authority no replacement bond acceptable to the licensing authority or no evidence satisfactory to the licensing authority demonstrating that s. 497.458 or s. 497.464 has been complied with is filed with the licensing authority, the licensing authority shall suspend the license of the preneed licensee until the preneed licensee files a replacement bond acceptable to the board or demonstrates to the satisfaction of the licensing authority that it has complied with s. 497.458 or s. 497.464.

(12) In lieu of the surety bond, the licensing authority may provide by rule for other forms of security or insurance.

(13) Every preneed licensee electing to be governed by this section shall have its financial statements, submitted to the department pursuant to s. 497.453, audited by an independent public accountant certified pursuant to chapter 473. The financial statements shall contain, in accordance with generally accepted accounting principles, for two or more consecutive annual periods, the following:

(a) The certified public accountant's unqualified opinion or, in the case of a qualified opinion, a qualified opinion acceptable to the licensing authority, and:

1. A balance sheet;
2. A statement of income and expenses; and
3. A statement of changes in financial position.

(b) Notes to the financial statements considered customary or necessary for full disclosure and adequate understanding of the financial statements, financial condition, and operation of the preneed licensee. The notes shall include a schedule, based upon statutory accounting principles, indicating that the preneed licensee which has held a license pursuant to this chapter for less than 10 years has a current ratio of no less than 3 to 1 of current assets to current liabilities and net assets of at least \$600,000 or that the preneed licensee which has held a license pursuant to this chapter for 10 years or more has a current ratio of no less than 2 to 1 of current assets to current liabilities and

net assets of at least \$400,000.

(c) An indication that the preneed licensee has sufficient funds available to perform the obligations under all its preneed contracts.

(14) The licensing authority may require that the audited financial statements be prepared on a calendar-year basis.

(15) The electing preneed licensee shall provide the licensing authority interim unaudited financial statements on a quarterly basis demonstrating financial compliance with this section.

(16) In lieu of subsections (4)-(14), a preneed licensee with net assets of at least \$25,000 may request to comply with this section by providing a written guarantee from a qualified guaranteeing organization. If the preneed licensee so elects, the preneed licensee's requests to be governed by this section shall be in the form prescribed by rule and shall be accompanied by, in addition to other information the licensing authority may require by rule, a written guarantee approved by the licensing authority as meeting the requirements of this section from a qualified guaranteeing organization, acceptable to the licensing authority, which:

(a) Is either a preneed licensee or servicing agent.

(b) Is a corporation formed under the laws of this state or of another state, district, territory, or possession of the United States.

(c) Has been in operation for 10 or more years.

(d) Submits to the licensing authority its annual financial statements audited by an independent public accountant certified pursuant to chapter 473. The financial statements shall contain, in accordance with generally accepted accounting principles, for two or more consecutive annual periods, the following:

1. The certified public accountant's unqualified opinion or, in the case of a qualified opinion, a qualified opinion acceptable to the licensing authority, and:

a. A balance sheet;

b. A statement of income and expenses; and

c. A statement of changes in financial position.

2. Notes to the financial statements considered customary or necessary for full disclosure and adequate understanding of the financial statements, financial condition, and operation of the preneed licensee. The notes shall include a schedule, based upon statutory accounting principles, indicating that the guaranteeing organization has a current ratio of no less than 2 to 1 of current assets to current liabilities and net assets of at least \$250,000.

(e) Has sufficient funds available to perform the obligations under its guarantees.

(f) Has complied with subsections (5)-(11), except that the bond shall be maintained by the guaranteeing organization in the minimum aggregate principal amount of \$1 million.

(g) Has principals, including directors, officers, stockholders, employees, and agents that are of good moral character and have reputations for fair dealing in business matters, both as determined by the licensing authority.

History.—ss. 12, 17, ch. 88-139; ss. 101, 122, ch. 93-399; s. 110, ch. 2004-301; s. 121, ch. 2007-5.

Note.—Former s. 639.145; s. 497.423.

497.462 Other alternatives to deposits under s. 497.458. —

(1)(a) As an alternative to the requirements of s. 497.458 that relate to trust funds for contracts written prior to July 1, 2001, or that relate to trust funds for contracts written prior to December 31, 2004, by any preneed licensee authorized to do business in this state that has total bonded liability exceeding \$100 million as of July 1, 2001, and subject to the other restrictions of this section, a preneed licensee may purchase a surety bond for funds not held in trust as of July 1, 2001, in an amount not less than the aggregate value of outstanding liabilities on undelivered preneed contracts for merchandise and services. For the purpose of this section, the term "outstanding liabilities" means the gross replacement or wholesale value of the preneed merchandise and services. The bond shall be made payable to the State of Florida for the benefit of the licensing authority and all purchasers of preneed cemetery

merchandise or services. The bond must be approved by the licensing authority.

(b) The amount of the bond shall be based on a report documenting the outstanding liabilities of the preneed licensee and shall be prepared by the preneed licensee using generally accepted accounting principles and signed by the preneed licensee's chief financial officer.

(c) The report shall be compiled as of the end of the preneed licensee's fiscal year and updated annually. The amount of the bond shall be increased or decreased as necessary to correlate with changes in the outstanding liabilities.

(d) If a preneed licensee fails to maintain a bond pursuant to this section, the preneed licensee shall cease the sale of preneed merchandise and services.

(2) Upon prior approval by the licensing authority, the preneed licensee may file a letter of credit with the licensing authority in lieu of a surety bond. Such letter of credit must be in a form, and is subject to terms and conditions, prescribed by the board. It may be revoked only with the express approval of the licensing authority.

(3)(a) A buyer of preneed merchandise or services who does not receive such services or merchandise due to the economic failure, closing, or bankruptcy of the preneed licensee must file a claim with the surety as a prerequisite to payment of the claim and, if the claim is not paid, may bring an action based on the bond and recover against the surety. In the case of a letter of credit or cash deposit that has been filed with the licensing authority, the buyer may file a claim with the licensing authority.

(b) In order to qualify for recovery on any claim under paragraph (a), the buyer must file the claim no later than 1 year after the date on which the preneed licensee closed or bankruptcy was filed.

(c) The licensing authority may file a claim with the surety on behalf of any buyer under paragraph (a). The surety shall pay the amount of the claims to the licensing authority for distribution to claimants entitled to restitution and shall be relieved of liability to that extent.

(d) The liability of the surety under any bond may not exceed the aggregate amount of the bond, regardless of the number or amount of claims filed.

(e) If the total value of the claims filed exceeds the amount of the bond, the surety shall pay the amount of the bond to the licensing authority for distribution to claimants entitled to restitution and shall be relieved of all liability under the bond.

(4) The preneed licensee shall maintain accurate records of the bond and premium payments on it, which records shall be open to inspection by the licensing authority.

(5) This act does not relieve the preneed licensee or other entity from liability for nonperformance of contractual terms unless the preneed licensee cannot deliver the merchandise or services because of a national emergency, strike, or act of God.

(6) The licensing authority may require the holder of any assets of the preneed licensee to furnish written verification of the financial report required to be submitted by the preneed licensee or other entity.

(7) Any preneed contract which promises future delivery of merchandise at no cost constitutes a paid-up contract. Merchandise which has been delivered is not covered by the required performance bond or letter of credit even though the contract is not completely paid. The preneed licensee may not cancel a contract unless the purchaser is in default according to the terms of the contract and subject to the requirements of s. 497.459. A contract sold, discounted, and transferred to a third party constitutes a paid-up contract for the purposes of the performance bond or letter of credit.

(8) Each contract must state the type, size, and design of merchandise and the description of service to be delivered or performed.

(9) A purchaser and a preneed licensee who are parties to a preneed contract executed prior to July 2, 1988, may enter into an amended preneed contract which is made subject to this section. On and after January 1, 2006, this subsection may no longer be used to make any additional contracts subject to a bond under this section, provided that contracts already amended and made subject to a bond as of December 31, 2005, may remain under such bond.

(10) The licensing authority may adopt forms and rules necessary to implement this section, including, but not limited to, rules which ensure that the surety bond and line of credit provide liability coverage for preneed merchandise and services.

(11) Preneed licensees may utilize the bonding alternatives to s. 497.458 provided in this section only for contracts written prior to July 1, 2001, for funds not held in trust as of July 1, 2001, or for contracts written prior to December 31, 2004, by any preneed licensee authorized to do business in this state that has total bonded liability exceeding \$100 million as of July 1, 2001, for funds not held in trust as of July 1, 2001.

History.—ss. 8, 10, ch. 88-227; s. 1, ch. 89-8; s. 34, ch. 91-220; ss. 77, 122, ch. 93-399; s. 10, ch. 2001-120; s. 111, ch. 2004-301.

Note.—Former s. 497.0484; s. 497.425.

497.463 Existing merchandise trust funds; proof of compliance with law.— The preneed licensee shall present to the licensing authority prior to the implementation of the alternatives provided in s. 497.462 documentation which demonstrates that the existing merchandise trust fund complies with the law and that the elected alternative plan conforms to the requirements of this chapter.

History.—ss. 9, 10, ch. 88-227; s. 1, ch. 89-8; ss. 78, 122, ch. 93-399; s. 112, ch. 2004-301.

Note.—Former s. 497.049; s. 497.427.

497.464 Alternative preneed contracts.—

(1) Nothing in this chapter shall prevent the purchaser and the preneed licensee from executing a preneed contract upon the terms stated in this section. Such contracts shall be subject to all provisions of this chapter except:

- (a) Section 497.454(2).
- (b) Section 497.457.
- (c) Section 497.458(1), (3), and (6).
- (d) Section 497.459(1), (2), and (4).
- (e) Section 497.460.
- (f) Section 497.461.
- (g) Section 497.462.

(2) The contract must require that a trust be established by the preneed licensee on behalf of, and for the use, benefit, and protection of, the purchaser and that the trustee must be a trust company operating pursuant to chapter 660, a national or state bank holding trust powers, or a federal or state savings and loan association holding trust powers.

(3) The contract must require that the purchaser make all payments required by the contract directly to the trustee or its qualified servicing agent, subject to the terms of a trust instrument approved by the licensing authority. The licensing authority may adopt rules establishing procedures and forms for the submission of trust instruments for approval by the licensing authority, establishing criteria for the approval of such trust instruments, and specifying information required to be provided by the applicant in connection with submission of a trust instrument for approval. A copy of the trust instrument shall be made available to the purchaser, at any reasonable time, upon request.

(4) The contract or trust instrument shall expressly state that the preneed licensee does not have any dominion or control over the trust or its assets, except to the extent that subsection (6) applies, until such time as the preneed contract is entirely completed or performed.

(5) The trust instrument shall prohibit the trustee from distributing any appreciation on the trust to any person and shall require that the trustee accumulate the entire net income of the trust, or its pro rata share thereof. The accumulated net income shall be distributed to the preneed licensee upon cancellation or performance of the contract.

(6) The contract and trust instrument may provide that the preneed licensee may receive a current distribution of not more than 10 percent of all funds paid or collected by the trustee and may further provide for liquidated

damages during the first 3 years after the execution of the contract of not more than 10 percent of all the funds paid on the preneed contract, except that no liquidated damages shall apply for cancellation within 30 days of the date of execution of the contract.

(7) The trustee shall disburse funds discharging a preneed contract to the person issuing or writing the contract upon the trustee's receipt of a certified copy of the contract beneficiary's death certificate or satisfactory evidence, as the licensing authority shall define by rule, that the preneed contract has been performed in whole or in part. However, if the contract is only partially performed, the disbursement shall cover only that portion of the contract performed. In the event of any contract default by the contract purchaser, or in the event that the funeral merchandise or service contracted for is not provided or is not desired by the purchaser or the heirs or personal representative of the contract beneficiary, the trustee shall return, within 30 days after its receipt of a written request therefor, funds paid on the contract to the contract purchaser or to her or his assigns, heirs, or personal representative, subject to the lawful liquidation damage provision in the contract.

(8) The contract shall provide, in conspicuous type, that the purchaser may receive a federal income tax informational statement, pursuant to the grantor trust rules of ss. 671 et seq. of the Internal Revenue Code of 1986, as amended, from the trustee reflecting all of the income earned by the trust; and, accordingly, the purchaser should seek the advice of an independent tax professional for the tax impact upon the purchaser as a result of executing the preneed contract.

(9) The contract may provide that the preneed licensee may cancel the contract, but only in the event that the purchaser is more than 90 days in default of the terms of the contract; and, unless subject to the provisions of s. 497.459(5), must provide that the purchaser, or her or his representative, has the right, at any time prior to the performance of the contract, to cancel the preneed contract and revert title to all the funds paid on the preneed contract, except for applicable liquidated damages, and the preneed licensee's rights in the net income of the trust.

(10) The contract or trust agreement may require the trustee to invest in solely tax-free investments.

(11) In the event the parties execute a contract pursuant to this section, the purchaser shall be deemed, and treated for all purposes, as the settlor of the trust established thereunder.

History.—ss. 13, 17, ch. 88-139; ss. 102, 122, ch. 93-399; s. 25, ch. 96-400; s. 1151, ch. 97-103; s. 9, ch. 98-268; s. 11, ch. 2001-120; s. 113, ch. 2004-301; s. 25, ch. 2010-125.

Note.—Former s. 639.149; s. 497.429.

497.465 Inactive, surrendered, and revoked preneed licensees. —

(1) A preneed licensee shall be considered inactive upon the acceptance of the surrender of its license by the licensing authority or upon the nonreceipt by the licensing authority of the preneed license renewal application and fees required by s. 497.265.

(2) A preneed licensee shall cease all preneed sales to the public upon becoming inactive. The preneed licensee shall collect and deposit into trust all of the funds paid toward preneed contracts sold prior to becoming inactive.

(3) Any preneed licensee desiring to surrender its license to the licensing authority shall first:

(a) File notice with the licensing authority.

(b) Submit copies of its existing trust agreements.

(c) Submit a sample copy of each type of preneed contract sold.

(d) Resolve to the licensing authority's satisfaction all unresolved findings and violations resulting from prior examinations conducted.

(e) Pay all outstanding fines and invoices due the licensing authority.

(f) Submit its current preneed license.

(4) Upon receipt of the notice, the licensing authority shall review the preneed licensee's:

(a) Trust funds.

(b) Trust agreements.

(c) Evidence of all outstanding preneed contracts.

(5) After a review to the licensing authority's satisfaction, the licensing authority shall terminate the preneed license by an order which shall set forth the conditions of termination established by the licensing authority to ensure that the preneed funds will be available for their intended purpose.

(6) The trust fund of the preneed licensee shall be held intact and in trust after the preneed licensee has become inactive, and the funds in that trust shall be disbursed in accordance with the requirements of the written contracts and this chapter until the funds have been exhausted.

(7) The licensing authority shall continue to have jurisdiction over the inactive preneed licensee and the trust funds as if the preneed license were active and to require such reports and inspect such records as the licensing authority deems appropriate so long as there are funds in trust or preneed contracts that are not fulfilled.

(8) In addition to any other terms of revocation or suspension ordered pursuant to this chapter, the provisions of this section shall also apply in the event of revocation or suspension of a preneed license, unless the provisions of the suspension or revocation order specifically provide otherwise.

(9) The licensing authority may adopt rules for the implementation of this section, for the purpose of ensuring a thorough review and investigation of the status and condition of the preneed licensee's business affairs for the protection of the licensee's preneed customers. Such rules may include:

(a) The form of notice required by paragraph (3)(a), and the information or materials to be contained in or accompany the notice or otherwise to be provided, which may include any information or materials the licensing authority deems needed for the discharge of its responsibilities under this section.

(b) Requirements for the submission of sworn affidavits by or the taking of sworn testimony from the licensee and its principals and employees and sales agents.

(c) Requirements for submission of unaudited or audited financial statements, as the licensing authority deems advisable.

History.—s. 27, ch. 96-400; s. 114, ch. 2004-301.

Note.—Former s. 497.436.

497.466 Preneed sales agents, license required; application procedures and criteria; appointment of agents; responsibility of preneed licensee. —

(1) GENERAL PROVISIONS APPLICABLE TO PRENEED SALES AGENTS.—All persons who offer preneed contracts to the public, or who execute preneed contracts on behalf of a preneed licensee, including all persons who offer, sell, or sign contracts for the preneed sale of burial rights, shall be licensed as preneed sales agents, pursuant to this section. Persons licensed as funeral directors pursuant to this chapter may engage in preneed sales for the preneed licensee with whom they are affiliated without preneed sales agent licensure or appointment under this section.

(2) PRENEED SALES AGENT LICENSE; APPLICATION PROCEDURES.—

(a) A person may hold only one preneed sales agent license at a time.

(b) No preneed sales agent license shall be issued to a person under age 18.

(c) Persons desiring a preneed sales agent license shall apply to the department for such license. The application shall require the name, residence address, residence phone number if any, and date and place of birth of the preneed sales agent applicant.

(d) The application shall require the preneed sales agent applicant to disclose any criminal record, as required by s. 497.142.

(e) The application shall require the preneed sales agent applicant to disclose whether the preneed sales agent applicant has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. A licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in

response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(f) The application shall require identification by the preneed sales agent applicant of the preneed licensee whom the preneed sales agent applicant believes will initially appoint the preneed sales agent applicant if a preneed sales agent license is issued.

(g) The application shall be signed by the applicant. The licensing authority may accept electronic signatures.

(h) The application shall be accompanied by a nonrefundable fee of \$150 if made through the department's online licensing system or \$175 if made using paper forms. Payment of either fee shall entitle the applicant to one initial appointment without payment of further fees by the preneed sales agent or the appointing preneed licensee if a preneed sales agent license is issued. The licensing authority may from time to time increase such fees but not to exceed \$300.

(3) ISSUANCE OF A TEMPORARY PRENEED SALES AGENT LICENSE.—

(a) Upon receipt of a duly completed application and the required fee, a temporary preneed sales agent license shall be issued to the applicant if:

1. The applicant is at least 18 years of age.
2. The application indicates that the applicant has no disciplinary or criminal record and the department has no record indicating the applicant has any disciplinary or criminal record.
3. The applicant has never previously held a temporary preneed sales agent license that lapsed for failure to submit fingerprints as required by this section.

(b) A temporary preneed sales agent license shall be valid for only 120 days from the date issued and may not be renewed.

(c) An applicant for a preneed sales agent license who has previously been issued a temporary preneed sales agent license that for any reason expired without becoming permanent shall not thereafter be eligible for another temporary preneed sales agent license. Such person may apply again for a preneed sales agent license, but no license shall be issued until fingerprints are provided as required by s. 497.142, a report is received from the Department of Law Enforcement advising that the applicant has no criminal record, and the applicant is otherwise determined by the department and board to qualify for preneed sales agent licensure.

(4) CONVERSION OF TEMPORARY PRENEED SALES AGENT LICENSE TO PERMANENT PRENEED SALES AGENT LICENSE.—

(a) A temporary preneed sales agent licensee who desires to obtain a permanent preneed sales agent license shall, within 90 days after issuance of the temporary preneed sales agent license, submit his or her fingerprints to the licensing authority for a criminal background check, in accordance with s. 497.142. Unless the department determines prior to the expiration of the temporary preneed sales agent license that the temporary licensee has a criminal or disciplinary record, the temporary preneed sales agent license shall automatically be converted to a permanent preneed sales agent license.

(b) The department shall promptly give written notice to the temporary preneed sales agent licensee, and to all preneed licensees who have the temporary preneed sales agent under appointment, that such preneed sales agent's temporary license has been converted to a permanent license, or has lapsed, as the case may be.

(5) APPLICANTS WITH A CRIMINAL OR DISCIPLINARY RECORD.—

(a) A preneed sales agent applicant having a criminal or disciplinary record shall not be eligible for a temporary preneed sales agent license. No permanent preneed sales agent license shall be issued to any person with a criminal or disciplinary record, except upon approval of the board.

(b) If, while a temporary preneed sales agent license is in force, the department determines that the temporary licensee has a criminal or disciplinary record, the temporary license shall be immediately suspended and shall not automatically convert to a permanent preneed sales agent license. The department shall promptly give written notice of the suspension to the suspended licensee and to all preneed licensees who have the suspended preneed sales agent

licensee under appointment. The suspended preneed sales agent licensee may, within 21 days after the date of suspension, petition the board under paragraph (c) for issuance of a permanent preneed sales agent license notwithstanding the criminal or disciplinary record. If no petition for board review is timely received by the department or board, the temporary preneed sales agent license shall be revoked.

(c) An applicant with a criminal or disciplinary record who desires a permanent preneed sales agent license shall petition the board for issuance of such license using forms and procedures as specified by rule. The board shall issue a permanent preneed sales agent license to an applicant with a criminal or disciplinary record if the board determines:

1. That there was no inaccuracy in the application for license such as indicates the applicant is untrustworthy.
2. That the applicant, if issued a preneed sales agent license, would not pose an unreasonable risk to members of the public who might deal with the applicant in preneed transactions.

(d) The board may issue a preneed sales agent license to an applicant with a criminal or disciplinary record on a probationary basis and subject to reasonable terms of probation not to exceed 24 months in duration.

(6) TERMINATION OF A PERMANENT PRENEED SALES AGENT LICENSE DUE TO LACK OF APPOINTMENTS. — A permanent preneed sales agent license shall remain in force without a requirement for renewal until such time as there have been no appointments of the preneed sales agent under the license for 48 consecutive months, at which time the permanent preneed sales agent license will terminate. The former preneed sales agent licensee may thereafter apply for issuance of a new preneed sales agent license under this section.

(7) APPOINTMENT OF PRENEED SALES AGENTS. —

(a) A preneed sales agent licensee may be appointed by as many preneed licensees as desire to appoint the preneed sales agent licensee. When a preneed sales agent licensee is appointed by a preneed licensee, the department shall promptly give written notice to all other preneed licensees then having that same preneed sales agent under appointment.

(b) A preneed licensee may appoint a preneed sales agent licensee by identifying to the department the preneed sales agent licensee to be appointed, requesting appointment, and paying the required appointment fee. The appointment request shall be signed by the preneed licensee. The department may accept electronic signatures.

(c) Appointments shall be effective when made and shall expire 24 months from the last day of the month in which the appointment was made unless earlier terminated by the preneed licensee or the preneed sales agent. No initial appointment of a preneed sales agent licensee may be made until 24 hours after a temporary preneed sales agent license is issued to that preneed sales agent. Appointments are effective only so long as the preneed sales agent licensee's license is in good standing.

(d) A preneed licensee is responsible for taking reasonable steps to ensure that the preneed sales agent licensees it appoints have adequate training regarding preneed sales.

(e) Appointments may be renewed for additional 24-month periods by notification by the preneed licensee to the department that the preneed licensee desires to renew the appointment, accompanied by payment by the preneed licensee of the appointment renewal fee.

(f) Initial and renewal appointment fees shall be nonrefundable and shall be \$150 if made through the department's online licensing system and \$175 if made using paper forms requiring manual processing by the department. The board may from time to time by rule increase said appointment fees but not to exceed \$300.

(g)1. Appointments may be terminated at any time by the appointing preneed licensee or by the appointed preneed sales agent licensee.

2. Termination of appointment shall be accomplished by notice of termination conveyed to the department and signed by the person or entity requesting the termination. The department may accept electronic signatures. There shall be no fee for termination of appointment accomplished through the department's online licensing system; however, there shall be a fee of \$25 for terminations made using paper forms requiring manual processing by the department.

3. When an appointment is terminated, whether by the preneed licensee or the preneed sales agent licensee, the

department shall promptly provide written confirmation of the termination to both the preneed sales agent licensee and the preneed licensee at their respective addresses of record with the department.

4. If a preneed licensee terminates the authority of a preneed sales agent license to sell for the preneed licensee, the preneed licensee shall, within 30 days after such termination, terminate the appointment as indicated in subparagraph 2.

5. If a preneed sales agent licensee terminates the preneed sales relationship with a preneed licensee, the preneed sales agent licensee shall, within 30 days after such termination, terminate the appointment as indicated in subparagraph 2.

6. If the license of a preneed sales agent is suspended or revoked pursuant to disciplinary action by the licensing authority against the preneed sales agent, the department shall promptly give written notice of such action to all preneed licensees then having that preneed sales agent under appointment.

(8) ADMINISTRATIVE MATTERS.—

(a) The licensing authority shall have rulemaking authority to prescribe forms and procedures for implementation of this section.

(b) As used in this section, “criminal record” means and includes only crimes required to be disclosed under s. 497.142.

(c) As used in this section, “disciplinary record” means and includes any instance wherein the applicant has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. A licensing authority’s acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(d) A preneed licensee shall be responsible for the activities of all preneed sales agents, and all funeral directors acting as preneed sales agents, who are affiliated with the preneed licensee and who perform any type of preneed-related activity on behalf of the preneed licensee. In addition to the preneed sales agents and funeral directors acting as preneed sales agents, each preneed licensee shall also be subject to discipline if its preneed sales agents or funeral directors acting as preneed sales agents violate any provision of this chapter.

History.—s. 107, ch. 93-399; s. 13, ch. 2000-195; s. 115, ch. 2004-301; s. 99, ch. 2005-2; s. 38, ch. 2005-155; s. 136, ch. 2008-4.

Note.—Former s. 497.439.

497.467 Acceptability of funeral and burial merchandise.— Each person who engages in preneed sales of funeral or burial merchandise shall determine, and notify the purchaser in writing prior to the completion of the contract, that the merchandise being considered for purchase will be accepted in the cemetery of the purchaser’s choice. The failure to comply with this chapter shall nullify the agreement, and all moneys paid in shall be returned, notwithstanding the existence of any liquidated damages provision otherwise applicable by contract or statute.

History.—s. 13, ch. 77-438; s. 2, ch. 81-318; ss. 21, 31, 32, ch. 83-316; ss. 108, 122, ch. 93-399; s. 116, ch. 2004-301.

Note.—Former s. 639.21; s. 497.441.

497.468 Disclosure of information to the public.— A preneed licensee offering to provide burial rights, merchandise, or services to the public shall:

(1) Provide by telephone, upon request, accurate information regarding the retail prices of burial merchandise and services offered for sale by the licensee.

(2) Fully disclose all regularly offered services and merchandise prior to the customer’s selection of burial services or merchandise. The full disclosure required shall identify the prices of all burial rights, services, and merchandise provided by the licensee.

(3) Not make any false or misleading statements of the legal requirement as to the necessity of a casket or outer burial container.

(4) Provide a good faith estimate of all fees and costs the customer will incur to use any burial rights, merchandise, or services purchased.

(5) Provide to the customer, upon the purchase of any burial right, merchandise, or service, a written contract the form of which has been approved by the licensing authority pursuant to procedures specified by rule. The written contract shall:

(a) Be completed as to all essential provisions prior to the signing of the contract by the customer.

(b) Provide an itemization of the amounts charged for all services, merchandise, and fees, which itemization shall be clearly and conspicuously segregated from everything else on the written contract.

(c) Provide a description of the merchandise covered by the contract to include, when applicable, model, manufacturer, and other relevant specifications.

(6) Provide the licensee's policy on cancellation and refunds to each customer.

(7) In a manner established by rule of the licensing authority, provide on the signature page of the written contract, clearly and conspicuously in boldfaced 10-point type or larger, the following:

(a) The words "purchase price."

(b) The amount to be trusted.

(c) The amount to be refunded upon contract cancellation.

(d) The amounts allocated to merchandise, services, and cash advances.

(e) The toll-free number of the department which is available for questions or complaints.

(f) A statement that the customer shall have 30 days from the date of execution of contract to cancel the contract and receive a total refund of all moneys paid for items not used.

(8) Effective October 1, 2006, display in its offices for free distribution to all potential customers, and provide to all customers at the time of sale, a brochure explaining how and by whom preneed sales are regulated, summarizing consumer rights under the law, and providing the name, address, and phone number of the department's consumer affairs division. The format and content of the brochure shall be as prescribed by rule. The licensing authority may cause the publication of such brochures and by rule require that preneed licensees purchase and make available such brochures as so published, in the licensee's offices, to all potential customers.

(9) Provide to each customer a complete description of any monument, marker, or memorialization to be placed at the gravesite pursuant to the preneed contract.

History.—s. 39, ch. 2005-155.

PART V

MONUMENT ESTABLISHMENTS

497.550 Licensure of monument establishments required; procedures and criteria.

497.551 Renewal of monument establishment licensure.

497.552 Required facilities.

497.553 Regulation of monument establishments.

497.554 Monument establishment sales representatives.

497.555 Required rules.

497.550 Licensure of monument establishments required; procedures and criteria. —

(1) LICENSE REQUIRED.—No person shall conduct, maintain, manage, or operate a monument establishment in this state unless the monument establishment is licensed pursuant to this part.

(a) The two categories of monument establishment licensure available in this state are:

1. Monument builder.

2. Monument retailer.

(b) An applicant for licensure as a monument establishment shall designate on the application form the category

of monument establishment licensure for which he or she is applying.

(c) Each monument establishment that is licensed under this chapter at 11:59 p.m. on September 30, 2005, is, on and after October 1, 2005, licensed as a monument retailer subject to the requirements of this chapter. A person who becomes licensed as a monument retailer by operation of this paragraph may apply to the board for licensure as a monument builder and, upon payment of applicable application fees and the granting of such application and licensure as a monument builder, such person's licensure as a monument retailer will expire.

(d) The requirements of this chapter apply to both monument retailers and monument builders, except as provided in this paragraph. Each monument establishment shall be a physical structure that is located at a specific street address, in compliance with zoning regulations of the appropriate local government, and not located on property that is exempt from taxation, but a monument retailer may not otherwise be required to comply with s. 497.552 or be subject to inspection under this chapter.

(e) A monument establishment that is not licensed under the monument-builder category is not eligible for a preneed sales license.

(2) APPLICATION PROCEDURES.—A person seeking licensure as a monument establishment shall apply for such licensure using forms prescribed by rule.

(a) The application shall require the applicant's name and address, and the name and address of all principals of the applicant. The application shall require the applicant's social security number, or, if the applicant is an entity, its federal tax identification number.

(b) The application may require information as to the applicant's financial resources, and may require information as to the experience of the applicant and its principals in the monument establishment business or death care industry.

(c) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142.

(d) The application shall require the applicant to disclose whether the applicant or any of its principals have ever had a license or the authority to practice a profession or occupation revoked, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction.

(e) The applicant shall submit fingerprints in accordance with s. 497.142.

(f) The applicant shall be a natural person at least 18 years of age, a corporation, a partnership, or a limited liability company.

(g) The applications shall require the applicant to demonstrate that the applicant has, or will have before commencing operations, the facilities required under this part.

(h) The application shall be signed in accordance with s. 497.141(12).

(i) The application shall be accompanied by an application fee as determined by licensing authority rule but not to exceed \$500.

(j) Upon receipt of the application and application fee, the licensing authority shall inspect the proposed monument establishment facilities in accordance with rules of the licensing authority.

(3) ACTION CONCERNING APPLICATIONS.—A duly completed application for licensure as a monument establishment, accompanied by the required application fee, shall be approved unless there is shown by clear and convincing evidence that the applicant will not, before commencing operations, have the facilities required by this part or that issuance of the license would pose an unreasonable risk to the public because of one or more of the following factors:

(a) The applicant's lack of experience.

(b) The applicant's lack of financial resources.

(c) The criminal or disciplinary record of the applicant or its principals.

(d) A demonstrated history of violations of the laws of this state by the applicant or its principals regarding the funeral or cemetery business or other business activities.

(e) A demonstrated history of lack of trustworthiness or integrity on the part of the applicant or its principals.

(4) **PROBATIONARY STATUS.**—It is the policy of this state to encourage competition for the public benefit in the monument establishment business by, among other means, the entry of new licensees into the monument establishment business. To facilitate issuance of licenses concerning applications judged by the licensing authority to be borderline as to qualification for licensure, the licensing authority may issue new monument establishment licenses on a probationary basis, subject to conditions specified by the licensing authority on a case-by-case basis, which conditions may impose special monitoring, reporting, and restrictions on operations for up to the first 24 months of licensure, to ensure the licensee's responsibility, competency, and financial stability. However, no such probationary license shall be issued unless the licensing authority determines that issuance would not pose an unreasonable risk to the public, and the licensing authority must within 24 months after issuance of the license either remove the probationary status or determine that the licensee is not qualified for licensure and institute proceedings for revocation of licensure.

(5) **LICENSE NOT TRANSFERABLE OR ASSIGNABLE.**—A monument establishment license shall not be transferable or assignable.

History.—s. 88, ch. 93-399; s. 18, ch. 96-400; s. 118, ch. 2004-301; s. 100, ch. 2005-2; s. 40, ch. 2005-155; s. 10, ch. 2007-55.

Note.—Former s. 497.361.

497.551 Renewal of monument establishment licensure.—

(1) A monument establishment license shall be renewed biennially by the licensee.

(2) A monument establishment licensee shall renew its monument establishment license by payment of a renewal fee established by rule not to exceed \$250.

(3) Rules may be adopted providing procedures, forms, and uniform timeframes for monument establishment license renewals.

History.—s. 119, ch. 2004-301; s. 101, ch. 2005-2; s. 41, ch. 2005-155.

497.552 Required facilities.—Effective January 1, 2006, a monument establishment shall at all times have and maintain a full-service place of business at a specific street address or location in Florida complying with the following requirements:

(1) It shall include an office for the conduct of its business including the reception of customers.

(2) It shall include a display area in which is displayed a selection of monuments, markers, and related products for inspection by customers prior to sale.

(3) Its office and display area shall normally be open to the public weekdays during normal business hours.

(4) It shall have facilities on site for inscribing monuments and equipment to deliver and install markers and monuments.

(5) It shall comply with any local government zoning regulations and may not be located on tax-exempt property.

History.—s. 120, ch. 2004-301; s. 42, ch. 2005-155.

497.553 Regulation of monument establishments.—

(1) The Department of Financial Services shall establish and implement an inspection program for all monument establishments in accordance with the requirements of this act. The board shall set by rule an annual inspection fee not to exceed \$300, payable upon application for licensure and upon each renewal of such license.

(2) Commencing January 1, 2006, all retail sales by monument establishments shall be on a sales agreement form filed by the monument establishment with and approved by the licensing authority. Sales agreement forms must provide a complete description of any monument, marker, or related product to be delivered, and shall prominently and clearly specify the agreed date for delivery and installation. Procedures for submission and approval of such forms shall be established by rule.

(3) Commencing January 1, 2006, all monument establishments shall have written procedures for the receipt, investigation, and disposition of customer complaints, and shall ensure that their staff who receive or process such complaints are familiar with and follow such procedures.

(4) Commencing January 1, 2006, all monument establishments shall maintain for inspection by the department records of written complaints received by the monument establishment. Such complaint records shall include a chronological log of written complaints received, in which the name and address of each complainant and date of complaint is entered consecutively within 10 business days of receipt of each complaint. The licensing authority may by rule establish requirements regarding the format of complaint logs, including whether they may be maintained electronically or shall be maintained by pen and ink on paper; the licensing authority may by order direct a licensee to maintain complaint logs by pen and ink in writing. The original or complete copy of each written complaint received by a monument establishment, and all subsequent correspondence related to such complaint, shall be maintained by the monument establishment, for inspection by the department, for the longer of 24 months or 12 months after the most recent department inspection during which the complaint was in the monument establishment's complaint records and available for the department's review.

(5) Commencing January 1, 2006, the failure of a monument establishment to deliver and install a purchased monument or marker by the date agreed in the sales agreement shall entitle the customer to a full refund of all amounts paid by the customer for the monument and its delivery and installation, unless the monument establishment has obtained a written agreement from the customer extending the delivery date. Such refund shall be made within 30 days after receipt by the monument establishment of the customer's written request for a refund. This subsection does not preclude the purchase and installation of a new monument from any other registered monument establishment or licensee.

(6)(a) A change in ownership shall be promptly reported using forms and procedures specified by rule and may require the relicensure of the licensee, including reinspection and payment of applicable fees, as required by rule.

(b) A change in location shall be promptly reported to the licensing authority pursuant to procedures established by rule. Operations by the licensee at a new location may not commence until an inspection by the licensing authority of the facilities, pursuant to rules of the licensing authority, has been conducted and passed at the new location.

History.—s. 121, ch. 2004-301; s. 43, ch. 2005-155.

497.554 Monument establishment sales representatives. —

(1) **LICENSE REQUIRED.**—Each person selling monuments, markers, or related products for a monument establishment must be licensed as a monument establishment sales agent. This requirement shall apply notwithstanding that such person is already registered or licensed in another capacity pursuant to this chapter.

(2) **APPLICATION PROCEDURES.**—Licensure as a monument establishment sales agent shall be by submission of an application for licensure to the department on a form prescribed by rule.

(a) The application shall require the applicant to state her or his name, residence and business address, business phone number, social security number, and the name and address of the monument establishment for which the applicant will be selling.

(b) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142. The applicant shall submit fingerprints in accordance with s. 497.142.

(c) The application shall require the applicant to disclose whether the applicant has ever had a license or the authority to practice a profession or occupation revoked, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction.

(d) The application shall be signed by the applicant and the owner or an officer of the sponsoring monument establishment.

(e) The monument establishment sales agent application shall be accompanied by a fee of \$50. The licensing

authority may from time to time increase the application fee by rule but not to exceed \$200.

(3) APPROVAL OR DENIAL OF APPLICATION.—

(a) If a properly completed application accompanied by the required application fee indicates the applicant has no criminal or disciplinary record, the requested licensure shall be deemed granted upon receipt of the duly completed application by the department.

(b) If the application indicates the applicant has any criminal or disciplinary history, licensure shall be granted unless the licensing authority determines that the licensure of the applicant would pose a substantial threat to the welfare of the public with which the applicant might be dealing as a monument establishment sales agent. Rules may be adopted providing criteria for evaluating criminal and disciplinary records as they may affect applications for licensure under this section.

(4) RENEWAL; TERMINATION OF AUTHORITY.—

(a) A monument establishment sales agent license under this section shall be renewed upon payment of a fee determined by rule of the licensing authority but not to exceed \$250.

(b) The monument establishment whose officer signed the sales agent application shall terminate that agent's authority to sell on behalf of that monument establishment, and the monument establishment in writing shall advise the licensing authority of such termination within 30 days after the termination.

(5) RESPONSIBILITY FOR AGENTS.—The sponsoring monument establishment shall be responsible for the activities of its sales agents concerning their sales activities and shall reasonably supervise such activities.

(6) AGENT LICENSE REQUIRED.—A person selling monuments, markers, and related products on a preneed basis for a monument establishment that has been issued a preneed sales license must also obtain authorization as a preneed sales agent under part IV of this chapter.

(7) EFFECTIVE DATE.—The provisions of this section shall take effect October 1, 2006.

History.—s. 122, ch. 2004-301; s. 44, ch. 2005-155.

497.555 Required rules.—Rules shall be adopted establishing minimum standards for access to all cemeteries by licensed monument establishments for the purpose of delivering and installing markers and monuments. In all cases, cemeteries and monument establishments shall comply with these minimum standards.

History.—s. 123, ch. 2004-301; s. 45, ch. 2005-155.

PART VI

CREMATION, CREMATORIES, AND DIRECT DISPOSITION

497.601 Direct disposition; duties.

497.602 Direct disposers, license required; licensing procedures and criteria; regulation.

497.603 Direct disposers, renewal of license.

497.604 Direct disposal establishments, license required; licensing procedures and criteria; license renewal; regulation; display of license.

497.605 Direct disposition not funeral directing.

497.606 Cinerator facility, licensure required; licensing procedures and criteria; license renewal; regulation.

497.607 Cremation; procedure required.

497.608 Liability for unintentional commingling of the residue of the cremation process.

497.609 Liability of direct disposers, direct disposal establishments, funeral directors, funeral establishments, and cinerator facilities regarding cremation.

497.601 Direct disposition; duties.—

(1) Those individuals licensed as direct disposers may perform only those functions set forth below:

- (a) Remove human remains from the place of death and store human remains in registered direct disposal establishments.
 - (b) Secure pertinent information from the decedent's next of kin in order to complete the death certificate and to file for the necessary permits for direct disposition.
 - (c) Obtain the necessary permits for direct disposition and arrange for obituaries and death notices to be placed in newspapers; provided, however, that the name of the direct disposal establishment may not appear in any death notice or obituary if any funeral service, memorial service, or graveside service is to take place and such service is mentioned in the death notice or obituary.
 - (d) Refrigerate human remains prior to direct disposition and transport human remains to a direct disposal establishment for direct disposition.
 - (e) Contract with a removal service or refrigeration facility to provide such services or facilities to a direct disposal establishment.
- (2) Direct disposers or funeral directors functioning as direct disposers may not, in their capacity as direct disposers, sell, conduct, or arrange for burials, funeral services, memorial services, visitations, or viewings; hold themselves out to the public as funeral directors; or use any name, title, or advertisement that may tend to connote that they are funeral directors. These prohibitions shall apply regardless of the fact that such individuals may be licensed as funeral directors.
- (3) Provided that direct disposers limit their activities to those functions set forth in subsection (1), those activities shall not be deemed to constitute funeral directing or embalming or the functions performed by a funeral director or embalmer as otherwise set forth in this chapter.

History.—s. 15, ch. 93-399; s. 67, ch. 94-119; s. 126, ch. 2004-301.

Note.—Former s. 470.0165.

497.602 Direct disposers, license required; licensing procedures and criteria; regulation.—

- (1) **LICENSE REQUIRED.**—Any person who is not a licensed funeral director and who engages in the practice of direct disposition must be licensed pursuant to this section as a direct disposer.
- (2) **APPLICATION PROCEDURES.**—
- (a) A person seeking licensure as a direct disposer shall apply for such licensure using forms prescribed by rule.
 - (b) The application shall require the name, residence address, date and place of birth, and social security number of the applicant.
 - (c) The application may require information as to the educational and employment history of the applicant.
 - (d) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142.
 - (e) The application shall require the applicant to disclose whether the applicant has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. A licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.
 - (f) The applicant shall submit fingerprints in accordance with s. 497.142.
 - (g) The application shall require the applicant to demonstrate that the applicant does, or will before commencing operations under the license, comply with all requirements of this chapter relating to the licensure applied for.
 - (h) The application shall be signed by the applicant.
 - (i) The application shall be accompanied by a nonrefundable fee of \$300. The licensing authority may from time to time increase the fee by rule but not to exceed more than \$500.
- (3) **ACTION CONCERNING APPLICATIONS.**—A duly completed application for licensure under this section, accompanied by the required fees, shall be approved if the licensing authority determines that the following

conditions are met:

- (a) The applicant is a natural person at least 18 years of age and a high school graduate or equivalent.
- (b) The applicant has taken and received a passing grade in a college credit course in mortuary law and has taken and received a passing grade in a college credit course in ethics.
- (c) The applicant has completed a course on communicable diseases approved by the licensing authority.
- (d) The applicant has passed an examination prepared by the department on the local, state, and federal laws and rules relating to the disposition of dead human bodies.
- (e) The applicant does or will prior to commencing operations under the license comply with all requirements of this chapter relating to the license applied for.
- (f) The applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters.

(4) **ISSUANCE OF LICENSE.**—Upon approval of the application by the licensing authority, the license shall be issued.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 16, 122, ch. 93-399; s. 68, ch. 94-119; s. 127, ch. 2004-301; s. 46, ch. 2005-155; s. 26, ch. 2010-125.

Note.—Former s. 470.017.

497.603 Direct disposers, renewal of license. —

- (1) A direct disposer's license shall be renewed upon receipt of the renewal application and fee set by rule of the licensing authority but not to exceed \$500.
- (2) The licensing authority shall adopt rules establishing procedures, forms, and a schedule for the biennial renewal of direct disposer licenses. The rules shall require continuing education of up to 6 classroom hours, including, but not limited to, a course on communicable diseases approved by the licensing authority, and may establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; ss. 17, 122, ch. 93-399; s. 211, ch. 94-119; s. 6, ch. 98-298; s. 27, ch. 2000-356; s. 128, ch. 2004-301; s. 102, ch. 2005-2; s. 47, ch. 2005-155; s. 27, ch. 2010-125.

Note.—Former s. 470.018.

497.604 Direct disposal establishments, license required; licensing procedures and criteria; license renewal; regulation; display of license. —

(1) **LICENSE REQUIRED.**—A direct disposer shall practice at a direct disposal establishment which has been licensed under this section and which may be a cinerator facility licensed under s. 497.606. No person may open or maintain an establishment at which to engage in or hold herself or himself out as engaging in the practice of direct disposition unless such establishment is licensed pursuant to this section.

(2) **APPLICATION PROCEDURES.**—

- (a) A person seeking licensure as a direct disposal establishment shall apply for such licensure using forms prescribed by rule.
- (b) The application shall require the name, business address, residence address, date and place of birth or incorporation, and business phone number, of the applicant and all principals of the applicant. The application shall require the applicant's social security number or, if the applicant is an entity, its federal tax identification number.
- (c) The application shall name the licensed direct disposer or licensed funeral director acting as the direct disposer in charge of the direct disposal establishment.
- (d) The application may require information as to the applicant's financial resources.
- (e) The application may require information as to the educational and employment history of an individual applicant; and as to applicants that are not natural persons, the business and employment history of the applicant and principals of the applicant.

(f) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142.

(g) The application shall require the applicant to disclose whether the applicant or any of the applicant's principals including its proposed supervising licensee has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. A licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(h) The applicant shall submit fingerprints in accordance with s. 497.142.

(i) The application shall require the applicant to demonstrate that the applicant does, or will before commencing operations under the license, comply with all requirements of this chapter relating to the licensure applied for.

(j) The application shall be signed in accordance with s. 497.141(12).

(k) The application shall be accompanied by a nonrefundable fee of \$300. The licensing authority may from time to time by rule increase the fee but not to exceed \$500.

(3) ACTION CONCERNING APPLICATIONS.—A duly completed application for licensure under this section, accompanied by the required fee, shall be approved if the licensing authority determines that the following conditions are met:

(a) The applicant is a natural person at least 18 years of age, a corporation, a partnership, or a limited liability company.

(b) The applicant does or will prior to commencing operations under the license comply with all requirements of this chapter relating to the license applied for. The applicant shall have passed an inspection prior to issuance of a license under this section, in accordance with rules of the licensing authority.

(c) The applicant and the applicant's principals are of good character and have no demonstrated history of lack of trustworthiness or integrity in business or professional matters.

(4) ISSUANCE OF LICENSE.—Upon approval of the application by the licensing authority, the license shall be issued.

(5) PROBATIONARY STATUS.—It is the policy of this state to encourage competition for the public benefit in the direct disposal establishment business by, among other means, the entry of new licensees into that business. To facilitate issuance of licenses concerning applications judged by the licensing authority to be borderline as to qualification for licensure, the licensing authority may issue a new license under this section on a probationary basis, subject to conditions specified by the licensing authority on a case-by-case basis, which conditions may impose special monitoring, reporting, and restrictions on operations for up to the first 24 months of licensure, to ensure the licensee's responsibility, competency, financial stability, and compliance with this chapter. However, no such probationary license shall be issued unless the licensing authority determines that issuance would not pose an unreasonable risk to the public, and the licensing authority must within 24 months after issuance of the license either remove the probationary status or determine that the licensee is not qualified for licensure under this chapter and institute proceedings for revocation of licensure.

(6) RENEWAL OF LICENSE.—A direct disposal establishment license shall be renewed biennially pursuant to schedule, forms, and procedures and upon payment of a fee of \$200. The licensing authority may from time to time increase the fee by rule but not to exceed \$400.

(7) CHANGES SUBSEQUENT TO LICENSURE.—Each licensee under this section shall provide notice as required by rule prior to any change in location or control of the licensee or licensed person in charge of the licensee's operations. A change in control is subject to approval by the licensing authority and to reasonable conditions imposed by the licensing authority, for the protection of the public to ensure compliance with this chapter. Operations by the licensee at a new location may not commence until an inspection by the licensing authority of the facilities at the new location, pursuant to rules of the licensing authority, has been conducted and passed.

(8) SUPERVISION OF FACILITIES.—

(a) Effective October 1, 2010, each direct disposal establishment shall have one full-time licensed funeral director acting as the direct disposer in charge. However, a licensed direct disposer may continue acting as the direct disposer in charge, if, as of September 30, 2010:

1. The direct disposal establishment and the licensed direct disposer both have active, valid licenses.

2. The licensed direct disposer is currently acting as the direct disposer in charge of the direct disposal establishment.

3. The name of the licensed direct disposer was included, as required in paragraph (2)(c), in the direct disposal establishment's most recent application for issuance or renewal of its license or was included in the establishment's notice of change provided under subsection (7).

(b) The licensed funeral director or licensed direct disposer in charge of a direct disposal establishment must be reasonably available to the public during normal business hours for the establishment and may be in charge of only one direct disposal establishment. The licensed funeral director or licensed direct disposer in charge of the establishment is responsible for making sure the facility, its operations, and all persons employed in the facility comply with all applicable state and federal laws and rules.

(9) REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.—

(a) There shall be established by rule standards for direct disposal establishments, including, but not limited to, requirements for refrigeration and storage of dead human bodies.

(b) The practice of direct disposition must be engaged in at a fixed location of at least 625 interior contiguous square feet and must maintain or make arrangements for suitable capacity for the refrigeration and storage of dead human bodies handled and stored by the establishment.

(c) Each direct disposal establishment shall at all times be subject to the inspection of all its buildings, grounds, and vehicles used in the conduct of its business, by the department, the Department of Health, and local government inspectors and by their agents. There shall be adopted rules which establish such inspection requirements. There shall be adopted by rule of the licensing authority an annual inspection fee not to exceed \$300, payable upon issuance of license and upon each renewal of such license.

(d) Each direct disposal establishment must display at the public entrance the name of the establishment and the name of the licensed direct disposer or licensed funeral director acting as the direct disposer in charge of the establishment. A direct disposal establishment must transact its business under the name by which it is licensed.

(e) A direct disposal establishment may not be operated at the same location as any other direct disposal establishment or funeral establishment unless such establishments were licensed as colocated establishments on July 1, 2000.

(f) A direct disposal establishment shall retain all signed contracts for a period of at least 2 years.

(10) DISPLAY OF LICENSE.—

(a) A direct disposer establishment and each direct disposer, or funeral director acting as a direct disposer, employed at the establishment must display their current licenses in a conspicuous place within the establishment in such a manner as to make the licenses visible to the public and to facilitate inspection by the licensing authority. If a licensee is simultaneously employed at more than one location, the licensee may display a copy of the license in lieu of the original.

(b) Each licensee shall permanently affix a photograph taken of the licensee within the previous 6 years to each displayed license issued to that licensee as a direct disposer or funeral director acting as a direct disposer.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; ss. 13, 43, ch. 82-179; s. 1, ch. 89-8; s. 45, ch. 89-162; s. 23, ch. 89-374; ss. 20, 122, ch. 93-399; s. 71, ch. 94-119; s. 319, ch. 97-103; s. 229, ch. 99-8; s. 28, ch. 2000-356; s. 129, ch. 2004-301; s. 103, ch. 2005-2; s. 48, ch. 2005-155; s. 28, ch. 2010-125.

Note.—Former s. 470.021.

497.605 Direct disposition not funeral directing.— The duties, functions, and services performed by a direct disposer licensee, as provided by this chapter, shall not be deemed to constitute funeral directing or embalming or the duties, functions, or services performed by a funeral director or embalmer as otherwise defined and provided by this chapter.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; s. 122, ch. 93-399; s. 130, ch. 2004-301.

Note.— Former s. 470.022.

497.606 Cinerator facility, licensure required; licensing procedures and criteria; license renewal; regulation.—

- (1) **LICENSE REQUIRED.**—No person may conduct, maintain, manage, or operate a cinerator facility unless a license for such facility has been issued and is in good standing under this section.
- (2) **APPLICATION PROCEDURES.**—
 - (a) A person seeking licensure as a cinerator facility shall apply for such licensure using forms prescribed by rule.
 - (b) The application shall require the name, business address, residence address, date and place of birth or incorporation, and business phone number, of the applicant and all principals of the applicant. The application shall require the applicant's social security number or, if the applicant is an entity, its federal tax identification number.
 - (c) The application shall name the licensed funeral director or licensed direct disposer who will be in charge of the cinerator facility.
 - (d) The application may require information as to the applicant's financial resources.
 - (e) The application may require information as to the educational and employment history of an individual applicant, and as to applicants that are not natural persons, the business and employment history of the applicant and principals of the applicant.
 - (f) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142.
 - (g) The application shall require the applicant to disclose whether the applicant or any of the applicant's principals including its proposed supervising licensee has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. A licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.
 - (h) The applicant shall submit fingerprints in accordance with s. 497.142.
 - (i) The application shall require the applicant to demonstrate that the applicant does, or will before commencing operations under the license, comply with all requirements of this chapter relating to the licensure applied for.
 - (j) The application shall be signed in accordance with s. 497.141(12).
 - (k) The application shall be accompanied by a nonrefundable fee of \$300. The licensing authority may from time to time increase the fee by rule but not to exceed \$500.
- (3) **ACTION CONCERNING APPLICATIONS.**—A duly completed application for licensure under this section, accompanied by the required fee, shall be approved if the licensing authority determines that the following conditions are met:
 - (a) No license may be issued unless the cinerator facility has been inspected and approved as meeting all requirements as set forth by the department, the Department of Health, the Department of Environmental Protection, or any local ordinance regulating the facility.
 - (b) The applicant is a natural person at least 18 years of age, a corporation, a partnership, or a limited liability company.
 - (c) The applicant does or will prior to commencing operations under the license comply with all requirements of this chapter relating to the license applied for.
 - (d) The applicant and the applicant's principals are of good character and have no demonstrated history of lack of

trustworthiness or integrity in business or professional matters.

(4) PROBATIONARY STATUS.—It is the policy of this state to encourage competition for the public benefit in the cinerator facility business by, among other means, the entry of new licensees into that business. To facilitate issuance of licenses concerning applications judged by the licensing authority to be borderline as to qualification for licensure, the licensing authority may issue a new license under this section on a probationary basis, subject to conditions specified by the licensing authority on a case-by-case basis, which conditions may impose special monitoring, reporting, and restrictions on operations for up to the first 24 months of licensure, to ensure the licensee's responsibility, competency, financial stability, and compliance with this chapter. Provided, no such probationary license shall be issued unless the licensing authority determines that issuance would not pose an unreasonable risk to the public, and the licensing authority must within 24 months after issuance of the license either remove the probationary status or determine that the licensee is not qualified for licensure under this chapter and institute proceedings for revocation of licensure.

(5) ISSUANCE OF LICENSE.—Upon approval of the application by the licensing authority, the license shall be issued.

(6) RENEWAL OF LICENSE.—Licenses under this section shall be renewed biennially in accordance with a schedule, forms, and procedures established by rule. The nonrefundable and nonproratable biennial renewal fee shall be as determined by licensing authority rule but not to exceed \$500.

(7) CHANGES SUBSEQUENT TO LICENSURE.—Each licensee under this section shall provide notice as required by rule prior to any change in location or control of the licensee or licensed person in charge of the licensee's operations. A change in control is subject to approval by the licensing authority and to reasonable conditions imposed by the licensing authority, for the protection of the public to ensure compliance with this chapter. Operations by the licensee at a new location may not commence until an inspection by the licensing authority of the facilities, pursuant to rules of the licensing authority, has been conducted and passed at the new location.

(8) SUPERVISION OF FACILITIES.—Each cinerator facility shall have one full-time licensed direct disposer or licensed funeral director in charge for that facility. Such person may be in charge of only one facility. Such licensed funeral director or licensed direct disposer shall be responsible for making sure the facility, its operations, and all persons employed in the facility comply with all applicable state and federal laws and rules.

(9) REGULATION OF CINERATOR FACILITIES.—

(a) There shall be established by rule standards for cinerator facilities, including, but not limited to, requirements for refrigeration and storage of dead human bodies, use of forms and contracts, and record retention.

(b) No more than one dead human body may be placed in a retort at one time, unless written permission has been received from a legally authorized person for each body. The operator of a cinerator facility shall be entitled to rely on the permission of a legally authorized person to cremate more than one human body at a time.

(c) Each cinerator facility shall at all times be subject to the inspection of all its buildings, grounds, records, equipment, and vehicles used in the conduct of its business, by the department, the Department of Environmental Protection, the Department of Health, and local government inspectors and by their agents. Rules shall be adopted which establish such inspection requirements. There shall by rule of the licensing authority be adopted an annual inspection fee not to exceed \$300, payable prior to issuance of license and upon each renewal of such license.

(d) A cinerator facility licensed under this section shall only receive dead human bodies for cremation. A cinerator facility may not receive other materials, or medical, hazardous, and biohazardous waste, for the purpose of disposal in a retort.

(e) Each cinerator facility must display at its public entrance the name of the facility and the name of the funeral director or direct disposer responsible for that facility. A cinerator facility must transact its business under the name by which it is licensed.

(f) A cinerator facility located at the same address as a funeral establishment may not have a direct disposer as its individual in charge.

(g) A cinerator facility shall not place human remains or body parts in a retort or cremation chamber unless the human remains are in an alternative container, cremation container, or casket. Human remains may be transported in a cremation container or stored if they are completely covered, and at all times treated with dignity and respect. Cremation may include the processing and pulverization of bone fragments. Cremated remains may be placed in a temporary container following cremation. None of the provisions contained in this subsection require the purchase of a casket for cremation. This subsection applies to at-need contracts and preneed contracts entered into pursuant to this chapter after June 1, 1996.

(h) Each cinerator facility shall ensure that all alternative containers, cremation containers, or caskets used for cremation contain no amount of chlorinated plastics not authorized by the Department of Environmental Protection, that they also are composed of readily combustible or consumable materials suitable for cremation, able to be closed to provide a complete covering for the human remains, resistant to leakage or spillage, rigid enough for handling with ease, and able to provide for the health, safety, and personal integrity of the public and crematory personnel.

(i) There shall be rules adopted requiring each facility to submit periodic reports to the department that include the names of persons cremated, the date and county of death, the name of each person supervising each cremation, the name and license number of the establishment requesting cremation, and the types of containers used to hold the body during cremation.

(j) Each cinerator facility shall be inspected prior to the initial issuance of its license and annually thereafter and shall:

1. Maintain one or more retorts for the reduction of dead human bodies.
2. Maintain refrigeration that satisfies the standards set by the Department of Health and contains sufficient refrigerated space for the average daily number of bodies stored, if unembalmed bodies are kept at the site.
3. Maintain sufficient pollution control equipment to comply with requirements of the Department of Environmental Protection in order to secure annual approved certification.
4. Either have on site or immediately available sufficient gasketed containers of a type required for the transportation of bodies as specified in applicable state rules.
5. Maintain the premises in a clean and sanitary condition.
6. Have appropriate Department of Environmental Protection permits.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; s. 47, ch. 89-162; s. 25, ch. 89-374; s. 22, ch. 91-137; s. 140, ch. 92-149; ss. 24, 122, ch. 93-399; s. 73, ch. 94-119; s. 456, ch. 94-356; s. 5, ch. 96-355; s. 230, ch. 99-8; s. 131, ch. 2004-301; s. 49, ch. 2005-155; s. 3, ch. 2009-219.

Note.—Former s. 470.025.

497.607 Cremation; procedure required.—

(1) At the time of the arrangement for a cremation performed by any person licensed pursuant to this chapter, the person contracting for cremation services shall be required to designate her or his intentions with respect to the disposition of the cremated remains of the deceased in a signed declaration of intent which shall be provided by and retained by the funeral or direct disposal establishment. A cremation may not be performed until a legally authorized person gives written authorization for such cremation. The cremation must be performed within 48 hours after a specified time which has been agreed to in writing by the person authorizing the cremation.

(2)(a) With respect to any person who intends to provide for the cremation of the deceased, if, after a period of 120 days from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains. Such disposal shall include scattering them at sea or placing them in a licensed cemetery scattering garden or pond or in a church columbarium or otherwise disposing of the remains as provided by rule.

(b) A reasonable effort shall be made before such disposal to determine whether the cremated remains are those of a veteran of the United States Armed Forces, United States Reserve Forces, or National Guard eligible for burial in a

national cemetery or a spouse or dependent child of a veteran eligible for burial in a national cemetery.

(c) If the unclaimed cremated remains are those of an eligible veteran or the spouse or dependent child of an eligible veteran, the funeral or direct disposal establishment shall arrange for the interment of the cremated remains in a national cemetery. A funeral or direct disposal establishment may use the assistance of a veterans' service organization for this purpose. A funeral or direct disposal establishment or veterans' service organization acting in good faith is not liable for any damages resulting from the release of required information to determine eligibility for interment.

(d) This subsection does not require a funeral or direct disposal establishment to:

1. Determine whether the cremated remains are those of a veteran if the funeral or direct disposal establishment is informed by a legally authorized person that the decedent was not a veteran.

2. Relinquish possession of the cremated remains to a veterans' service organization if the funeral or direct disposal establishment is informed by a legally authorized person that the decedent did not desire any funeral, ceremony, or interment-related services recognizing the decedent's service as a veteran.

(e) For purposes of this subsection, the term:

1. "Reasonable effort" includes contacting the National Cemetery Scheduling Office, the county veterans service office, the regional office of the United States Department of Veterans Affairs, or a veterans' service organization.

2. "Veterans' service organization" means an association, corporation, or other entity that qualifies under s. 501(c)(3) or (19) of the Internal Revenue Code as a tax-exempt organization, that is organized for the benefit of veterans' burial and interment, and that is recognized by the Memorial Affairs Division of the United States Department of Veterans Affairs. The term includes a member or employee of an eligible nonprofit veterans' corporation, association, or entity that specifically assists in facilitating the identification, recovery, and interment of the unclaimed cremated remains of veterans.

(3) Pursuant to the request of a legally authorized person and incidental to final disposition, cremation may be performed on parts of human remains.

(4) In regard to human remains delivered to the control of the anatomical board of this state headquartered at the University of Florida Health Science Center, the provisions of this subsection and chapter shall not be construed to prohibit the anatomical board from causing the final disposition of such human remains through cremation or otherwise when performed in facilities owned and operated by such anatomical board or the University of Florida Health Science Center pursuant to and using such processes, equipment, and procedures as said anatomical board determines to be proper and adequate.

History.—ss. 1, 2, ch. 86-92; s. 1, ch. 87-70; s. 1, ch. 89-8; s. 26, ch. 89-374; ss. 25, 122, ch. 93-399; s. 321, ch. 97-103; s. 132, ch. 2004-301; s. 50, ch. 2005-155; s. 19, ch. 2013-138.

Note.—Former s. 470.0255.

497.608 Liability for unintentional commingling of the residue of the cremation process.—

(1) The Legislature recognizes that the unintentional or incidental commingling of the residue of the cremation of human remains is an inevitable byproduct of the cremation process in a cinerator retort or cremation chamber.

(2) The operator of a cinerator facility shall establish written procedures for the removal of cremated remains, to the extent possible, resulting from the cremation of a human body and the postcremation processing, shipping, packing, or identifying of those remains. The operator of a cinerator facility shall file its written procedures, and any revisions to those written procedures, with the licensing authority for its approval, and effective January 1, 2006, the cremation facility shall not be operated unless it has and follows such written procedures approved by the licensing authority; provided, the licensing authority may adopt by rule standard uniform procedures for the removal of such cremated remains, which may be adopted by any cinerator facility in lieu of promulgating, filing, and obtaining approval of procedures. A cinerator facility choosing to utilize standard uniform procedures specified by rule shall file notice of its choice with the licensing authority pursuant to procedures and forms specified by rule.

(3) If an operator follows the procedures set forth in written procedures filed with and approved by the licensing authority, or adopts and follows the standard uniform procedures adopted by the licensing authority, the operator shall not be liable for the unintentional or the incidental commingling of cremated remains resulting from more than one cremation cycle or from postcremation processing, shipping, packing, or identifying those remains.

(4) A copy of the procedures being utilized by a cinerator facility shall be provided by the cinerator facility, upon request, to customers and their representatives, the department, and other legally authorized persons.

History.—s. 133, ch. 2004-301; s. 104, ch. 2005-2.

497.609 Liability of direct disposers, direct disposal establishments, funeral directors, funeral establishments, and cinerator facilities regarding cremation.—If a direct disposer, direct disposal establishment, funeral director, funeral establishment, or cinerator facility is given a copy of the deceased's declaration of intent to be cremated that is signed by the deceased and the deceased's human remains are subsequently cremated, or a court order directing the cremation of the deceased's human remains, no person may make a claim objecting to the cremation against that direct disposer, direct disposal establishment, funeral director, funeral establishment, or cinerator facility. If a direct disposer, direct disposal establishment, funeral director, funeral establishment, or cinerator facility performs a cremation pursuant to the authorization of a legally authorized person who represents that she or he is not aware of any objection to the cremation of the deceased's human remains by others in the same class of the person making the representation or of any person in a higher priority class, and the deceased's human remains are subsequently cremated, no person may make a claim objecting to the cremation against that direct disposer, direct disposal establishment, funeral director, funeral establishment, or cinerator facility.

History.—s. 11, ch. 2007-55.

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ORDINANCE NUMBER 2014 - _____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 3, SECTION 3.02.00 BY ADDING VARIOUS DEFINITIONS; AMENDING ARTICLE 6, BY PROVIDING FOR REGULATION OF CEMETERIES, MAUSOLEUMS, COLUMBARIUM, FUNERAL ESTABLISHMENTS AND DIRECT DISPOSAL ESTABLISHMENTS; PROVIDING FOR THE ADDITION OF SECTION 7.22.00 TO PROVIDE FOR CONDITIONAL USE AND PERFORMANCE STANDARDS FOR LOCATION OF DIRECT DISPOSAL ESTABLISHMENTS AND FUNERAL ESTABLISHMENTS WITH CINERATORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through its Land Development Code, the Escambia County Board of County Commissioners has authorized certain subordinate activities and land uses in specified zoning districts; and

WHEREAS, the Board finds that the Land Development Code needs to be amended to provide for the appropriate location and regulation of cemeteries, mausoleums, columbariums, funeral establishments, direct disposal establishments, and cinerators, and

WHEREAS, the Board further finds that imposing certain restrictions on such land uses would protect the public health, safety, welfare from deleterious effects on neighboring properties that may stem from such land uses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

SECTION 1. RECITALS.

The aforementioned recitals are hereby incorporated into this ordinance as the legislative findings of the Escambia County Board of County Commissioners.

1 **SECTION 2.** **DEFINITIONS.**

2 Part III of the Escambia County Code of Ordinances, the Land Development Code of
3 Escambia County, Article 3, Section 3.02.00 Terms defined, is hereby amended as
4 follows (words underlined are additions and words ~~stricken~~ are deletions):

5 3.02.00. Terms defined.

6 "Cemetery" ~~Land used or dedicated to the interment of the deceased. May include a~~
7 ~~burial park for earth interments, a crematorium and columbarium for cinerary~~
8 ~~interments, a mausoleum for vault or crypt interments, or a combination thereof, and~~
9 ~~necessary sales and maintenance facilities. Mortuaries may be included when operated~~
10 ~~within the boundary of such cemetery and if allowed in the same zoning district as the~~
11 ~~cemetery.~~ means a place dedicated to and used or intended to be used or intended to
12 be used for the permanent interment of human remains or cremated remains. A
13 cemetery may contain land or earthy interment; mausoleum, vault, or crypt interment; a
14 columbarium, ossuary, scattering garden, or other structure or place used or intended to
15 be used for the interment or disposition of cremated remains; or any combination of one
16 or more of such structures or places.

17 "Cinerator" means a facility where dead human bodies are subjected to cremation.

18 "Columbarium" means a structure or building that is substantially exposed above the
19 ground and that is intended to be used for the inurnment of cremated remains.

20 "Cremation" means any mechanical or thermal process whereby a dead human body is
21 reduced to ashes and bone fragments. Cremation also includes any other mechanical
22 or thermal process whereby human remains are pulverized, burned, reinterred, or
23 otherwise further reduced in size or quantity.

24 "Direct Disposal Establishment" means a facility licensed under Chapter 497, Florida
25 Statutes, where a direct disposer practices direct disposition.

26 "Direct Disposer" means any person licensed under Chapter 497, Florida Statutes, to
27 practice direct disposition in this state.

28 "Funeral" or "Funeral Service" means the observances, services, or ceremonies held to
29 commemorate the life of a specific deceased human being and at which the human
30 remains are present.

1 "Funeral Establishment" means a facility licensed under Chapter 497, Florida Statutes,
2 where a funeral director or embalmer practices funeral directing or embalming.

3 "Mausoleum" means a structure or building that is substantially exposed above the
4 ground and that is intended to be used for the entombment of human remains.

5 "Practice of Direct Disposition" means the cremation of human remains without
6 preparation of the human remains by embalming and without any attendant services or
7 rites such as funeral or graveside services or the making of arrangements for such final
8 disposition.

9 "Practice of Funeral Directing" means the performance by a licensed funeral director of
10 any of those functions authorized by §497.372, Florida Statutes.

11
12 **SECTION 3. REGULATION OF CEMETARIES, MAUSOLEUMS,**
13 **COLUMBARIUM, FUNERAL ESTABLISHMENTS AND DIRECT**
14 **DISPOSAL ESTABLISHMENTS.**
15

16 Part III of the Escambia County Code of Ordinances, the Land Development Code of
17 Escambia County, is hereby amended to make various changes described in Exhibit "A"
18 hereto to provisions of Article 6 (words underlined are additions and words ~~stricken~~ are
19 deletions).

20
21 Part III of the Escambia County Code of Ordinances, the Land Development Code of
22 Escambia County, is hereby amended by adding the following Section 7.22.00 to Article
23 7 (words underlined are additions and words ~~stricken~~ are deletions).

24 **7.22.00. Conditional Use and Performance Standards for Location of Direct**
25 **Disposal Establishments and Funeral Establishments With Cinerators**
26

27 7.22.01. Purpose. The purpose of this section is to restrict the location of the land
28 uses of "funeral establishment with cinerator" or "direct disposal establishment."

29 A. Prohibition. Notwithstanding any provision found in Article 6 of this Code, the
30 issuance of permits is prohibited for the installation of a cinerator, as defined in
31 Article 3, in either a funeral establishment or a direct disposal establishment

1 within 1,000 feet of an existing residence, an apartment, a restaurant or other
2 commercial eating establishment, a motel, a hotel, a private or public school
3 (including day care centers), a nursing home, an assisted living facility, or any
4 other place designed and intended for the temporary or permanent overnight
5 accommodation of human beings. In addition to the above stated prohibition
6 that applies to the existing described land uses, the prohibition extends to
7 issuance of permits for the installation of a cinerator in either a funeral
8 establishment or a direct disposal establishment within 500 feet of vacant
9 property that is zoned: R-1, R-2, R-3, R-4.

10 B. *Measurement.* The distance from a proposed facility that would include a
11 cinerator shall be measured by drawing a straight line between the closest
12 property lines of the proposed cinerator location and the property containing the
13 existing land uses or existing zoning described in 7.22.01.A.

14 C. *Establishment of new land uses or zoning changes.* Neither the establishment
15 of new land uses nor the modification of existing zoning of property within the
16 prohibited distances described in 7.22.01.A shall convert a previously approved
17 permit authorizing the installation of a cinerator into a nonconforming use. For
18 the purpose of this section only, the issuance of either a development order or a
19 building permit establishes a new land use, until such date as the development
20 order or building permit expires. For the purpose of this section only, the filing
21 of a valid application for rezoning of property, or the public notice required for
22 consideration by the Planning Board of a legislative rezoning of property, is to
23 be treated as the date of modification of existing zoning of property, until such
24 time as the application for rezoning is acted on by the Board of County
25 Commissioners, and either approved or denied.

26 D. *Conditional use.* When otherwise allowed as a conditional use by Article 6 of
27 the Code, the board of adjustment (BOA) may approve a conditional use for the
28 "funeral establishment with cinerator" and "direct disposal establishment" land
29 uses, after conducting the hearing and making all findings required by Section
30 2.05.03 of the Code, as well as making findings as to each criterion below:

- 1 1. The authorization of the conditional use will not unreasonably increase the
2 congestion in public streets, the danger of fire, imperil the public safety,
3 unreasonably diminish or impair established property values within the
4 surrounding area or in any other respect impair the health, safety, comfort,
5 or general welfare of the inhabitants of Escambia County.
- 6 2. The subject property is oriented to have the minimum impact on the
7 surrounding properties.
- 8 3. Adequate ingress and egress to the subject property and proposed or
9 existing structures thereon with particular reference to automotive and
10 pedestrian safety and convenience, traffic flow and control, on-site parking
11 and loading, and access in case of fire or catastrophe is addressed.
- 12 4. Any adverse impact such as noise, glare, smoke, odor, or other harmful
13 effects of the proposed establishment on the adjoining properties and
14 properties generally in the district is adequately addressed.
- 15 5. The proposed establishment's general compatibility with adjacent properties
16 and other property in the immediate area is adequately addressed.

17
18 **SECTION 4. SEVERABILITY.**

19 If any section, sentence, clause or phrase of this Ordinance is held to be invalid
20 or unconstitutional by any Court of competent jurisdiction, then said holding shall in no
21 way affect the validity of the remaining portions of this Ordinance.

22 **SECTION 5. INCLUSION IN CODE.**

23 It is the intention of the Board County Commissioners that the provisions of this
24 Ordinance shall be codified as required by F.S. §125.68 (2013); and that the section,
25 subsections and other provisions of this Ordinance may be renumbered or re-lettered
26 and the word "ordinance" may be changed to "section," "article," or such other
27 appropriate word or phrase in order to accomplish such intentions.

28 **SECTION 6. EFFECTIVE DATE.**

29 This Ordinance shall become effective upon filing with the Department of State.

1 **DONE AND ENACTED** this _____ day of _____, 2014.

2 **BOARD OF COUNTY COMMISSIONERS**
3 **OF ESCAMBIA COUNTY, FLORIDA**

4
5 **By:** _____
6 **Lumon J. May, Chairman**

7 **ATTEST: PAM CHILDERS**
8 **Clerk of the Circuit Court**

9 **By:** _____
10 **Deputy Clerk**

11 **(SEAL)**

12 **ENACTED:**
13 **FILED WITH THE DEPARTMENT OF STATE**

14
15 **EFFECTIVE DATE:**

16 A1577215.DOC

6.05.00. District regulations.

6.05.01. AG agricultural district, low density.

- A. *Intent and purpose of district.* This district is intended to identify those areas used primarily for farming, and/or the raising of livestock, and silviculture. A primary purpose of this district is to provide for the continuation and expansion of viable agricultural activities within the county by providing for compatibility among permitted uses and by preserving open spaces through low district-wide residential densities. The maximum density is 1.5 acres per dwelling unit. Refer to [article 11](#) for uses, heights and densities allowed in AG - agricultural areas located in the Airport/Airfield Environs.
- B. *Permitted uses.*
1. Agricultural, farm animals and agricultural-related activities and customary accessory buildings.
 2. Silviculture.
 3. Mariculture and aquaculture.
 4. Single-family residences.
 5. Campground and recreational vehicle parks.
 6. Public utility.
 7. Stables, private and public.
 8. Animal hospitals, clinics and kennels.
 9. Display and sale of fruit, vegetables and similar agricultural products.
 10. Mobile homes as a single-family dwelling, subject to the other relevant provisions of this Code.
 11. Places of worship.
 12. Educational facilities.
 13. Clubs and lodges.
 14. Guest residences.
 15. Public utility and service structures not included in subparts C. or D., below.
 16. Feed and farm equipment stores.
 17. Other rural area related commercial uses meeting the locational requirements of comprehensive plan policy FLU 1.1.10.
 18. Golf courses, tennis centers, swimming clubs, and customary attendant facilities and accessory buildings.
 19. Commercial communication towers 150 feet or less in height.
 20. Family day care homes and family foster homes.
 21. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
 - [22. Reserved.]
 23. Hunting preserves, shooting ranges, gun and rifle clubs, etc.
 24. Public parks and recreation facilities.

25. Cemeteries, mausoleums and columbariums.

C. *Prohibited uses.*

1. Multifamily dwellings.
2. Landfills.

3. Any building, structure or facility that is used for the purpose of cremation.

D. *Conditional uses.*

1. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations.
2. Wastewater treatment facilities, electric power generation facilities or substations, and solid waste transfer stations or collection points and/or processing facilities.
3. Oil wells/mineral extraction and commercial antenna towers more than 150 feet in height.
4. Hospitals, nursing homes and similar uses, except in the Coastal High Hazard Area (CHHA) future land use categories.
5. The raising of exotic animals and birds.
6. Junkyards, salvage yards, and waste tire processing facilities.
7. Two-family dwellings.
8. Clinics.

E. *Site and building requirements.*

1. *Lot area, minimum.*
 - a. Single-family residence. One and one-half acres (65,340 square feet), however, any deed or gift of any parcel of land given without valuable consideration to any member of the donor's immediate family shall be exempted from the minimum lot area requirements. The deeding option shall be limited to one time only for each immediate family member.
 - b. Public utility uses, animal hospitals, churches and schools shall be exempted from the minimum lot area requirement.
 - c. Animal clinics and kennels or other boarding facilities—Two acres minimum.
2. *Lot coverage.* At least 20 percent of each lot or parcel shall remain pervious (80 percent maximum impervious cover ratio).
3. *Lot width.* The minimum lot width for all permitted uses shall be 100 feet at the street right-of-way.
4. *Front yard.* There shall be a front yard having a depth of not less than 40 feet.
5. *Rear yard.* There shall be a rear yard having a depth of not less than 40 feet. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 40 feet, whichever is greater.
6. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 40 feet, whichever is greater.

F. *Landscaping.* See [section 7.01.00](#)

G. *Signs.* See [article 8](#)

6.05.02. *RR rural residential district (cumulative), low density.*

A. *Intent and purpose of district.* This district is intended to be a single-family residential area of low density in a semi-rural or rural environment. This district is intended to provide a transition from urban to rural densities and agricultural uses. The maximum density is two dwelling units per acre. Refer to [article 11](#) for uses, heights and densities allowed in RR - rural residential areas located in the Airport/Airfield Environs.

B. *Permitted uses.*

1. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
2. Any use permitted in the preceding district except as noted below.

C. *Conditional uses.*

1. Public riding stables.
2. Kennels.
3. Animal hospitals and veterinary clinics.
4. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations.
5. Home occupations with employees.
6. Country clubs, golf courses and tennis clubs.
7. Any conditional use permitted in the preceding district, except antenna towers.
8. Guest residence for medical care.
9. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
10. Solid waste transfer stations, collection points, and/or processing facilities.

D. *Prohibited uses.*

1. Any use prohibited in the AG district.
2. Commercial communication towers.
3. Junkyards, salvage yards, and waste tire processing facilities.

E. *Site and building requirements.*

1. *Lot area, minimum.*

Single-family dwelling½ acre

Horses and private stables2 acres

Campgrounds5 acres

Place of worship1 acre

Educational facilities1 acre

Kennels2 acres

Keeping of farm animals2 acres

2. *Lot coverage.* At least 20 percent of each lot or parcel shall remain pervious (80 percent maximum impervious cover ratio).
3. *Lot width.* The minimum lot width at the front building line shall be 100 feet and 80 feet at the street right-of-way. Every cul-de-sac shall have a minimum of 40 feet at the street right-of-way.
4. *Front yard.* There shall be a front yard having a depth of not less than 40 feet.
5. *Rear yard.* The minimum rear yard shall not be less than 40 feet in depth. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision (article 7) of this Code or 40 feet, whichever is greater.
6. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision (article 7) of this Code or 40 feet, whichever is greater.
7. *Private stables or other structures for housing (sheltering) farm animals.* No stables may be located less than 50 feet from any property line, nor less than 130 feet from any adjacent principal residential dwelling unit.

F. *Landscaping.* See [section 7.01.00](#)

G. *Signs.* See [article 8](#)

6.05.03. AMU-1 airfield mixed use-1 district (noncumulative).

A. *Intent and purpose of district.* The airfield mixed-use-1 district allows a compatible mix of certain types of commercial uses and single-family residential uses within the airfield influence planning district-1 (AIPD-1). The intent is to give a commercial option to property owners without the accompanying high residential densities allowed in the cumulative commercial districts. Buffering and landscaping/site requirements are more stringent than normal to protect residential uses from possible negative impacts if near commercial development. Additionally, the type of commercial use is limited to correspond to military recommendations and [article 11](#) requirements.

All commercial development, redevelopment, or expansion must be consistent with the locational criteria in the comprehensive plan (policy FLU 1.1.10) and [article 7](#).

While the intent is for this zoning district to apply primarily to the AIPD-1 overlay areas, it can also be utilized in other unincorporated areas of Escambia County in which it is compatible with the future land use category with a maximum density of three d.u./acre. Maximum density is commensurate with the density specified in the accident potential zone (APZ) or AIPD area in which the site is located. (See adopted maps.)

All lots of record as of August 21, 2001, are allowed one single-family residence regardless of density limitations.

The following densities shall apply in airfield mixed use-1:

1. *NAS Pensacola*

a.	CZ (Clear Zone)	0 d.u./acre
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b.	AIPD-1 Area "A"	0 d.u./acre
c.	APZ-1 (NASP)	0 d.u./acre (off the end of the runway)
d.	APZ-1 (All others)	1 d.u./2.5 acres
e.	APZ-2 (NASP)	2 d.u./acre (off the end of the runway)
f.	APZ-2 (All others)	3 d.u./acre
g.	AIPD-1 Area "B"	3 d.u./acre

2. *NOLF Saufley*

a.	Clear Zones (CZ)	0 d.u./acre
b.	APZ-1	1 d.u./2.5 acres
c.	APZ-2	3 d.u./acre
d.	AIPD-1 Area "B"	3 d.u./acre

3. *NOLF Site 8*

a.	AIPD-1 Area "B"	3 d.u./acre
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B. *Permitted uses.*

1. Single-family residential house.
2. Mobile homes are allowed as single-family dwellings, subject to the other relevant provisions of this Code. No mobile home parks allowed.
3. The growing of vegetables or other food crops for personal consumption by the residents (in all APZ areas plus Area "A" and Area "B").
4. Automobile service stations (no outside storage, minor repair only) (floor area ratio (FAR) 0.14 in APZ-1 and 0.28 in APZ-2).

5. Bicycle sales and mechanical services (no outside storage) (FAR 0.11 in APZ-1 and 0.22 in APZ-2).
6. Appliance repair shops (no outside storage or work permitted) (FAR 0.11 in APZ-1 and 0.22 in APZ-2).
7. Contract construction services (FAR 0.11 in APZ-1 and 0.22 in APZ-2).
8. Public utility and service structures (APZ-1, APZ-2 and Area "B").
9. Professional offices as listed are allowed in APZ-2 and Area "B" only (FAR 0.22):
 - a. Architects, engineers, lawyers.
 - b. Tax consultants, accountants.
 - c. Real estate, insurance offices and finance.
10. Neighborhood retail sales and services listed below, in APZ-2. Gross floor area of building not to exceed 6,000 square feet. No permanent outside storage allowed (FAR 0.22).
 - a. Food and drugstores (FAR 0.24).
 - b. Personal service shops (FAR 0.22).
 - c. Clothing and dry goods store (FAR 0.28).
 - d. Specialty shops (FAR 0.22).
 - e. Bakeries whose products are made and sold at retail on the premises (FAR 0.24).
 - f. Florists shops provided that products are displayed and sold wholly within an enclosed building (FAR 0.22).
 - g. Small shopping centers 65,000 square feet or less (FAR 0.22).
11. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).

C. *Conditional uses.*

1. Recreational activities, including golf courses, riding stables, water recreation, parks, and other cultural, entertainment and recreation. Accompanying accessory structures shall have a FAR 0.11 in APZ-1 and Area "A" and 0.22 in APZ-2 and Area "B". Facilities such as, meeting places, auditoriums, large classes, etc. are not allowed. Clubhouses are permitted if they meet the FAR above or house no more than 25 people per acre, whichever is less. This type of facility must meet the following criteria to be approved as a conditional use:
 - a. Enclosed structures shall have a capacity of not more than 25 people per acre.
 - b. Sites shall be located within the more highly accessible portions of residential districts or an access road shall be constructed specifically to serve the project, thereby discouraging additional traffic along residential streets.
 - c. The proposed use shall not increase traffic on local residential streets in the impacted area in excess of established LOS standards.
 - d. Development features shall be so located and related as to minimize the possibility of any adverse effects upon adjacent properties, including noise.
 - e. The minimum number of off-street parking spaces to be provided shall be as required in [section 7.02.00](#) of this Code.
2. Solid waste transfer stations, collection points, and/or processing facilities.

D. *Prohibited uses.*

1. Mobile home parks.
2. Any use that concentrates more than 25 people per acre in a structure is prohibited in all areas of AIPD-1. This includes, but is not limited to schools, churches, hospitals, meeting places, auditoriums, theaters, health clubs, large retail stores, hotels, motels and similar facilities. (See [article 11](#), section 11.01.00.E.1.)
3. Day care facilities, for either children or adults.
4. Any use that results in the clustering of allowable residential units, except in AIPD-1 Area B.
5. Borrow pits, landfills, junkyards, salvage yards, and waste tire processing facilities.

E. *Off-street parking requirements.* See [section 7.02.00](#)

F. *Residential site and building standards.*

1. *Lot size.* Lot size is absolute in AIPD-1 and AIPD-1, Area A. That is, the lot size is the inverse of the density allowed. For example, if two d.u./acre are allowed, the minimum lot size equals one-half acre; three d.u./acre equals one-third acre minimum lot size, etc. (See [article 11](#), Density Limitations). There is no minimum lot size for new subdivisions in AIPD-1, Area B, but development must meet the overall density requirement of three d.u./acre.
2. *Lot width.* Minimum lot width for a single-family dwelling measured at the front building line shall be 70 feet and at the street right-of-way, 50 feet. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.
3. *Front yard.* There shall be a front yard having a depth of not less than 25 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
4. *Rear yard.* The minimum residential rear yard shall not be less than 25 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of the Code (article 7) or 30 feet, whichever is greater.
5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of the Code (article 7) or 30 feet, whichever is greater.
6. *Structure height.* No structure shall exceed 35 feet above ground level.

G. *Commercial site and building standards.*

1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio). There is no minimum lot size for commercial development.

2. *Setbacks.*

Front: 20 feet.

Rear: 15 feet.

Side yard: Ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side, in addition to buffering requirements. Site development is regulated by [article 7](#), Performance Standards, with changes as noted below.

- H. *Landscaping.* See [section 7.01.00](#)
- I. *Signs.* See [article 8](#)
- J. *Buffering and screening standards.* See section 7.01.06.
 - 1. Buffering and screening are required between any commercial use and any residential or agricultural use.
 - 2. Property owners requesting a rezoning to AMU-1 to allow commercial development shall be responsible for providing and maintaining the buffer. Buffers shall be constructed to the following standards:
 - a. Between residential and commercial: Minimum of 15 feet width with B-2 plant material standards (see section 7.01.06.F) and opaque fencing.
 - b. Between agricultural and commercial: Minimum ten foot width with A-1 plant material standards (see section 7.01.06.F).
- K. *Buffers for exterior lighting.* Exterior lighting shall be buffered in a manner that prevents annoyance from brightness and glare. This may be in the form of a shield on the light, an opaque fence of sufficient height to block the light, or vegetation high and thick enough to prevent bright and glaring lights from intruding on adjacent residential areas.
- L. *Structure height.* Refer to [section 11.04.00](#), Airport/Airfield Height Limitations, for pertinent regulations.
- M. *Locational criteria.* See [article 7](#) and comprehensive plan policy FLU 1.1.10.

6.05.04. *AMU-2 airfield mixed use-2 district (cumulative to AMU-1 only).*

- A. *Intent and purpose of district.* The airfield mixed use-2 district allows a combination of certain commercial uses and residential development within the airfield influence planning district-2 (AIPD-2). The intent and purpose of the AMU-2 district is two-fold: 1) to allow property owners with zoning that allows less density to up-zone to the three d.u./acre limit and 2) to give property owners a commercial-use option without the high cumulative residential density in the existing commercial districts. While the intent is for this zoning district to apply primarily to the AIPD-2 overlay areas, it can also be utilized in other unincorporated areas of Escambia County in which it is compatible with the future land use category, except AIPD-1. Density in the AMU-2 zoning district is limited to three dwelling units per acre.

All commercial development, redevelopment, or expansion must be consistent with the locational criteria in the comprehensive plan (policy FLU 1.1.10) and in [article 7](#).

- B. *Permitted uses.*
 - 1. All uses permitted in AMU-1.
 - 2. Two-family or three-family structures, providing the overall density of three d.u./acre is not exceeded.
 - 3. Medical and dental clinics, including those permitted in AMU-1.
 - 4. Other professional offices of similar type and character as those listed in the previous district.
 - 5. Neighborhood retail sales and services in addition to those listed in previous district.
 - a. Health clubs, spa and exercise centers.
 - b. Studios for the arts.
 - c. Martial arts studios.
 - d. Other retail/service uses of similar type and character of those listed herein.
 - 6. Laundromats and dry cleaners.

7. Restaurants.
 8. Recreational activities, including golf courses, riding stables, water recreation, parks and other cultural, entertainment and recreation.
 9. Places of worship and educational facilities/institutions.
 10. Child care centers.
 11. Mini-warehouses, including RV and boat storage, with adequate buffering from residential uses (see buffering requirements below). No ancillary truck rental service or facility allowed without conditional use approval.
 12. Automobile service stations (no outside storage, minor repair only).
 13. Appliance repair shops (no outside storage or work permitted).
 14. Public utility and service structures.
 15. Family day care homes and family foster homes.
- C. *Conditional uses.*
1. Mobile home parks.
 2. Zero lot line development. Must meet overall density of three d.u./acre.
 3. Commercial communication towers. See [article 11](#), Airport/Airfield Height Limitations and [article 7](#), Commercial Communication Towers, for regulations concerning communication towers. No variance to height or to distance from residential zoning or residential buildings is permitted.
 4. Solid waste transfer stations, collection points, and/or processing facilities.
- D. *Prohibited uses.*
1. Uses expected to produce excessive noise, vibration, dust, fumes, smoke, pollution or glare.
 2. Borrow pits, landfills, junkyards, salvage yards, and waste tire processing facilities.
- E. *Off-street parking requirements.* See [section 7.02.00](#)
- F. *Residential site and building standards.*
1. *Lot size.* There is no minimum lot size in AMU-2, but development must meet the overall density requirement of three d.u./acre.
 2. *Lot width.* Minimum lot width for a single-family dwelling measured at the front building line shall be 70 feet and at the street right-of-way, 50 feet. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.
 3. *Front yard.* There shall be a front yard having a depth of not less than 25 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
 4. *Rear yard.* The minimum residential rear yard shall not be less than 25 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of the Code (Article 7) or 30 feet, whichever is greater.
 5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of the Code (Article 7) or 30 feet, whichever is greater.

6. *Structure height.* No structure shall exceed 35 feet above ground level.

G. *Commercial site and building standards.*

1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio). There is no minimum lot size for commercial development.

2. *Setbacks.*

Front: 20 feet.

Rear: 15 feet.

Side yard: Ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side, in addition to buffering requirements. Site development is regulated by [article 7](#), Performance Standards.

H. *Landscaping.* See [section 7.01.00](#)

I. *Signs.* See [article 8](#)

J. *Buffering and screening standards.* See section 7.01.06.

1. Buffering and screening standards are required between any commercial use and any residential or agricultural use. Buffers shall be constructed to the following standards:

a. Between residential and commercial: Minimum 15-foot width with B-2 plant material standards (see section 7.01.06.F) and fences shall be opaque.

b. Between agricultural and commercial: Minimum ten-foot width with A-1 plant material standards (see section 7.01.06.F).

2. Property owners requesting a rezoning to AMU-1 to allow commercial development shall be responsible for providing and maintaining the buffer.

K. *Buffers for exterior lighting.* Exterior lighting shall be buffered in a manner that prevents annoyance from brightness and glare. This may be in the form of a shield on the light, an opaque fence of sufficient height to block the light, or vegetation high and thick enough to prevent bright and glaring lights from intruding on adjacent residential areas.

L. *Structure height.* Refer to [section 11.04.00](#), Airport/Airfield Height Limitations, for pertinent regulations.

M. *Locational criteria.* See [article 7](#) and comprehensive plan policy FLU 1.1.10.

6.05.05. *R-1 single-family district, low density.*

A. *Intent and purpose of district.* This district is intended to be a single-family residential area with large lots and low population density. The maximum density is four dwelling units per acre. Refer to [article 11](#) for uses and densities allowed in R-1, single-family areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in [article 11](#). Refer to the overlay districts within [section 6.07.00](#) for additional regulations imposed on individual parcels with R-1 zoning located in the Scenic Highway Overlay District and RA-1(OL) Barrancas Redevelopment Area Overlay District.

B. *Permitted uses.*

1. Single-family detached dwellings and their customary accessory structures and uses.

2. The growing of vegetables or other food crops is permitted as long as the primary purpose for such activity is to provide for personal consumption by the residents. The raising of crops or other plants for commercial purposes is prohibited.

3. Public utility.
4. Marina (private).
5. Residential dock or pier.
6. Family day care homes and family foster homes.
7. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).

C. *Conditional uses.*

1. Home occupations with employees.
2. Golf courses, tennis centers, swimming clubs with customary attendant facilities and accessory buildings.
3. Country clubs and their customary accessory uses.
4. Clubs, as defined.
5. Covered boathouses and covered boat docks as accessory uses.
6. Stables accessory to a principal structure for private, noncommercial use only. Minimum lot size 100,000 square feet.
7. Educational facilities, excluding child care centers and kindergartens.
8. Places of worship.
9. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations.
10. Public utility and service structures (see section 6.08.02).
11. Guest residence for medical care.
12. Public parks and recreation facilities.

D. *Prohibited uses.* Any use not listed in subparts A, B or C above.

E. *Off-street parking requirements.* See [section 7.02.00](#)

F. *Site and building requirements.*

1. *Lot coverage.* The pervious area shall be at least 30 percent of the total lot (70 percent maximum impervious cover ratio).
2. *Lot width.* The minimum lot width at the front building line shall be 80 feet and at the street right-of-way, 50 feet. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.
3. *Front yard.* There shall be a front yard having a depth of not less than 25 feet, provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
4. *Rear yard.* The minimum rear yard shall not be less than 25 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.
5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the

marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.

6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.

G. *Landscaping.* See [section 7.01.00](#)

H. *Signs.* See [article 8](#)

(Ord. No. 2008-39, § 2, 6-5-2008)

6.05.06. R-1PK residential district (Perdido Key), low density.

A. *Intent and purpose of district.* This district is intended to be a low population density area. The maximum density is two dwelling units per acre. Refer to the Escambia County Comprehensive Plan and latest amendments, specifically policy FLU 1.3.1, regarding dwelling and lodging unit caps on Perdido Key. Refer to [article 11](#) for uses, heights and densities allowed in R-1PK areas located in the airport/airfield environs.

B. *Permitted uses.*

1. Single-family, two-family (duplex), three-family (triplex), and multifamily dwellings.
2. Boathouses and boat docks as accessory uses, provided the roof of said boathouse does not exceed 20 feet above the elevation 0.0 (MSL) based upon USC&G datum plane.
3. Places of worship.
4. Public utility.
5. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations.
6. Marina (private).
7. Family day care homes and family foster homes.

C. *Conditional uses.*

1. Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
2. Country clubs and their customary accessory uses.
3. Home occupations with employees.
4. Public utility and service structures (see section 6.08.02).
5. Public parks and recreation facilities.

D. *Off-street parking requirements.* See [section 7.02.00](#)

E. *Site and buildings requirements.*

1. *Lot coverage.* The pervious area shall be at least 30 percent of the total lot (70 percent maximum impervious cover ratio.)
2. *Lot width.* The minimum lot widths shall be as follows:
 - a. *Single-family detached dwellings.* Forty feet at the front building line and 40 feet at the street right-of-way.
 - b. *Two-family (duplex) dwellings.* Eighty feet at the front building line and 50 feet at the street right-of-way line.
 - c. *Multifamily (condominiums, townhouses, boarding and lodging houses) dwellings.* One hundred feet at both the front building line and the street right-of-way line.

- d. *Cul-de-sac lots.* A minimum of 20 feet at the street right-of-way.
 3. *Front yard.* There shall be front yard having a depth of not less than 25 feet.
 4. *Rear yard.* The minimum rear yard shall not be less than ten percent of the depth of the lot but need not exceed 25 feet. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (Article 7) or 30 feet, whichever is greater.
 5. *Side yard(s).* The minimum side yard on each side shall be ten percent of the lot width, measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (Article 7) or 30 feet, whichever is greater.
 6. *Building height.* No building shall exceed 35 feet in height above the habitable first floor (see definition of height, [article 3](#)). Variances to height through board of adjustment approval or PUD approval are subject to compliance with the MU-4 Comprehensive Plan height limitations for residential zoning.
 7. *Open space.* There shall be an open space requirement of 35 percent of the total parcel area.
- F. *Landscaping.* Except for single-family houses and other exemptions, see section 12.05.01.
1. See [section 7.01.00](#)
 2. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.
 3. For developments subject to [section 7.01.00](#), standard B-1 of the buffer and roadway setback performance standards in section 7.01.06 shall be required on all roadway frontages. For every additional ten feet in width of the landscape area, the plant material required shall be doubled. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.
 4. Xeriscape principles. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:
 - a. Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.
 - b. Limit turf to locations where it provides functional benefits.
 - c. Provide efficient irrigation systems.
 - d. Mulches and organic soil amendments to improve water-holding capacity of soil may only be applied north of Perdido Key Drive.
 5. Irrigation system.
 - a. An irrigation system shall be installed for all landscaped areas of the site.
 - b. All irrigation materials used shall be ASTM approved.
 - c. All irrigation systems shall include rain sensors.
- G. *Signs.* See [article 8](#)
- H. *Lighting.* Artificial beachfront lighting shall conform to [section 7.03.00](#)

6.05.07. R-2 single-family district (cumulative), low-medium density.

- A. *Intent and purpose of district.* This district is intended to be a single-family residential area with large lots and low population density. The maximum density is seven dwelling units per acre. Refer to [article 11](#) for uses and densities allowed in R-2, single-family areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in [article 11](#). Refer to the overlay districts within [section 6.07.00](#) for additional regulations imposed on individual parcels with R-2 zoning located in the Scenic Highway Overlay District and RA-1(OL) Barrancas Redevelopment Area Overlay District.
- B. *Permitted uses.* Any use permitted in the R-1 district.
- C. *Conditional uses.* Any conditional use allowed in the R-1 district.
- D. *Off-street parking requirements.* See [section 7.02.00](#)
- E. *Site and building requirements.*
 - 1. *Lot coverage.* Same as R-1.
 - 2. *Lot width.* The minimum lot width at the front building line shall be 70 feet and at the street right-of-way 50 feet. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.
 - 3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet, provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
 - 4. *Rear yard.* The minimum rear yard shall not be less than 20 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.
 - 5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.
 - 6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.
- F. *Landscaping.* See [section 7.01.00](#)
- G. *Signs.* See [article 8](#)

(Ord. No. 2008-39, § 2, 6-5-2008)

6.05.08. R-2PK residential district (Perdido Key), medium density.

- A. *Intent and purpose of district.* This district is intended to be a medium population density residential area that recognizes the desirability of maintaining open space. The maximum density is 4.5 dwelling units per acre. Refer to the Escambia County Comprehensive Plan and latest amendments, specifically policy FLU 1.3.1, regarding dwelling and lodging unit caps on Perdido Key. Refer to [article 11](#) for uses, heights and densities allowed in R-1PK areas located in the airport/airfield environs.
- B. *Permitted uses.*
 - 1. Any use permitted in the R-1PK district.
 - 2. Kindergartens and child care centers.

- C. *Conditional uses.* Any conditional uses allowed in the R-1PK district.
- D. *Off-street parking requirements.* See [section 7.02.00](#)
- E. *Site and building requirements.*
 - 1. *Lot coverage.* Same as the R-1PK district.
 - 2. *Lot width.* Same as the R-1PK district.
 - 3. *Front yard.* Same as the R-1PK district.
 - 4. *Rear yard.* Same as the R-1PK district.
 - 5. *Side yard.* Same as the R-1PK district.
 - 6. *Building height.* No building shall exceed a height of four stories, or two stories less than an adjacent structure, if the adjacent structure is greater than four stories and existed on June 1, 1997 (see definition of height, [article 3](#)). Variances to height through board of adjustment approval or PUD approval are subject to compliance with the MU-4 Comprehensive Plan height limitations for residential zoning.
 - 7. *Open space.* Same as the R-1PK district.
- F. *Landscaping.*
 - 1. See sections [7.01.00](#) and 12.05.01.
 - 2. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.
 - 3. All commercial and multifamily projects shall submit a landscape plan as part of the development review criteria. This plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan.
 - 4. Xeriscape principles. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:
 - a. Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.
 - b. Limit turf to locations where it provides functional benefits.
 - c. Provide efficient irrigation systems.
 - d. Mulches and organic soil amendments to improve water-holding capacity of soil may only be applied north of Perdido Key Drive.
 - 5. For developments subject to [section 7.01.00](#), standard B-1 of the buffer and roadway setback performance standards in [section 7.01.06](#) shall be required on all roadway frontages. For every additional ten feet in width of the landscape area, the plant material required shall be doubled. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.
 - 6. Vehicular use areas.
 - a. Vehicular use areas, other than public rights-of-way, designed to be used for parking or movement of vehicular traffic, shall be separated by a five-foot landscaped strip for any boundary of the property on which the vehicular use area is located. This landscaped strip shall consist of shrubs or groundcovers with a minimum mature

height of 24 inches and a maximum height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on their mature size.

- b. Interior parking areas shall have one landscape island containing at least one tree and shrubs or groundcovers as per the above specifications, for every eight continuous spaces.
7. Irrigation system.
 - a. An irrigation system shall be installed for all landscaped areas of the site.
 - b. All irrigation materials used shall be ASTM approved.
 - c. All irrigation systems shall include rain sensors.
- G. *Signs.* See [article 8](#)
- H. *Lighting.* Artificial beachfront lighting shall conform to [section 7.03.00](#)
- 6.05.09. *R-3 one-family and two-family district, (cumulative) medium density.*
- A. *Intent and purpose of district.* This district is intended to provide for a mixture of one-family and two-family dwellings, including townhouses, with a medium density level compatible with single-family residential development. The maximum density is ten dwelling units per acre. Refer to [article 11](#) for uses and densities allowed in R-3, one-family and two-family areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in [article 11](#). Refer to the overlay districts within [section 6.07.00](#) for additional regulations imposed on individual parcels with R-3 zoning located in the Scenic Highway Overlay District and RA-1(OL) Barrancas Redevelopment Area Overlay District.
 - B. *Permitted uses.*
 1. Any use permitted in the R-2 district.
 2. Single-family attached dwellings including duplexes and townhouses, building clusters and zero lot line developments, but not including multifamily dwellings or structures.
 - C. *Conditional uses.*
 1. Any conditional use allowed in the R-2 district.
 2. Mobile homes utilized as guest residences.
 3. Nursing homes, retirement homes, convalescent homes, adult congregate living facilities, and similar uses, except in the Coastal High Hazard Area (CHHA) future land use categories.
 - D. *Off-street parking requirements.* See [section 7.02.00](#)
 - E. *Site and building requirements.*
 1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio).
 2. *Lot width.* Minimum lot width for a single-family dwelling or cluster measured at the front building line shall be 40 feet and at the street right-of-way, 40 feet. The minimum lot width for a two-family dwelling shall be 80 feet at the front building line and 50 feet at the street right-of-way line. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.
 3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.

4. *Rear yard.* The minimum rear yard shall not be less than 15 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.
5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. A minimum side yard of 15 feet shall be required between building clusters and townhouse groups. No side yards shall be required in attached clusters, townhouses, or zero lot line projects except at the ends of the projects where a minimum of 15 feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.
6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.
7. *Building clusters and townhouses.* Site and building requirements apply to the total building cluster with such being determined prior to issuance of a land use certificate.
8. *Zero lot line developments.* See [section 7.10.00](#)

F. *Landscaping.* See [section 7.01.00](#)

G. *Signs.* See [article 8](#)

(Ord. No. 2008-39, § 2, 6-5-2008; Ord. No. 2010-12, § 1, 5-6-2010)

6.05.10. R-3PK residential district (Perdido Key), high density.

- A. *Intent and purpose of district.* This district is intended to be primarily a high density residential area. Low intensity office use and service facilities are also permitted. The maximum density is 12 dwelling units per acre. Refer to the Escambia County Comprehensive Plan and latest amendments, specifically policy FLU 1.3.1, regarding dwelling and lodging unit caps on Perdido Key. Refer to [article 11](#) for uses, heights and densities allowed in R-3PK areas located in the airport/airfield environs.
- B. *Permitted uses.*
 1. Any permitted uses in the R-2PK district.
 2. Professional offices such as those of architects, engineers, lawyers, tax consultants, accountants, and medical and dental offices.
 3. Real estate or insurance offices.
 4. Restaurants, including the sale of beer, wine and liquor for on-premises consumption, as part of a condominium development offering resort-style amenities.
- C. *Conditional uses.* Any conditional use allowed in the R-2PK district.
- D. *Off-street parking requirements.* See [section 7.02.00](#)
- E. *Site and building requirements.*
 1. *Lot coverage.* The pervious area shall be at least 30 percent of the total area (a maximum of 70 percent impervious cover ratio).
 2. *Lot width.* Same as the R-1PK district.
 3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet.
 4. *Rear yard.* The rear yard shall be not less than ten percent of the depth of the lot but not to exceed 25 feet. On property abutting estuarine, riverine or creek systems, the setback shall

be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (article 7) or 30 feet, whichever is greater.

5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width, measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. No side yard shall be required in attached townhouse projects except at the ends of such projects where a minimum of ten feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (article 7) or 30 feet, whichever is greater.
6. *Building height.* No building shall exceed a height of eight stories, or two stories less than an adjacent structure, if the adjacent structure is greater than eight stories and existed on June 1, 1997 (see definition of height, [article 3](#)). Variances to height through Board of Adjustment approval or PUD approval are subject to compliance with the MU-4 Comprehensive Plan height limitations for residential zoning.
7. *Open space.* Same as the R-1PK district.

F. *Landscaping.*

1. See sections [7.01.00](#) and 12.05.01.
2. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.
3. All commercial and multifamily projects shall submit a landscape plan as part of the development review criteria. This plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan.
4. Xeriscape principles. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:
 - a. Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.
 - b. Limit turf to locations where it provides functional benefits.
 - c. Provide efficient irrigation systems.
 - d. Mulches and organic soil amendments to improve water holding capacity of soil may only be applied north of Perdido Key Drive.
5. Buffers. For developments subject to [section 7.01.00](#), a minimum ten-foot wide landscaped strip shall be required on all roadway frontages, and shall contain one tree and ten shrubs for every 35 linear feet of frontage. For every additional ten feet in width of the landscape area, the plant material required shall be doubled. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.
6. Vehicular use areas.
 - a. Vehicular use areas, other than public rights-of-way, designed to be used for parking or movement of vehicular traffic, shall be separated by a five-foot landscaped strip for any boundary of the property on which the vehicular use area is located. This landscaped strip shall consist of shrubs or groundcovers with a minimum mature height of 24 inches and a maximum height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on their mature size.

- b. Interior parking areas shall have one landscape island containing at least one tree and shrubs or groundcovers as per the above specifications, for every eight continuous spaces.
 - 7. Irrigation system.
 - a. An irrigation system shall be installed for all landscaped areas of the site.
 - b. All irrigation materials used shall be ASTM approved.
 - c. All irrigation systems shall include rain sensors.
- G. *Signs.* See [article 8](#)
- H. *Lighting.* Artificial beachfront lighting shall conform to [section 7.03.00](#)
- 6.05.11. *R-4 multiple-family district, (cumulative) medium high density.*
 - A. *Intent and purpose of district.* This district is intended to provide for the development of medium high density residential uses and structures. This land use is designed to encourage the efficient use of land and maintain a buffer between lower density residential and business, commercial and industrial districts. The maximum density is 18 dwelling units per acre. Refer to [article 11](#) for uses, heights and densities allowed in R-4, multiple-family areas located in the Airport/Airfield Environs. Refer to the overlay districts within [section 6.07.00](#) for additional regulations imposed on individual parcels with R-3 zoning located in the RA-1(OL) Barrancas Redevelopment Area Overlay District.
 - B. *Permitted uses.*
 - 1. Any use permitted in the R-3 district.
 - 2. Multifamily dwellings. If in a commercial future land use category, new residential uses are only permitted as part of a predominantly commercial development in accordance with comprehensive plan policy FLU 1.3.1,
 - 3. Boarding and lodging houses.
 - 4. Community residential home.
 - 5. Kindergartens, child care centers and foster care centers.
 - 6. Nursing homes, retirement homes, convalescent homes, adult congregate living facilities, and similar uses, except in the Coastal High Hazard Area (CHHA) future land use categories.
 - C. *Conditional uses.*
 - 1. Any conditional use allowed in the R-3 districts.
 - 2. Hospitals, except in the Coastal High Hazard Area (CHHA) future land use categories, and clinics, except animal hospitals and veterinary clinics.
 - 3. Dormitories, fraternity and sorority houses.
 - 4. Retail/office/service type commercial uses when such uses are part of a multistory structure and is accessory to the predominant residential use of such structure.
 - D. *Off-street parking requirements.* See [section 7.02.00](#)
 - E. *Site and building requirements.*
 - 1. *Lot coverage.* Same as R-3 district.
 - 2. *Lot width.* Minimum lot width for a single-family detached dwelling measured at the front building line shall be 40 feet and at the street right-of-way, 40 feet. The minimum lot width for a duplex dwelling shall be 80 feet at the front building line and 50 feet at the street right-of-way line. The minimum lot width for a multiple-family dwelling, townhouse, or a boarding

or lodging house shall be 100 feet at the front building line. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.

3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet. In the case of multifamily projects, there shall be a project front yard having a depth of not less than 20 feet.
4. *Rear yard.* There shall be a rear yard having a depth of not less than 15 feet. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 25 feet, whichever is greater.
5. *Side yard.* The yard required on each side of buildings not exceeding three stories in height shall be ten percent of the lot width measured at the front building line or 10 feet, whichever is less; however, required side yards shall not be less than five feet on each side. For buildings exceeding three stories, each side yard shall be increased by two feet for each additional story or each additional ten feet in height. However, no side yard in excess of 15 feet is required on Pensacola Bay-front lots. No side yards are required for attached townhouse or zero lot line projects except at the end of each building within a project where a minimum of ten feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 25 feet, whichever is greater. In the case of multifamily projects, there shall be a project side yard having a depth of not less than five feet.
6. *Building height.* No building may exceed 95 feet.
7. *Townhouses.* Site and building requirements apply to total structure rather than individual units with such being determined prior to issuance of a land use certificate.

F. *Landscaping.* See [section 7.01.00](#)

G. *Signs.* See [article 8](#)

6.05.12. *R-5 urban residential/limited office district, (cumulative) high density.*

- A. *Intent and purpose of district.* This district is intended to provide for high density urban residential uses and compatible professional office development, and designed to encourage the establishment and maintenance of a suitable higher density residential environment and low intensity services. These uses form a transition area between lower density residential and commercial development. Maximum density is 20 dwelling units per acre except in the low density residential (LDR) future land use category where the maximum density is 18 dwelling units per acre. Refer to [article 11](#) for uses, heights and densities allowed in R-5, urban residential/limited office areas located in the Airport/Airfield Environs.
- B. *Permitted uses.*
 1. Any permitted uses in the R-4 district.
 2. Professional offices including, but not limited to, those of architects, engineers, lawyers, tax consultants, accountants and medical and dental clinics, real estate and insurance offices.
 3. Mobile homes as single-family residences.
 4. Public utility and service structures.
 5. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
- C. *Prohibited uses.* Any business which displays merchandise to be sold on the premises unless such business is part of a multistory, or multiunit, predominately residential project or accessory to the office use.

D. *Conditional uses.*

1. Any conditional uses allowed in the preceding districts.
2. **Cemeteries, mausoleums and columbariums crematoriums.**
3. Enclosed animal hospitals and veterinary clinics.
4. Mobile home subdivisions and parks.
5. Private clubs and lodges.

E. *Off-street parking regulation.* See [section 7.02.00](#)

F. *Site and building requirements.*

1. *Lot coverage.* Same as R-4 district.
2. *Lot width.* Same as R-4 district.
3. *Front yard.* Same as R-4 district.
4. *Rear yard.* Same as R-4 district.
5. *Side yard.* Same as R-4 district.
6. *Building height.* No building may exceed 12 stories or 120 feet in height. See [article 11](#) for additional height restrictions within four miles of the Pensacola Naval Air Station.

G. *Landscaping.* See [section 7.01.00](#)

H. *Signs.* See [article 8](#)

6.05.13. *R-6 neighborhood commercial and residential district, (cumulative) high density.*

- A. *Intent and purpose of district.* This district is intended to provide for a mixed use area of residential, office and professional, and certain types of neighborhood convenience shopping, retail sales and services which permit a reasonable use of property while preventing the development of blight or slum conditions. This district shall be established in areas where the intermixing of such uses has been the custom, where the future uses are uncertain and some redevelopment is probable. The maximum density is 25 dwelling units per acre, except in the low density residential (LDR) future land use category where the maximum density is 18 dwelling units per acre. Refer to [article 11](#) for uses, heights and densities allowed in R-6, neighborhood commercial and residential areas located in the airport/airfield environs. Refer to the overlay districts within [section 6.07.00](#) for additional regulations imposed on individual parcels with R-6 zoning located in the Scenic Highway Overlay District, C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District, or RA-1(OL) Barrancas Redevelopment Area Overlay District.

All neighborhood commercial (R-6) development, redevelopment, or expansion must be consistent with the locational criteria in the comprehensive plan (policy FLU 1.1.10) and in [article 7](#).

B. *Permitted uses.*

1. Any use permitted in the R-5 district.
2. Retail sales and services (gross floor area of building not to exceed 6,000 square feet). No permanent outside storage allowed.
 - a. Food and drugstore, including convenience stores without gasoline sales.
 - b. Personal service shop.
 - c. Clothing and dry goods store.
 - d. Hardware, home furnishings and appliances.

- e. Specialty shops.
 - f. Banks and financial institutions.
 - g. Bakeries, whose products are made and sold at retail on the premises.
 - h. Florists shops provided that products are displayed and sold wholly within an enclosed building.
 - i. Health clubs, spa and exercise centers.
 - j. Studio for the arts.
 - k. Martial arts studios.
 - l. Bicycle sales and mechanical services.
 - m. Other retail/service uses of similar type and character of those listed herein above.
3. Laundromats and dry cleaners (gross floor area not to exceed 4,000 square feet).
 4. Restaurants.
 5. Automobile service stations (no outside storage, minor repair only).
 6. Appliance repair shops (no outside storage or work permitted).
 7. Places of worship and educational facilities/institutions.
 8. Fortune tellers, palm readers, psychics, etc.
 9. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
 10. Mobile home subdivision or park.

C. *Conditional uses.*

1. Any conditional use allowed in the R-5 district.
2. Drive-through restaurants (fast food or drive-in, by whatever name known).
3. Any building exceeding 120 feet height.
4. Neighborhood commercial uses that do not exceed 35,000 square feet of floor area.
5. Automobile service operations, including indoor repair and restoration (not including painting), and sale of gasoline (and related service station products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.
6. Mini-warehouses meeting the following standards:
 - a. One acre or less in size (building and accessory paved area);
 - b. Three-foot hedge along any right-of-way line;
 - c. Dead storage use only (outside storage of operable vehicles including cars, light trucks, RVs, boats, and similar items).
 - d. No truck, utility trailer, and RV rental service or facility allowed, see C-2.
7. Radio broadcasting and telecasting stations, studios, and offices with satellite dishes and antennas. On-site towers are prohibited. (See section 6.08.02.L.)
8. Temporary structures. (See section 6.04.16.)
9. Arcade amusement centers and bingo facilities.

10. Funeral establishment, without cinerator; subject to Section 7.22.01.D.

- D. *Off-street parking regulations.* See [section 7.02.00](#)
- E. *Site and building requirements.* Lot coverage, lot width, yard requirements and building height limitations (unless modified pursuant to subpart C above) are the same as the R-5 district.
- F. *Landscaping.* See [section 7.01.00](#)
- G. *Signs.* See [article 8](#)
- H. *Locational criteria.* See [article 7](#) and comprehensive plan policy FLU 1.1.10.

(Ord. No. 2010-23, § 2, 7-22-2010)

6.05.14. C-1 retail commercial district (cumulative).

- A. *Intent and purpose of district.* This district is composed of lands and structures used primarily to provide for the retailing of commodities and the furnishing of selected services. The district provides for various commercial operations where all such operations are within the confines of the building and do not produce undesirable effects on nearby property. New residential uses located in a commercial FLU category are only permitted as part of a predominantly commercial development in accordance with policy FLU 1.3.1 of the comprehensive plan. The maximum density for residential uses is 25 dwelling units per acre, except in the low density residential (LDR) future land use category where the maximum density is 18 dwelling units per acre. Refer to [article 11](#) for uses, heights and densities allowed in C-1, retail commercial areas located in the airport/airfield environs. Refer to the overlay districts within [section 6.07.00](#) for additional regulations imposed on individual parcels with C-1 zoning located in the C-3(OL) Warrington Commercial Overlay District, Scenic Highway Overlay District, C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District, or RA-1(OL) Barrancas Redevelopment Area Overlay District.

All retail commercial (C-1) development, redevelopment, or expansion must be consistent with the locational criteria in the comprehensive plan (policy FLU 1.1.10) and in [article 7](#).

- B. *Permitted uses.*

1. Any use permitted in the R-6 district.
2. Places of worship, educational institutions or facilities.
3. Personal service establishments such as, but not limited to, banks, beauty parlors, medical and dental clinics, restaurants including on-premises consumption of alcohol, financial institutions, professional and other offices, parking garages and lots, laundry and dry cleaning pickup stations, self-service coin-operated laundry and dry cleaning establishments, shoe repair, tailoring, watch and clock repair, locksmiths and data processing.
4. Retail business including, but not limited to: drug, package, hardware stores, book, stationery, china and luggage shops, newsstands, florists, photographic supplies and studios, wearing apparel shops, paint and wallpaper; accessory storage for retail uses.
5. Restaurants. Drive-in or drive-thru restaurants provided that the boundaries of the tract of land on which they are located are in excess of 200 feet from any R-1 or R-2 districts unless separated from such district by a three lane road (or larger) or a minimum 60-foot right-of-way.
6. Automobile repair shops for ignition, fuel, brake and suspension systems or similar uses.
7. Automobile service stations including minor auto repairs.
8. Automobile washing facility.
9. Hotels and motels.
10. Off-premises signs, billboards and other sign structures erected, located and maintained as provided for in [article 8](#) of this Code.

11. Grocery, produce, meat and convenience stores, including the incidental sale of gasoline.
12. Health and fitness clubs.
13. Hospitals.
14. Printing, bookbinding, lithography and publishing companies.
15. Interior decorating, home furnishing, and furniture stores.
16. Music conservatory, dancing schools and art studios.
17. Music, radio and television shops.
18. ~~Mortuary and funeral homes.~~
18. **Funeral establishment, without cinerator.**
19. Dry cleaning establishments provided that equipment used emits no smoke or escaping steam and uses nonflammable synthetic cleaning agents (perchloroethylene, trichloroethylene, etc.)
20. Indoor movie theaters.
21. Enclosed animal hospitals and veterinary clinics.
22. Campgrounds.
23. Secondhand stores and used clothing deposit box when such boxes are operated (placed) by charitable organizations.
24. Wholesale warehousing (if less than 10,000 square feet).
25. Mini-warehouses. No ancillary truck rental service or facility allowed without conditional use approval.
26. Bowling alleys, skating rinks and billiard parlors providing such activities and facilities are enclosed within a soundproof building.
27. Recreational and commercial marinas.
28. Garden shops or nurseries displaying plants, shrubs, trees, etc., outdoors adjacent to the garden shop or nursery.
29. Antique shops, pawn shops.
30. Commercial communication towers 150 feet or less in height.
31. Arcade amusement centers and bingo facilities.
32. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).

C. *Conditional uses.* (See [section 6.08.00.](#))

1. Any conditional use allowed in the R-6 district.
2. Drive-in or drive-thru restaurants within 200 feet of any R-1 or R-2 district and not conforming to the locational criteria in section 6.05.12B.5., above.
3. Any structure, except commercial communication towers, exceeding 120 feet in height.
4. Any permitted use that requires minor outside storage only in the rear yard and only if covered and adequate screening is provided.
5. Used automobile sales. In addition to other conditional use criteria, parcel must be one acre or less in size; there must be a three-foot tall hedge along the right-of-way line; no intrusions are permitted on the public right-of-way (see section 6.04.09); and it cannot be a

C-1 parcel fronting on "gateway" arterial streets which are specified as Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR292), Blue Angel Parkway (SR173) and Pine Forest Road from I-10 to SR173, Navy Boulevard (SR295 and US98), and Scenic Highway (SR10A).

6. Automobile rental agencies. In addition to other conditional use criteria, parcel must be one acre or less in size; there must be a three-foot tall hedge along the right-of-way line; no intrusions are permitted on the public right-of-way (see section 6.04.09); and it cannot be a C-1 parcel fronting on "gateway" arterial streets which are specified as Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR292), Blue Angel Parkway (SR173) and Pine Forest Road from I-10 to SR173, Navy Boulevard (SR295 and US98), and Scenic Highway (SR10A).
 7. Truck, utility trailer, and RV rental service or facility. In addition to other conditional use criteria, parcel must be one acre or less in size; there must be a three-foot tall hedge along the right-of-way line; no intrusions are permitted on the public right-of-way (see section 6.04.09); and it cannot be a C-1 parcel fronting on "gateway" arterial streets which are specified as Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR292), Blue Angel Parkway (SR173) and Pine Forest Road from I-10 to SR173, Navy Boulevard (SR295 and US98), and Scenic Highway (SR10A).
 8. Bars and nightclubs.
 9. Boat sales.
 10. Boat and recreational vehicle storage. In addition to other conditional use criteria, screening from residential uses and residential zoning districts must be installed and maintained according to section 7.01.06.E., except that the screening must be eight feet in height and of a material that is consistent with the character of the abutting and surrounding residential uses. No inoperable RVs, untrailered boats, repair, overhaul or salvage activity permitted. Storage facility must be maintained to avoid nuisance conditions as defined in section 7.07.06.
 11. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
 12. Temporary structures. (See section 6.04.16.)
 13. Outdoor sales; however, garden shops or nurseries displaying plants, shrubs, trees, etc., outdoors adjacent to the garden shop or nursery are a permitted use.
- D. *Off-street parking and loading regulations.* See [section 7.02.00](#)
- E. *Traffic requirements.* See section 7.11.09.
- F. *Landscaping.* See [section 7.01.00](#)
- G. *Site and building requirements.* Residential site and building requirements shall be the same as for the R-6, Neighborhood Commercial and Residential District, High Density. For hotels and motels, there are no maximum density limits; however, all applicable open space (yard) provisions and all other applicable regulations that apply to such developments must be complied with. For other principal uses, the following shall apply:
1. *Lot area.* There shall be no minimum lot area, except for recreational camping facilities that shall require a minimum lot size of five acres.
 2. *Lot coverage.* At least 15 percent of each lot or parcel shall remain pervious (85 percent maximum impervious cover ratio).
 3. *Lot width.* There shall be no minimum lot width.
 4. *Yard.* There shall be a front and rear yard of at least 15 feet. There shall be a minimum side yard of ten feet on each side which shall be increased by two feet on each side for

each story (floor) above the third story or for each ten feet in height above the first 35 feet of the structure as measured from the finished grade. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 20 feet, whichever is greater.

H. *Signs.* See [article 8](#)

I. *Buffers adjacent to residential areas and screening of outdoor storage.* See section 7.01.06.

J. *Locational criteria.* See [article 7](#) and comprehensive plan policy FLU 1.1.10.

(Ord. No. 2010-23, § 3, 7-22-2010; Ord. No. 2011-12, § 2, 5-5-2011)

6.05.15. C-1PK (Perdido Key) commercial district.

A. *Intent and purpose of district.* This district is composed of lands and structures used primarily to provide for the retailing of commodities and the furnishing of selected services. The regulations are intended to permit and encourage a full development of essential neighborhood commercial uses, at the same time, however, protecting nearby residential properties from adverse effects of commercial activity. The maximum density is three dwelling units per acre. Refer to the Escambia County Comprehensive Plan and latest amendments, specifically policy FLU 1.3.1 regarding dwelling and lodging unit caps on Perdido Key. Refer to [article 11](#) for uses, heights and densities allowed in C-1PK areas located in the airport/airfield environs.

B. *Permitted uses.*

1. Any use permitted in the R-3PK district.
2. Any retail business, provided that the products are displayed and sold only inside a building.
3. Personal service establishments, such as, but not limited to, financial institutions, beauty and barber shops, tailors, shoe repairs, watches and similar services.
4. Service stations and auto repair shops, provided that such repairs are carried on within the confines of a building. Does not include body repair shops.
5. Restaurants, including the sale of beer, wines and liquor for on-premise consumption, provided that the boundaries of the building are located in excess of 100 feet from any residential district.
6. Bars, nightclubs, and package stores, provided that the boundaries of the building are located in excess of 100 feet from the nearest residential district, and are in accordance with [section 7.14.00](#)
7. Recreational and commercial marinas.
8. Educational facilities.
9. Any uses which are similar or compatible to the uses permitted herein that promote the intent and purpose of this district. Determination shall be made by the planning board (LPA).
10. Bed and breakfast inns that conform to the residential character of Perdido Key in terms of bulk, scale, height, and architectural style, as determined by the development review committee.

C. *Conditional uses.*

1. Commercial amusement and commercial recreational facilities, including miniature golf courses.
2. Arcade amusement centers and bingo facilities.
3. **Funeral establishment, without cinerator; subject to Section 7.22.01.D.**

- D. *Prohibited uses.*
 - 1. Hotels and motels, excluding bed and breakfast inns.
 - 2. **Cemeteries, mausoleums and columbariums.**
- E. *Off-street parking and loading regulations.* See [section 7.02.00](#)
- F. *Traffic requirements.* See section 7.11.09.
- G. *Screening adjacent to residential district.* See section 7.01.06.E.
- H. *Site and building requirements.*
 - 1. *Lot coverage.*
 - a. At least 25 percent of each lot or parcel shall remain pervious (75 percent maximum impervious cover ratio) (see section 12.01.01.B.).
 - b. The maximum combined area occupied by all principal and accessory buildings shall not exceed the percentage (%) allowed under the "footprint" regulations for the number of stories proposed.
 - 2. *Lot width.* The minimum lot width for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings shall be the same as for the R-1PK district. Multifamily dwelling and commercial buildings shall have no minimum lot width.
 - 3. *Yards.* The front yard for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings, the front yard shall be the same as for the R-3PK district. For multifamily dwelling and commercial buildings, the front yard shall be at least 15 feet. For both residential and commercial projects, there shall be a rear yard of at least 15 feet. Required side yard setbacks shall not be less than five feet on each side, except where a commercial district is contiguous to a residential district, there shall be a minimum side yard of ten feet on the side abutting the residential district, unless the two districts are separated by a public street, body of water, or similar manmade or natural buffer, in which case no side yard is required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (Article 7) or 30 feet, whichever is greater.
 - 4. *Building heights.* No building shall exceed a height of four stories (see definition of height, [article 3](#)).
 - 5. *Footprint.*
 - a. If the lot or parcel is proposed to be improved with, or contains an existing building of two and one-half or more stories, up to and including four stories, the footprint of both proposed and existing buildings shall not exceed 25 percent of lot coverage.
 - b. The lot or parcel used in computing the area required to satisfy footprint restrictions on buildings two and one-half stories or greater, may not be crossed, intersected or divided by any public road or right-of-way. If a lot or parcel is divided, crossed, intersected or divided by any public road or right-of-way, footprint restrictions shall be applied to each portion of the divided lot or parcel as if the divided lot or parcel were two separate lots or parcels. In the event a public road or right-of-way splits a lot or parcel and creates public access to a waterway, then the lot coverage for both divisions of the lot or parcel shall be used to determine whether footprint restrictions have been satisfied.
- I. *Landscaping.*
 - 1. See [section 7.01.00](#)

2. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.
3. Landscape plan. All commercial and multifamily projects shall submit a landscape plan as part of the development review criteria. This plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan.
4. Xeriscape principals. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:
 - a. Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.
 - b. Limit turf to locations where it provides functional benefits.
 - c. Provide efficient irrigation systems.
 - d. Mulches and organic soil amendments to improve water-holding capacity of soil may only be applied north of Perdido Key Drive.
5. Buffer. For developments subject to [section 7.01.00](#), a minimum ten-foot wide landscaped strip shall be required on all roadway frontages, and shall contain one tree and ten shrubs for every 35 linear feet of frontage. For every additional ten feet in width of the landscape area the plant material required shall be doubled. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.
6. Vehicular use areas.
 - a. Vehicular use areas, other than public rights-of-way, designed to be used for parking or movement of vehicular traffic, shall be separated by a five-foot landscaped strip for any boundary of the property on which the vehicular use area is located. This landscaped strip shall consist of shrubs or groundcovers with a minimum mature height of 24 inches and a maximum height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on their mature size.
 - b. Interior parking areas shall have one landscape island containing at least one tree and shrubs or groundcovers as per the above specifications, for every eight continuous spaces.
7. Irrigation system.
 - a. An irrigation system shall be installed for all landscaped areas of the site.
 - b. All irrigation materials used shall be ASTM approved.
 - c. All irrigation systems shall include rain sensors.
- J. *Signs*. See [article 8](#)
- K. *Lighting*. Artificial beachfront lighting shall conform to [section 7.03.00](#)
- L. *Density transfer*. Densities may not be transferred to parcels south of Perdido Key Drive. Densities may be transferred across public roadways and commercial zoning district lines, identified as areas zoned C-1PK, CCPK, CGPK and PRPK, provided that the proposed development is on contiguous land (exclusive of public roadways), under unified control of an individual, partnership, corporation, or a grouping thereof. Height maximums cannot be so transferred except through the PUD process.

(Ord. No. 2010-23, § 4, 7-22-2010)

6.05.15.01. CCPK (Perdido Key) commercial core district.

- A. *Intent and purpose of district.* This district is composed of lands and structures used primarily for intense residential development and retailing of resort-related commodities and services. The regulations are intended to permit and encourage mixed use development, including high density residential, hotels and motels, and commercial uses associated with resort areas. The maximum density is 13 dwelling units per acre. Refer to the Escambia County Comprehensive Plan and latest amendments, specifically policy FLU 1.3.1, regarding dwelling and lodging unit caps on Perdido Key.
- B. *Permitted uses.*
1. Any use permitted in the C-1PK district, **with the exception of funeral establishment, with or without cinerator.**
 2. Hotels and motels. Maximum density shall be 25 units per acre.
 3. Commercial amusement and commercial recreational facilities, including miniature golf courses.
 4. Arcade amusement centers and bingo facilities.
 5. Any uses which are similar or compatible to the uses permitted herein that promote the intent and purpose of this district. Determination shall be made by the planning board (LPA).
- C. *Off-street parking and loading requirements.* See [section 7.02.00](#)
- D. *Traffic requirements.* See section 7.11.09.
- E. *Screening adjacent to residential districts.* See section 7.01.06.E.
- F. *Site and building requirements.*
1. *Lot coverage.* Eighty percent maximum impervious cover ratio.
 2. *Lot width.* The minimum lot width for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings shall be the same as for the R-1PK district. Multifamily dwelling and commercial buildings shall have no minimum lot width.
 3. *Yards.* The front and yard shall be the same as the R-3PK district. The rear yard shall be the same as the C-1PK district. The side yards shall be the same as the R-3PK district. Required side yard setbacks shall not be less than five feet on each side, except where a commercial district is contiguous to a residential district there shall be a minimum side yard of ten feet on the side abutting the residential district, unless the two districts are separated by a public street, body of water, or similar manmade or natural buffer, in which case no side yard is required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (Article 7) or 30 feet, whichever is greater.
 4. *Building heights.* Building heights shall not exceed 20 stories with the exception of hotels which shall not exceed 30 stories.
- G. *Landscaping.*
1. See [section 7.01.00](#)
 2. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.
 3. *Landscape plan.* All commercial and multifamily projects shall submit a landscape plan as part of the development review criteria. This plan will include plant species proposed,

location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan.

4. Xeriscape principles. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:
 - a. Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.
 - b. Limit turf to locations where it provides functional benefits.
 - c. Provide efficient irrigation systems.
 - d. Mulches and organic soil amendments to improve water-holding capacity of soil may only be applied north of Perdido Key Drive.
5. Buffers. For developments subject to [section 7.01.00](#), a minimum ten-foot wide landscaped strip shall be required on all roadway frontages, and shall contain one tree and ten shrubs for every 35 linear feet of frontage. For every additional ten feet in width of the landscape area, the plant material required shall be doubled. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.
6. Vehicular use areas.
 - a. Vehicular use areas, other than public rights-of-way, designed to be used for parking or movement of vehicular traffic, shall be separated by a five-foot landscaped strip for any boundary of the property on which the vehicular use area is located. This landscaped strip shall consist of shrubs or groundcovers with a minimum mature height of 24 inches and a maximum height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on their mature size.
 - b. Interior parking areas shall have one landscape island containing at least one tree and shrubs or groundcovers as per the above specifications, for every eight continuous spaces.
7. Irrigation system.
 - a. An irrigation system shall be installed for all landscaped areas of the site.
 - b. All irrigation materials used shall be ASTM approved.
 - c. All irrigation systems shall include rain sensors.
- H. *Signs.* See [article 8](#)
- I. *Lighting.* Artificial beachfront lighting shall conform to [section 7.03.00](#)
- J. *Density transfers.* Same as preceding district.

(Ord. No. 2010-23, § 5, 7-22-2010; Ord. No. 2013-8, § 1, 2-21-2013)

6.05.15.02. CGPK (Perdido Key) commercial gateway district.

- A. *Intent and purpose of district.* This district is intended to provide gateways (entryways) into Perdido Key, providing an identity for Perdido Key as a visually attractive, family-style resort community. The district is characterized by resort-related commercial uses, including hotels and motels, as well as high density residential development. The maximum density is 12.5 dwelling units per acre. Refer to the Escambia County Comprehensive Plan and latest amendments, specifically policy FLU 1.3.1, regarding dwelling and lodging unit caps on Perdido Key. Refer to [article 11](#) for uses, heights and densities allowed in CCPK areas located in the airport/airfield environs.

- B. *Permitted uses.*
1. Any use permitted in the CCPK district.
 2. Hotels and motels. Maximum density shall be 25 units per acre.
 3. Any uses which are similar or compatible to the uses permitted herein that promote the intent and purpose of this district. Determination shall be made by the planning board (LPA).
- C. *Off-street parking and loading requirements.* See [section 7.02.00](#)
- D. *Traffic requirements.* See section 7.11.09.
- E. *Screening adjacent to residential districts.* See section 7.01.06E.
- F. *Site and building requirements.*
1. *Lot coverage.* The lot coverage for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings shall be the same as for the R-1PK district. At least 15 percent of each lot or parcel shall remain pervious (85 percent maximum impervious cover ratio) for multifamily dwelling and commercial buildings.
 2. *Lot width.* The minimum lot width for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings shall be the same as for the R-1PK district. Multifamily dwelling and commercial buildings shall have no minimum lot width.
 3. *Yards.* The front yard shall be the same as the R-3PK district. The rear yard shall be the same as the C-1PK district. Required side yard setbacks shall not be less than five feet on each side, except where a commercial district is contiguous to a residential district, there shall be a minimum side yard of ten feet on the side abutting the residential district, unless the two districts are separated by a public street, body of water, or similar manmade or natural buffer, in which case no side yard is required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (Article 7) or 30 feet, whichever is greater.
 4. *Building heights.* No building shall exceed a height of ten stories. See [article 11](#) for additional height restrictions within four miles of the Pensacola Naval Air Station.
 5. *Footprint.*
 - a. If the lot or parcel is proposed to be improved with, or contains an existing building of two and one-half or more stories, but less than five stories, the footprint of both proposed and existing buildings shall not exceed 25 percent of lot coverage.
 - b. If the lot or parcel is proposed to be improved with, or contains an existing building of five or more stories, but less than seven stories, the footprint of both proposed and existing buildings shall not exceed 23 percent of lot coverage.
 - c. If the lot or parcel is proposed to be improved with, or contains an existing building of seven or more stories, but less than nine stories, the footprint of both proposed and existing buildings shall not exceed 21 percent of lot coverage.
 - d. If the lot or parcel is proposed to be improved with, or contains an existing building of nine or more stories, up to and including ten stories, the footprint of both proposed and existing buildings shall not exceed 19 percent of lot coverage.
 - e. The lot or parcel used in computing the area required to satisfy footprint restrictions on buildings two and one-half stories or greater, may not be crossed, intersected or divided by any public road or right-of-way. If a lot or parcel is divided, crossed, intersected or divided by any public road or right-of-way, footprint restrictions shall be

applied to each portion of the divided lot or parcel as if the divided lot or parcel were two separate lots or parcels. In the event a public road or right-of-way splits a lot or parcel and creates public access to a waterway, then the lot coverage for both divisions of the lot or parcel shall be used to determine whether footprint restrictions have been satisfied.

G. *Landscaping.*

1. See [section 7.01.00](#)
2. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.
3. Landscape plan. All commercial and multifamily projects shall submit a landscape plan as part of the development review criteria. This plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan.
4. Xeriscape principles. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:
 - a. Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.
 - b. Limit turf to locations where it provides functional benefits.
 - c. Provide efficient irrigation systems.
 - d. Mulches and organic soil amendments to improve water-holding capacity of soil may only be applied north of Perdido Key Drive.
5. Buffer. For developments subject to [section 7.01.00](#), a minimum ten-foot wide landscaped strip shall be required on all roadway frontages, and shall contain one tree and ten shrubs for every 35 linear feet of frontage. For every additional ten feet in width of the landscape area, the plant material required shall be doubled. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.
6. Vehicular use area. Other than public rights-of-way, those vehicular use areas designed to be used for parking or movement of vehicular traffic shall be separated by a five-foot landscaped strip for any boundary of the property on which the vehicular use area is located. This landscaped strip shall consist of shrubs or groundcovers with a minimum mature height of 24 inches and a maximum mature height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on their mature size.
7. Irrigation system.
 - a. An irrigation system shall be installed for all landscaped areas of the site.
 - b. All irrigation materials used shall be ASTM approved.
 - c. All irrigation systems shall include rain sensors.

H. *Signs.* See [article 8](#)

I. *Lighting.* Artificial beachfront lighting shall conform to [section 7.03.00](#)

J. *Density transfers.* Same as preceding district.

6.05.15.03. *PRPK planned resort district (Perdido Key) medium density.*

- A. *Intent and purpose of district.* This district is intended to be a large-scale planned resort district, allowing for destination-type mixed uses that include residential and hotel development and the supporting recreational and commercial facilities, all developed within a master planned setting that includes extensive open space, adequate internal pedestrian/bicycle circulation, creative design, resort-related amenities, and adequate buffer areas. Parcels in this district shall have a gross site area of no less than ten acres. A master plan submittal of the overall proposed development is required. The maximum area-wide density is five units per acre. Refer to the Escambia County Comprehensive Plan and latest amendments, specifically policy FLU 1.3.1, regarding dwelling and lodging unit caps on Perdido Key. Refer to [article 11](#) for uses, heights and densities allowed in PRPK areas located in the airport/airfield environs.
- B. *Density transfers.* Same as preceding district, but includes building allocation, provision of open spaces, and preservation areas which may be permitted among and between the planned resort district, commercial core district, commercial gateway district and the commercial district, provided the proposed development is a master planned development.
- C. *Site plan approval.* Requests for site plan approval shall include competent evidence of unified control of the entire area proposed for development.
1. The development will be in accordance with an overall master site plan of the entire area under unified control;
 2. Development successors in title shall be bound by the approved site plan. Such site plan shall include but not be limited to maximum project density, overall requirements for open spaces and preservation areas, building coverage allocation, and allocation for incidental commercial uses;
 3. Revision to the approved site plan is permitted; however, all portions of the project shall be in strict accord with the revised master site plan.
- D. *Permitted uses.*
1. Any use permitted in the CGPK district.
 2. Hotels and motels. Maximum density shall be 25 units per acre.
 3. Storage areas for personal use only by residents and guests of the planned resort. Such areas shall be screened by opaque fencing and landscape material a minimum of six feet in height.
 4. Zero lot line development. See [section 7.10.00](#)
 5. Any uses which are similar or compatible to the uses permitted herein that promote the intent and purpose of this district. Determination shall be made by the planning board (LPA).
- E. *Off-street parking and loading requirements.* See [section 7.02.00](#)
- F. *Traffic and street requirements.* See section 7.11.09.
- G. *Screening adjacent to residential districts.* See section 7.01.06E.
- H. *Site and building requirements.*
1. *Lot coverage.* The lot coverage for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings shall be the same as for the R-1PK district. Maximum area land coverage by all structures shall not exceed 40 percent of the gross site area for multifamily dwelling and commercial buildings.
 2. *Lot width.* The minimum lot width for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings shall be the same as for the R-1PK district. Multifamily dwelling and commercial buildings shall have no minimum lot width.

3. *Yards.* The front yard shall be the same as the R-3PK district. The rear yard shall be the same as the C-1PK district. Required side yards shall not be less than ten feet. All structures shall be located a minimum of 50 feet from any publicly dedicated right-of-way. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (Article 7) or 30 feet, whichever is greater.
4. *Building heights.* No building shall exceed a height of ten stories (see definition of height, [article 3](#)).
5. *Open space.*
 - a. Open space shall not be less than 30 percent of the total site area.
 - b. Fifty percent of the front yard shall remain as open space.
6. *Building separation.*
 - a. The minimum distance between structures shall be 15 feet, excluding zero lot-line development.
 - b. A multifamily structure, including hotels and motels, shall be located at least 100 feet from any area on the site plan designated for single-family dwellings.
 - c. For structures over 35 feet in height, for every two feet in height over 35 feet, there shall be an additional one foot of setback at the ground level.
7. *Sidewalks.* Sidewalks shall be required and shall provide pedestrian linkages to residential areas, recreational areas, commercial areas, and any locations where there is the potential conflict between pedestrian and vehicular traffic. These conflict areas shall be marked with appropriate pavement markings to clearly indicate pedestrian crossings.
8. *Landscaping.*
 - a. See [section 7.01.00](#)
 - b. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.
 - c. Landscape plan. All commercial and multifamily projects shall submit a landscape plan as part of the development review criteria. This plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan.
 - d. Xeriscape principles. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:
 - (1) Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.
 - (2) Limit turf to locations where it provides functional benefits.
 - (3) Provide efficient irrigation systems.
 - (4) Mulches and organic soil amendments to improve water-holding capacity of soil may only be applied north of Perdido Key Drive.
 - e. Buffer. For developments subject to [section 7.01.00](#), a minimum ten-foot wide landscaped strip shall be required on all roadway frontages, and shall contain one tree and ten shrubs for every 35 linear feet of frontage. For every additional ten feet in width of the landscape area, the plant material required shall be doubled. Preservation of existing plant communities within the required landscaped areas can be used to

satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.

- f. Vehicular use areas.
 - (1) Vehicular use areas, other than public rights-of-way, designed to be used for parking or movement of vehicular traffic, shall be separated by a five-foot landscaped strip for any boundary of the property on which the vehicular use area is located. This landscaped strip shall consist of shrubs or groundcovers with a minimum mature height of 24 inches and a maximum height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on their mature size.
 - (2) Interior parking areas shall have one landscape island containing at least one tree and shrubs or groundcovers; as per the above specifications, for every eight continuous spaces.
- g. Irrigation system.
 - (1) An irrigation system shall be installed for all landscaped areas of the site.
 - (2) All irrigation materials used shall be ASTM approved.
 - (3) All irrigation systems shall include rain sensors.
- h. Protection from adverse effects. Orientation of commercial buildings shall be away from residential development within or adjacent to the district. Layout of parking and service areas, access, landscaping yards, courts, walls, signs, lighting and control of noise and other potentially adverse influences shall be such as to promote protection of such residential development, and will include adequate buffering.
- i. *Signs.* See [article 8](#)
- j. *Lighting.* Artificial beachfront lighting shall conform to [section 7.03.00](#)
- k. *Hotels and motels (as defined in [article 3](#)) and timeshares.* Maximum density for hotels, motels, and lodging unit timeshares shall be 25 units per acre.

6.05.16. C-2 General commercial and light manufacturing district (cumulative).

- A. *Intent and purpose of district.* This district is composed of certain land and structures used to provide for the wholesaling and retailing of commodities and the furnishing of several major services and selected trade shops. The district also provides for operations entailing manufacturing, fabrication and assembly operations where all such operations are within the confines of the building and do not produce excessive noise, vibration, dust, smoke, fumes or excessive glare. Outside storage is allowed with adequate screening being provided (see section 7.01.06.E.). Characteristically, this type of district occupies an area larger than that of the C-1 retail commercial district, is intended to serve a considerably greater population, and offers a wider range of services. New residential uses located in a Commercial FLU category are only permitted as part of a predominantly commercial development in accordance with comprehensive plan policy FLU 1.3.1. The maximum density for residential uses is 25 dwelling units per acre, except in the low density residential FLU category where the maximum density is 18 dwelling units per acre. Refer to [article 11](#) for uses, heights and densities allowed in C-2, general commercial and light manufacturing areas located in the airport/airfield environs. Refer to the overlay districts within [section 6.07.00](#) for additional regulations imposed on individual parcels with C-2 zoning located in the C-3(OL) Warrington Commercial Overlay District or C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District.

All general commercial and light manufacturing (C-2) development, redevelopment, or expansion must be consistent with the locational criteria in the comprehensive plan (policy FLU 1.1.10) and in [article 7](#).

- B. *Permitted uses.*

1. Any use permitted in the C-1 district.
2. Amusement and commercial recreational facilities such as, but not limited to, amusements parks, shooting galleries, miniature golf courses, golf driving ranges, baseball batting ranges and trampoline centers.
3. Carnival-type amusements when located more than 500 feet from any residential district.
4. Distribution warehousing, and mini-warehouses with ancillary truck rental services.
5. New and used car sales, mobile home and motorcycle sales and mechanical services. No intrusions are permitted on the public right-of-way (see section 6.04.09).
6. Automobile rental agencies. No intrusions are permitted on the public right-of-way (see section 6.04.09).
7. Truck, utility trailer, and RV rental service or facility. No intrusions are permitted on the public right-of-way (see section 6.04.09).
8. Automobile repairs, including body work and painting services.
9. Radio broadcasting and telecasting stations, studios and offices with on-site towers 150 feet or less in height. See [section 7.18.00](#) for performance standards.
10. Commercial food freezers and commercial bakeries.
11. Building trades or construction office and warehouses with outside on-site storage.
12. Marinas, all types including industrial.
13. Cabinet shop.
14. Manufacturing, fabrication and assembly type operations which are contained and enclosed within the confines of a building and do not produce excessive noise, vibration, dust, smoke, fumes or excessive glare.
15. Commercial communication towers 150 feet or less in height.
16. Taxicab companies.
17. Bars and nightclubs.
18. Boat sales and service facilities.
19. Boat and recreational vehicle storage. (No inoperable RVs, untrailerred boats, repair, overhaul or salvage activity permitted. Storage facility must be maintained to avoid nuisance conditions as defined in section 7.07.06.)
20. Adult entertainment uses subject to the locational criteria listed below (See Escambia County, Code of Ordinances sections [18-381](#) through [18-392](#) for definitions and enforcement; additionally refer to [Chapter 6](#), article IV, Division 2, titled "Nudity and Indecency"). However, these C-2 type uses are not permitted in the Gateway Business Districts.
 - a. Adult entertainment uses must meet the minimum distances as specified in the following locational criteria:
 - (1) One thousand feet from a preexisting adult entertainment establishment;
 - (2) Three hundred feet from a preexisting commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption;
 - (3) One thousand feet from a preexisting place of worship;
 - (4) One thousand feet from a preexisting educational institution;
 - (5) One thousand feet from parks and/or playgrounds;

- (6) Five hundred feet from residential uses and areas zoned residential within the county.
 21. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
 22. Temporary structures. (See section 6.04.16.)
 23. Arcade amusement centers and bingo facilities.
 24. Outdoor sales.
 25. Other uses similar to those permitted herein. Determination on other permitted uses shall be made by the planning board (LPA).
- C. *Conditional uses.*
1. Kennels.
 2. Heliports.
 3. Automobile race track.
 4. Solid waste transfer stations, collection points, and/or processing facilities.
 5. Junkyards, salvage yards, and waste tire processing facilities.
 6. **Funeral establishment with cinerator in same building; subject to Section 7.22.01.**
- D. *Off-street parking and loading regulation.* See [section 7.02.00](#)
- E. *Traffic requirements.* See section 7.11.09.
- F. *Screening adjacent to residential areas.* See [section 7.01.00](#)
- G. *Landscaping.* See [section 7.01.00](#)
- H. *Site and building requirements.* Same as C-1 district.
- I. *Signs.* See [article 8](#)
- J. *Locational criteria.* See [article 7](#) and comprehensive plan policy FLU 1.1.10.
- K. *C-2NA zoning designation.* If a parcel is designated as C-2NA, then notwithstanding any other provision of this section, bars, nightclubs, and adult entertainment uses shall be prohibited uses for that parcel. Any applicant for a rezoning to the C-2 zoning district may request a C-2NA zoning designation. Such request shall be in the form of a notarized affidavit that acknowledges this use restriction and affirms that it is a voluntary request. Once approved, in conformance with [section 2.08.00](#) of this land development code, a property owner must apply for a rezoning to C-2 in order to remove the designation. The C-2NA zoning designation shall apply to all subsequent owners unless and until the parcel is rezoned to the C-2 zoning district without the C-2NA zoning designation.

(Ord. No. 2010-23, § 6, 7-22-2010; Ord. No. 2011-12, § 2, 5-5-2011; Ord. No. 2012-22, § 3, 6-28-2012)

6.05.17. ID-CP commerce park, district (cumulative).

- A. *Intent and purpose.* This district is intended to provide for relatively large scale light industrial commerce and business park areas. Uses located in this district are protected from adverse impacts of incompatible industrial and commercial uses. A high level of site design standards are required for review during the development review process. Refer to [article 11](#) for uses, heights and densities allowed in ID-CP, commercial park areas located in the airport/airfield environs.

All industrial development, redevelopment, or expansion must be consistent with the locational criteria in the comprehensive plan (policy FLU 1.1.10) and in [article 7](#).

B. *Permitted uses.*

1. Any use permitted in the preceding C-2 district, except as may be provided in subsection D., below.

C. *Conditional uses.*

1. Automobile service stations, (except gasoline sales accessory to a convenience store is authorized as a permitted use) and automobile or truck repair shops.
2. Any conditional use allowed in the C-2 general commercial district except automobile race tracks.

D. *Prohibited uses.*

1. Residential uses.
2. Prisons.
3. Carnival-type amusements and amusements arcades.
4. Bars and night clubs.
5. New and used car, truck, boat, mobile home, shed and motorcycle sales and rentals.
6. Adult entertainment uses.
7. Off-premises signs.
8. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
9. Landfills.
10. **Cemeteries, mausoleums, and columbariums.**

E. *Site and building requirements.*

1. *Building height limit.* No building shall exceed 65 feet in height except as otherwise provided in this district, and except for commercial communication towers which shall not exceed 150 feet in height. An additional five feet of nonoccupied space may be permitted subject to county administrator approval.
2. *Minimum lot size.* There shall be no minimum lot size.
3. *Lot coverage.* The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total area. Also, the amount of impervious surface shall not exceed 85 percent of the lot.
4. *Lot width.* There shall be no minimum lot width.
5. *Yard requirements.* There shall be a front yard having a depth of not less than 25 feet. There shall be a rear yard having a depth of not less than 20 feet. There shall be side yards of not less than 15 feet. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 20 feet whichever is greater.

F. *Roadway access.* Direct access must be provided from a collector or arterial roadway and such access may be provided by curb cuts on the collector or arterial roadway or a private or public commercial access road linking the use with the collector or arterial roadway provided that such private or public road does not traverse a predominately residential neighborhood or subdivision between the use and the collector or arterial roadway. No permit shall be issued or any proposed use which requires access through a residential neighborhood or subdivision.

- G. *Landscaping buffering and screening.* See [section 7.01.00](#). Buffer standard B-1 contained in section 7.01.06.F. shall apply. Outdoor storage shall be screened from the public right-of-way in accordance with section 7.01.06.E.
- H. *Signs.* No on-premises sign shall exceed 35 feet in height in the ID-CP. For other sign provisions see [article 8](#)
- I. *Performance standards.*
1. *Smoke.* Any process that creates smoke shall meet all standards as required by the Florida Department of Environmental Protection Agency.
 2. *Odor.* No process shall emit an offensive odor detectable beyond the lot parcel. Where odors are produced and provisions for eradication within a building are provided, the burden of successful elimination of the odors shall rest on the occupant of the premises.
 3. *Noise and dust.* Operations creating noise, vibration, dust, smoke or fumes shall be subject to provisions of section 7.07.01 of this Code.
 4. *Glare.* Operations creating glare shall be shielded so that the glare cannot be seen from off the lot or parcel.
 5. *Waste.* Disposal of industrial or other wastes, gaseous, liquid or solid, must be approved by any applicable federal or state regulatory entities.
 6. *Other industrial performance standards.* Also, all applicable performance standards in sections [7.06.00](#) and [7.07.00](#) shall be adhered to.
- J. *Locational criteria.* See [article 7](#) and comprehensive plan policy FLU 1.1.10.

6.05.18. *ID-1 light industrial district (cumulative) (no residential uses allowed).*

- A. *Intent and purpose.* This district is intended primarily for research-oriented activities, light manufacturing and processing not involving the use of materials, processes or machinery likely to cause undesirable effects upon nearby industrial establishments of this type. The uses shall be within completely enclosed buildings wherever practical and provide a buffer between commercial districts and other higher intensive industrial uses. The uses which this district is designed to accommodate include general assembly, warehousing and distribution activities. In addition, major repair and service activities, as well as manufacturing activities meeting performance standards are intended to be accommodated in this district. Finally, commercial trade and service activities not compatible with activities adapted to more restrictive districts, but which satisfy site plan criteria and performance criteria of this Code, should be accommodated in this district. Residential development is excluded from this district, both to protect residences from undesirable influences and to ensure the preservation of adequate areas for industrial development. Refer to the overlay districts within [section 6.07.00](#) for additional regulations imposed on individual parcels with ID-1 zoning located in the Scenic Highway Overlay District or C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District.

All industrial development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (policy FLU 1.1.10) and in [article 7](#). Refer to [article 11](#) for uses, heights and densities allowed in ID-1, light industrial areas located in the airport/airfield environs

- B. *Permitted uses.*

1. Any nonresidential use permitted in the preceding district.
2. Research and development operations, commercial communication towers 150 feet or less in height, light manufacturing, processing or fabricating uses, enclosed storage structures and accessory structures and activities subject to the performance standards in sections [7.03.00](#) and [7.06.00](#)

3. Commercial businesses with outside storage when such storage is adequately screened and/or buffered in accordance with section 7.01.06.E.
4. Other uses similar to those permitted herein. Determination on other permitted uses shall be made by the planning board.
5. Semiconductor or microchip fabrication.
6. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
7. Funeral establishment with cinerator, if cinerator is either enclosed in same building as funeral establishment, or physically attached thereto in a garage like structure.

C. *Conditional uses.*

1. Any conditional use allowed in preceding districts.
2. Junkyards, salvage yards, and waste tire processing facilities.
3. Solid waste transfer stations, collection points, and/or processing facilities.
4. Direct disposal establishment (i.e., a stand-alone cinerator), subject to additional criteria in Section 7.22.00.

D. *Performance standards.*

1. All work and/or operations must be conducted within buildings except temporary outside storage may be allowed if adequately buffered and screened from adjacent uses. All waste material must be stored while on the property in a screened enclosure.
2. Any process that creates smoke shall meet all standards as required by the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency.
3. No process shall emit an offensive odor detectable beyond the lot or parcel. Where odors are produced and provisions for eradication within a building are provided, the burden of successful elimination of the odors shall rest on the occupant of the premises.
4. Operations creating excessive noise, vibration, dust, smoke or fumes which are a nuisance to persons off of the lot or parcel are not permitted.
5. Operations creating glare shall be shielded so that the glare cannot be seen from off the lot or parcel.
6. Disposal of industrial or other wastes, gaseous, liquid or solid, must be approved by any applicable federal or state regulatory entities.

E. *Site and building requirements.*

1. *Building height limit.* No building shall exceed 90 feet in height except as otherwise provided in [article 7](#)
2. *Minimum lot size.* There shall be no minimum lot size.
3. *Lot coverage.* The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total area, except as provided for in [article 4](#) of this Code (see "Stormwater management and conservation"). Also, the amount of impervious surface shall not exceed 85 percent of the lot.
4. *Lot width.* There shall be no minimum lot width.
5. *Yard requirements.* There shall be a front yard having a depth of not less than 15 feet. There shall be a rear yard having a depth of not less than 20 feet. There shall be side yards of not less than ten feet. On property abutting an estuarine, riverine or creek system,

the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 20 feet, whichever is greater. The BOA may waive the yard requirements, in response to an application therefor, if a finding of fact is made based on competent, substantial evidence demonstrates that such waiver would not adversely impact public safety, sensitive environmental resources, or compatibility with adjacent uses. Also, such waiver may be granted only if the development plans for the subject property reflect conformance with a floor area ratio which does not exceed 1.1 and a maximum impervious cover limit of 85 percent.

6. *Screening adjacent to residential areas.* See section 7.01.06.
- F. *Roadway access.* South of Well Line Road, direct access must be provided from a collector or arterial roadway and such access may be provided by curb cuts on the collector or arterial roadway or a private or public road linking the use with a collector or arterial roadway provided that such private or public road does not traverse a predominately residential neighborhood or subdivision between the use and the collector or arterial roadway. No permit shall be issued for any proposed use which requires access through a residential neighborhood or subdivision.
- G. *Nonconforming uses (existing uses).* Any previously conforming use (including, but not limited to, asphalt and concrete plants) lawfully and legally existing in this district on December 6, 1993, which conforms to the access requirements and provisions in paragraph F., above, may be considered a "conforming use" for the purposes of this Code. To qualify as a conforming use under this provision, the owner of property impacted by this Code shall request a "certificate of conformance" from the department within 180 days of receipt of a notice from the department that such certificate is available and that such may be appropriate for the subject property and use. Failure to request the certificate within the prescribed period may result in the use being considered and/or classified as a "nonconforming use."
- H. *Landscaping.* See [section 7.01.00](#)
- I. *Signs.* See [article 8](#)
- J. *Locational criteria.* See [article 7](#) and comprehensive plan policy FLU 1.1.10.

6.05.19. ID-2 general industrial district (noncumulative).

- A. *Intent and purpose.* This district is intended to accommodate industrial uses which cannot satisfy the highest level of performance standards. It is designed to accommodate manufacturing, processing, fabrication, and other activities which can only comply with minimal performance standards. No residential development is permitted in this district, thereby insuring adequate area for industrial activities. Community facilities and trade establishments that provide needed services to industrial development also may be accommodated in this district.

All industrial development, redevelopment, or expansion must be consistent with the locational criteria in the comprehensive plan (policy FLU 1.1.10) and in [article 7](#). Refer to [article 11](#) for uses allowed in ID-1, light industrial areas located in the airport/airfield environs.

- B. *Permitted uses.*
 1. Manufacturing or industrial uses permitted in the ID-1 light industrial district.
 2. Asphalt plants.
 3. Concrete plants.
 4. Iron works.
 5. Landfills.
 6. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
 7. Paper mills.

8. Refineries.
9. Rendering plants and slaughter houses.
10. Steel mills.
11. Solid waste transfer stations, collection points, and/or processing facilities.
12. Public utility and service structures.
13. Junkyards, salvage yards, and waste tire processing facilities.

14. Funeral establishments with or without cinerators.

15. Direct disposal establishments.

16. Other uses similar to those listed herein. Recommendations on other permitted uses shall be made by the planning board (LPA) and based on an application for such other use. Final determination shall be made by the BCC upon receipt of the planning board's (LPA's) recommendation.

C. *Prohibited uses.* ~~Single-, two- and multifamily dwelling units.~~

1. ~~Single-, two- and multifamily dwelling units.~~

2. ~~Cemeteries, mausoleums, and columbariums.~~

D. *Site and building requirements.*

1. *Building height requirement.* No building shall exceed 120 feet in height except as otherwise provided in this Code, and except for commercial communication towers which may not exceed 150 feet or less in height without board of adjustment approval. See [article 11](#) for additional height restrictions within four miles of the Pensacola Naval Air Station.
2. *Compatibility.* Buffering shall be provided consistent with the provisions of section 7.01.06 and the proposed use must be consistent with the compatibility requirements of the comprehensive plan so that the proposed use and its impacts are compatible with existing adjacent or nearby uses (see policy FLU 1.1.10).
3. *Lot coverage.* The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total lot area except as provided for in [article 4](#) of this Code ("stormwater management and conservation"). The amount of impervious surface shall not exceed 85 percent.
4. *Lot width.* The minimum lot width at the street right-of-way shall be 100 feet.
5. *Yard requirements.* There shall be a front yard having a depth of not less than 25 feet. There shall be a rear yard having a depth of not less than 25 feet. There shall be side yards of not less than 15 feet. The BOA may waive the yard requirements, in response to an application therefor, if a finding of fact is made that such waiver would not adversely impact public safety, sensitive environmental resources or compatibility with adjacent uses. Also, such waiver may be granted only if the development plans for the subject property reflect conformance with a floor area ratio which does not exceed 1.1 and a maximum impervious cover limit of 85 percent.

E. *Landscaping.* See [section 7.01.00](#)

F. *Screening adjacent to residential areas.* See section 7.01.06.

G. *Roadway access.* South of Well Line Road, direct access must be provided from a collector or arterial roadway and such access may be provided by curb cuts on the collector or arterial roadway or a private or public road linking the use with a collector or arterial roadway provided that such private or public road does not traverse a predominately residential neighborhood or subdivision between the use and the collector or arterial roadway. No permit shall be issued for any proposed use which requires access through a residential neighborhood or subdivision.

- H. *Signs.* See [article 8](#)
- I. *Locational criteria.* See [article 7](#) and comprehensive plan policy FLU 1.1.10.

6.05.20. *S-1 and S-1PK outdoor recreational district (noncumulative).*

- A. *Intent and purpose of district.* This district is intended to preserve and maintain the land for outdoor recreational uses and open space. Refer to [article 11](#) for uses, heights and densities allowed in S-1, outdoor-recreational areas located in the Airport/Airfield Environs.
- B. *Permitted uses.*
 - 1. Golf courses.
 - 2. Country clubs and their customary accessory uses.
 - 3. Bird and wildlife sanctuaries.
 - 4. Parks and greenbelt areas.
 - 5. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
- C. *Conditional uses.*
 - 1. Public utility and service structures (see section 6.08.02).
- D. *Lot coverage.* The amount of impervious surface shall not exceed 20 percent of the total area.
- E. *Signs.* See [article 8](#)

6.05.21. *SDD special development district, (noncumulative) low density.*

- A. *Intent and purpose.* This district is intended to conserve and protect environmentally sensitive areas that have natural limitations to development. These areas have certain ecological functions which require performance standards for development. SDD is to be phased out over time and no property not now zoned SDD will be zoned SDD in the future. The maximum density of this district is three dwelling units per acre. Refer to [article 11](#) for uses, heights and densities allowed in SDD, special development areas located in the Airport/Airfield Environs.
- B. *Permitted uses.*
 - 1. Single-family dwelling units and their customary accessory structures (including single-family detached, duplex and triplex structures and mobile homes).
 - 2. Home occupations.
 - 3. Horticulture, floriculture and greenhouses.
 - 4. Mariculture and aquaculture.
 - 5. Areas for display and sale of fruit, vegetables and similar agricultural products.
 - 6. The growing of crops and plants.
 - 7. The keeping of horses and private stables.
 - 8. Silviculture.
 - 9. Public utility.
 - 10. Public facilities provided that the construction of such facilities meets the following conditions:
 - a. They are consistent with the county's Comprehensive Plan.

- b. It is determined that the proposed project will not adversely affect the environment, through review by all federal and state regulatory agencies with jurisdiction over the project.
 - c. Construction is undertaken and completed in a manner and to a specification which protects, conserves or preserves the natural resources in the area to the maximum reasonable extent.
 11. Family day care homes and family foster homes.
 12. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
 13. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
- C. *Conditional uses.*
 1. Public riding stables.
 2. Public utility and service structures (see section 6.08.02).
- D. *Site and building requirements.* (Requirements apply to the total area of the lot or parcel.)
 1. *Lot area, minimum.*

Horses and private stables2 acres

Public stables10 acres

Keeping of domestic farm animals2 acres

(not including household pets)
 2. *Lot coverage.* As permitted in the R-1 district.
 3. *Lot width.* The minimum lot width at the front building line shall be 80 feet.
 4. *Front yard.* The minimum front yard shall not be less than 25 feet in depth.
 5. *Rear yard.* The minimum rear yard shall not be less than 25 feet in depth. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision (Article 7) of this Code.
 6. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision (Article 7) of this Code.
 7. *Private stables.* No stables may be located less than 50 feet from any property line.
 8. *Density transfer.* Transfer density up to three d.u./ac.
- E. *Landscaping.* See [section 7.01.00](#)
- F. *Signs.* See [article 8](#)
- G. *Permits required prior to construction.* All appropriate federal, state and local government permits must be acquired prior to the commencement of any type of construction or lot clearing. However, the county may allow construction if no environmental permits are required or pending and it may allow construction when such activities are not impacted, regulated or controlled by

any permit yet to be issued by any federal or state regulatory agency. Subject to any special provisions set forth above, all permitted uses may receive a land use certificate, only if all of the following conditions are met:

1. Said land is not determined to be under the jurisdiction of the Corps of Engineers (COE) or the department of environmental protection (DEP), as a wetland area (either in whole or in part).
2. Said project meets all other applicable regulations or requirements. Any projects not meeting the standards set forth in this Code shall complete the PUD process as outlined in [section 6.06.00](#)

6.05.22. VAG villages agriculture districts.

VAG 1—
 Gross density (five dwelling units per 100 acres on one-acre parcels).

VAG 2—
 Gross density (one dwelling unit per five acres).
 Minimum lot size = five acres unless clustered.
 If clustered, minimum lot size = one acre.

The villages agricultural districts are typically characterized by agriculturally-assessed parcels held for agricultural production and very low density residential development in agricultural communities. Single-family residential and rural community uses that directly support agricultural activities are allowed. Home occupations are considered permitted uses. Mobile homes are allowed as single-family dwellings. Residential density bonuses are available for clustering residential lots outside areas of prime farmland. When residential lots are created, small lot sizes are encouraged in order to protect viable farm production activities and curb premature conversion of prime farmland acreage to nonagriculture uses. Refer to [article 11](#) for uses, heights and densities allowed in VAG, villages agricultural areas located in the Airport/Airfield Environs.

Density bonuses, transfer, and smaller lot sizes are offered for clustering development outside prime farmland and wetlands as an incentive to protect these resources from development pressures (see [section 7.17.00](#) for calculation of density bonus points).

A. *Intent and purpose.*

1. *Intent and purpose of VAG 1 district.* This district is characterized by land resources necessary or used to support large farming operations. The objective of this district is to keep large parcels of land from being broken into smaller tracts of multiple ownership making it difficult to assemble enough acreage for efficient agricultural operations.
2. *Intent and purpose of VAG 2 district.* This district is characterized by the following types of agricultural lands:
 - (a) Small rural land areas of highly productive agricultural soils that may not be economically viable in a mainstream farming operation due to their size, and changes being undertaken in the surrounding area; or
 - (b) Rural land areas with a mix of small farm operations and a typical rural residential density of one unit per four acres. The soils of these areas are least valuable for agricultural production and most suitable for future conversion out of the rural land market; or
 - (c) Rural land areas which are not being used to support large farming operations, and that are characterized by a mix of natural resources and soils typically unsuitable for urban residential densities or other urban uses unless sewered.

B. *Permitted uses.*

1. Agricultural, farm animals and agricultural-related activities and customary accessory buildings.
 2. Silviculture.
 3. Mariculture and aquaculture.
 4. Single-family residences.
 5. Campground and recreational vehicle parks.
 6. Public utility.
 7. Stables, private and public (minimum lot size two acres).
 8. Animal hospitals, clinics and kennels (minimum lot size two acres).
 9. Display and sale of fruit, vegetables and similar agricultural products.
 10. Mobile homes as single-family dwellings, subject to the other relevant provisions of this Code.
 11. Places of worship.
 12. Educational facilities.
 13. Clubs and lodges.
 14. Guest residences.
 15. Public utility and service structures not included in subparts C. or D., below.
 16. Feed and farm equipment stores.
 17. Other rural area related commercial uses meeting the locational requirements of comprehensive plan policy FLU 1.1.10.
 18. Commercial communication towers less than 150 feet or less in height.
 19. Home-based "cottage businesses" such as crafts, florists, woodworking, sewing, and similar uses.
 20. Home occupations.
 21. Family day care homes and family foster homes.
 22. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
 23. Motorized commercial recreation uses (minimum lot size 20 acres).
 24. Golf courses, tennis centers, swimming clubs and customary attendant facilities and accessory buildings.
 25. Hunting preserves, shooting ranges, gun and rifle clubs, etc.
- C. *Prohibited uses.* Landfills or hazardous waste storage facilities, (permanent), but not including solid waste transfer stations, collection points, and/or processing facilities.
- D. *Conditional uses.*
1. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations (see section 6.08.02).
 2. Wastewater treatment facilities, electric power generation facilities or substations, and solid waste transfer stations, collection points and/or processing facilities.
 3. Oil wells/mineral extraction and commercial antenna towers more than 150 feet in height.

4. Hospitals, clinics, nursing homes and similar uses.
5. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
6. Junkyards, salvage yards, and waste tire processing facilities.
7. **Funeral establishment without cinerator.**

E. *Site and building requirements.*

1. Any deed or gift of any parcel of land given without valuable consideration to any member of the donor's immediate family shall be exempted from the minimum lot area requirements. The deeding option shall be limited to one time only for each immediate family member.
2. Public utility uses, animal hospitals, churches and schools shall be exempted from the minimum lot area requirement.
3. Animal clinics and kennels or other boarding facilities—two acre minimum.
4. Lot coverage. At least 30 percent of each lot or parcel shall remain pervious (70 percent maximum impervious cover ratio).
5. Lot width. The minimum lot width for all permitted uses shall be 100 feet at the street right-of-way.
6. Front yard. There shall be a front yard having a depth of not less than 40 feet.
7. Rear yard. There shall be a rear yard having a depth of not less than 40 feet. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 40 feet, whichever is greater.
8. Side yard. The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 40 feet, whichever is greater.

F. *Landscaping.* See [section 7.01.00](#)

G. *Signs.* See [article 8](#)

6.05.23. *VR villages rural residential districts.*

VR-1—

Gross density: One unit per four acres.

VR-2—

Gross density: One unit per 0.75 acre.

VR-3—

Gross density: One unit per two acres.

- A. *Intent and purpose of districts.* Single-family residential district characterized by rural land development patterns. Rural community nonresidential uses are allowed. Home occupations are considered permitted uses. Mobile homes are allowed as single-family dwellings. Mobile home subdivisions are allowed. Mobile home parks are allowed as conditional uses. Parcels designated as VR are generally not assessed as agriculturally productive parcels. VR-1 densities reflect large lot rural land development patterns, while VR-2 densities reflect the need for more affordable lot sizes for single family and mobile home development. Refer to [article 11](#)

for uses, heights and densities allowed in VR, villages rural residential areas located in the Airport/Airfield Environs.

B. *Permitted uses.*

1. Single-family residences.
2. Agricultural, farm animals and agricultural-related activities and customary accessory buildings.
3. Silviculture.
4. Mariculture and aquaculture.
5. Campground and recreational vehicle parks.
6. Public utility.
7. Stables, private and public (minimum lot size two acres).
8. Animal hospitals, clinics and kennels (minimum lot size two acres).
9. Display and sale of fruit, vegetables and similar agricultural products.
10. Mobile homes as single-family dwelling, subject to the other relevant provisions of this Code.
11. Places of worship.
12. Educational facilities.
13. Clubs and lodges.
14. Guest residences.
15. Public utility and service structures not included in subpart C. or D., below.
16. Feed and farm equipment stores.
17. Home-based "cottage businesses" such as crafts, florists, woodworking, sewing, and other similar uses.
18. Other rural area related commercial uses meeting the locational requirements of comprehensive plan policy FLU 1.1.10.
19. Golf courses, tennis centers, swimming clubs, and customary attendant facilities and accessory buildings.
20. Home occupations.
21. Existing auto salvage business.
22. Family day care homes and family foster homes.
23. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).

C. *Conditional uses.*

1. Mobile home parks, duplexes, triplexes, and quadraplexes.
2. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations (see section 6.08.02).
3. Shooting ranges, gun and rifle clubs, etc.
4. Hunting preserve, shooting ranges, gun and rifle clubs, etc.

5. Wastewater treatment facilities, electric power generation facilities or substations, and solid waste transfer stations, collection points and/or processing facilities.
6. Hospitals, clinics, nursing homes and similar uses.
7. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
8. Junkyards, salvage yards, and waste tire processing facilities.
9. **Funeral establishment without cinerator.**
- 9.10. Any conditional use permitted in the preceding villages districts.

D. *Prohibited uses.*

1. Landfills or hazardous waste storage facilities (permanent), but not including solid waste transfer stations, collection points and/or processing facilities.
2. Commercial communication towers.

E. *Site and building requirements.*

1. *Lot area, minimum.*

VR-1 single-family dwellings4 acres

VR-2 single-family dwellings0.75 acre

VR-3 single-family dwellings2 acres

Horses and private stables2 acres

Campgrounds5 acres

Places of worship1 acre

Educational facilities1 acre

Kennels2 acres

Keeping of farm animals2 acres

2. *Lot coverage.* At least 30 percent of each lot or parcel shall remain pervious (70 percent maximum impervious cover ratio).
3. *Lot width.* The minimum lot width at the front building line shall be 100 feet and 80 feet at the street right-of-way. Every cul-de-sac shall have a minimum of 40 feet at the street right-of-way.
4. *Front yard.* There shall be a front yard having a depth of not less than 40 feet.
5. *Rear yard.* The minimum rear yard shall not be less than 40 feet in depth. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision (Article 7) of this Code or 40 feet, whichever is greater.
6. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision (Article 7) of this Code or 40 feet, whichever is greater.

7. *Private stables or other structures for housing (sheltering) farm animals.* No stables may be located less than 50 feet from any property line, nor less than 130 feet from any adjacent principal residential dwelling unit.

F. *Landscaping.* See [section 7.01.00](#)

G. *Signs.* See [article 8](#)

6.05.24. *V villages single-family residential district.*

V-1—

Villages single-family residential—Gross density (one unit per acre).

V-2—

Villages single-family residential—Gross density (two units per acre).

V-2A—

Villages single-family residential—Gross density (three units per acre).

V-3—

Villages single-family residential—Gross density (five units per acre).

These maximum densities may or may not be attainable based on other code provisions and site-specific conditions.

A. *Intent and purpose of V-1 through V-3 districts.* Single-family detached residential district characterized by urban land development patterns with residential subdivision densities varying from one unit per acre to five units per acre. Mobile homes are not allowed. No minimum lot size is required for new subdivisions, but development must meet overall maximum density requirements. V-2A may be used in any AIPD overlay area with a compatible future land use designation. Density will be determined by the accident potential zone density allowed for their property, not to exceed three d.u./acre. In AIPD-2, density is limited to three d.u./acre. Refer to [article 11](#) for uses and densities allowed in V, villages single-family residential areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in [article 11](#)

B. *Permitted uses.*

1. Single-family detached dwellings and their customary accessory structures and uses.
2. The growing of vegetables or other food crops is permitted as long as the primary purpose for such activity is to provide for personal consumption by the residents. The raising of crops or other plants for commercial purposes is prohibited.
3. Public utility.
4. Marina (private).
5. Residential dock or pier.
6. Family day care homes and family foster homes.
7. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).

C. *Conditional uses.*

1. Home occupations.
2. Golf courses, tennis centers, swimming clubs with customary attendant facilities and accessory buildings.

3. Country clubs and their customary accessory uses.
 4. Clubs, as defined.
 5. Covered boathouses and covered boat docks as accessory uses.
 6. Stables accessory to a principal structure for private, noncommercial use only. Minimum lot size two acres.
 7. Educational facilities, excluding child care centers and kindergartens.
 8. Places of worship.
 9. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations (see section 6.08.02).
 10. Public utility and service structures (see section 6.08.02).
- D. *Prohibited uses.* Any use not listed above.
- E. *Off-street parking requirements.* See section 7.02.00.F.
- F. *Site and building requirements.*
1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio).
 2. *Lot width.* The minimum lot width at the front building line shall be 40 feet and at the street right-of-way, 40 feet. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.
 3. *Front yard.* There shall be a front yard having a depth of not less than 25 feet, provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
 4. *Rear yard.* The minimum rear yard shall not be less than 25 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 30 feet, whichever is greater.
 5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 30 feet, whichever is greater.
 6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.
- G. *Landscaping.* See [section 7.01.00](#)
- H. *Signs.* See [article 8](#)

(Ord. No. 2008-39, § 2, 6-5-2008)

6.05.25. V-4 villages multifamily residential district.

Gross density (seven units per acre).

- A. *Intent and purpose of district.* Multifamily residential district characterized by a mix of duplexes, apartments, townhouses, patio homes, and mobile home subdivisions. Single-family detached residences are also allowed in this district. There is a maximum height limitation of two stories. No minimum lot size for new subdivisions, but development must meet overall maximum density requirements. Refer to [article 11](#) for uses and densities allowed in V-4, villages multifamily residential areas located in the Airport/Airfield Environs. Structures within Airport/Airfield

Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in [article 11](#)

B. *Permitted uses.*

1. Any use permitted in V-1, V-2 or V-3.
2. Multiple-family dwellings and structures, including single-family attached dwellings, duplexes, quadraplexes, townhouses, building clusters and zero lot line developments.
3. Boarding and lodging houses.
4. Community residential homes.
5. Nursing homes, retirement homes, convalescent homes, adult congregate living facilities, kindergartens, child care centers and foster care centers.
6. Mobile home subdivisions.

C. *Conditional uses.*

1. Any conditional use allowed in V-1, V-2 or V-3.
2. Hospitals and clinics (except animal hospitals and veterinary clinics).
3. Dormitories, fraternity and sorority houses.
4. **Funeral establishment without cinerator.**

D. *Off-street parking requirements.* See [section 7.02.00](#)

E. *Site and building requirements.*

1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio).
2. *Lot width.* Minimum lot width for a single-family dwelling or cluster measured at the front building line shall be 40 feet and at the street right-of-way, 40 feet. The minimum lot width for a two-family dwelling shall be 80 feet at the front building line and 50 feet at the street right-of-way line. Every cul-de-sac lot shall be a minimum of 20 feet at the street. (The minimum lot width for a multiple-family dwelling, townhouse, or a boarding or lodging house shall be 100 feet at the front building line.)
3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed. In the case of multifamily projects, there shall be a project front yard having a depth of not less than 20 feet.
4. *Rear yard.* The minimum rear yard shall not be less than 15 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.
5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. A minimum side yard of 15 feet shall be required between building clusters and townhouse groups. No side yards shall be required in attached clusters, townhouses, or zero lot line projects except at the ends of the projects where a minimum of 15 feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.
6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.

7. *Building clusters and townhouses.* Site and building requirements apply to the total building cluster with such being determined prior to issuance of a land use certificate.
8. *Zero lot line developments.* See [section 7.10.00](#)

F. *Landscaping.* See [section 7.01.00](#)

G. *Signs.* See [article 8](#)

(Ord. No. 2008-39, § 2, 6-5-2008)

6.05.26. V-5 villages clustered residential district.

Gross density (four units per acre, if sewerred and clustered).

Gross density (one unit per acre, if unsewerred).

- A. *Intent and purpose of district.* This low density mixed residential district is designed to create a density-based incentive for sewerred in proximity to environmentally sensitive lands, and to promote locating of development on nonenvironmentally sensitive portions of parcels which are otherwise suitable for low density development. The density allowances are structured to allow increases in density, when development is connected to public sewer. Single-family detached and attached structures, duplexes, quadraplexes, townhouses, and patio homes are allowed. Other apartment structures are not allowed. No minimum lot size for new subdivisions, but development must meet overall density requirements. Refer to [article 11](#) for uses and densities allowed in V-5, villages clustered residential areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in [article 11](#)
- B. *Permitted uses.*
 1. Any use permitted in V-1, V-2 or V-3.
 2. Duplexes, quadraplexes, townhouses, building clusters and zero lot line developments, but not other multiple-family structures.
- C. *Conditional uses.* **Any conditional use permitted in V-1, V-2 or V-3.**
 1. **Any conditional use permitted in V-1, V-2 or V-3.**
 2. **Funeral establishment without cinerator.**
- D. *Off-street parking requirements.* See [section 7.02.00](#)
- E. *Site and building requirements.*
 1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio).
 2. *Lot width.* Minimum lot width for a single-family dwelling or cluster measured at the front building line shall be 40 feet and at the street right-of-way, 40 feet. The minimum lot width for a two-family dwelling shall be 80 feet at the front building line, and 50 feet at the street right-of-way line. Every cul-de-sac shall have a minimum of 20 feet at the street right-of-way.
 3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwelling already constructed.
 4. *Rear yard.* The minimum rear yard shall not be less than 15 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.

5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. A minimum side yard of 15 feet shall be required between building clusters and townhouse groups. No side yards shall be required in attached clusters, townhouses, or zero lot line projects except at the ends of the projects where a minimum of 15 feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.
 6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.
 7. *Buildings, clusters and townhouses.* Site and building requirements apply to the total building cluster and such being determined prior to issuance of a land use certificate.
 8. *Zero lot line developments.* See [section 7.10.00](#)
- F. *[Gross density transfers.]* Gross density transfers from jurisdictional areas to upland portions of a parcel shall be in accordance with comprehensive plan policy CON 1.3.7. Density bonuses are offered for clustering development outside wetlands and an incentive to protect those resources from development pressures (see [section 7.17.00](#) for calculation of density bonus points).
- G. *Landscaping.* See [section 7.01.00](#)
- H. *Signs.* See [article 8](#)

(Ord. No. 2008-39, § 2, 6-5-2008)

6.05.27. VM-1 villages mixed residential/commercial district.

Gross density for residential uses (four units per acre).

Maximum area for commercial uses (6,000 square feet for retail/service unless a planned neighborhood center).

- A. *Intent and purpose of district.* Mixed residential/neighborhood commercial district allowing neighborhood commercial uses within single-family and multifamily residential areas. "Planned neighborhood commercial centers" which meet specific development criteria are permitted. Multifamily uses include duplexes, quadraplexes, townhouses, and patio homes, but do not include other apartment structures. No minimum lot size for new subdivisions, but development must meet overall density requirements.

All neighborhood commercial (VM-1) development, redevelopment, or expansion must be consistent with the locational criteria in the comprehensive plan (policy FLU 1.1.10) and in [article 7](#). Refer to [article 11](#) for uses and densities allowed in VM-1, villages mixed residential/neighborhood commercial areas located in the airport/airfield environs. Structures within airport/airfield environs, zones, and surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in [article 11](#).

- B. *Permitted uses.*

1. Single- and multiple-family uses permitted in V-1, V-2, V-3 or V-4 districts, except as noted above.
2. Professional offices including but not limited to those of architects, engineers, lawyers, tax consultants, accountants and medical and dental clinics, real estate and insurance offices.
3. Planned neighborhood centers containing neighborhood retail sales and services with maximum square footage of 35,000.

4. Neighborhood retail sales and services listed below (gross floor area of building not to exceed 6,000 square feet unless in a planned neighborhood center). No permanent outside storage allowed.
 - a. Food and drugstores.
 - b. Personal service shops.
 - c. Clothing and dry goods store.
 - d. Specialty shops.
 - e. Banks and financial institutions.
 - f. Bakeries, whose products are made and sold at retail on the premises.
 - g. Florists shops provided that products are displayed and sold wholly within an enclosed building.
 - h. Health clubs, spa and exercise centers.
 - i. Studio for the arts.
 - j. Martial arts studios.
 - k. Bicycle sales and mechanical services.
 - l. Other retail/service uses of similar type and character of those listed herein.
5. Laundromats and dry cleaners (gross floor area not to exceed 4,000 square feet).
6. Restaurants.
7. Automobile service stations (no outside storage, minor repair only).
8. Appliance repair shops (no outside storage or work permitted).
9. Public utility and service structures.
10. Places of worship and educational facilities/institutions.
11. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
12. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).

C. Conditional Uses.

1. **Funeral establishment without cinerator.**

C.D. Off-street parking requirements. See [section 7.02.00](#)

D.E. Site and building requirements.

1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio).
2. *Lot width.* Minimum lot width for a single-family dwelling or cluster measured at the front building line shall be 40 feet and at the street right-of-way, 40 feet. The minimum lot width for a two-family dwelling shall be 80 feet at the front building line and 50 feet at the street right-of-way line. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.

3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
4. *Rear yard.* The minimum rear yard shall not be less than 15 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of the Code (article 7) or 30 feet, whichever is greater.
5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. A minimum side yard of 15 feet shall be required between building clusters, and townhouse groups. No side yards shall be required in attached clusters, townhouses, or zero lot line projects except at the ends of the projects where a minimum of 15 feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of the Code (article 7) or 30 feet, whichever is greater.
6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.
7. *Building clusters and townhouses.* Site and building requirements apply to the total building cluster with such being determined prior to issuance of a land use certificate.
8. *Zero lot line development.* See [section 7.10.00](#)

E.F. *Landscaping.* See [section 7.01.00](#)

F.G. *Signs.* See [article 8](#)

G.H. *Buffering, screening, and setback standards.* See [section 7.01.00](#)

H.I. *Locational criteria.* See [article 7](#) and comprehensive plan policy FLU 1.1.10.

(Ord. No. 2008-39, § 2, 6-5-2008)

6.05.28. VM-2 villages mixed residential/commercial district.

Gross density for residential uses (seven units per acre).

Maximum area for commercial uses (30,000 square feet unless a planned business development).

- A. *Intent and purpose of district.* Mixed residential/commercial district allowing community-serving commercial uses and single-family and multifamily residential areas. "Planned business developments" which meet specific development criteria are permitted. Neighborhood commercial and C-1 uses, and mobile home parks and subdivisions are allowed. C-2 uses may be approved as a conditional use when located in a planned business development. No minimum lot size for new subdivisions, but development must meet overall density requirements.

All commercial (VM-2) development, redevelopment, or expansion must be consistent with the locational criteria in the comprehensive plan (policy FLU 1.1.10) and in [article 7](#). Refer to [article 11](#) for uses and densities allowed in VM-2, villages mixed residential/commercial areas located in the airport/airfield environs. Structures within airport/airfield environs, zones, and surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in [article 11](#).

- B. *Permitted uses.*

1. Single- and multiple-family uses permitted in V-1, V-2, V-3 or V-4 districts, except as noted above.

2. Any use permitted in the VM-1 district not to exceed a gross floor area of 30,000 square feet unless a planned business development.
 3. Any use permitted in the C-1 district not to exceed a gross floor area of 30,000 square feet unless a planned business development.
 4. Planned business developments containing neighborhood commercial, and C-1 uses with a maximum square footage of 30,000.
 5. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
 6. Mobile home parks and subdivisions are permitted.
- C. *Conditional uses.* ~~Specified C-2 uses when located within a planned business development.~~
1. ~~Specified C-2 uses when located within a planned business development.~~
 2. Funeral establishment without cinerator.
- D. *Off-street parking requirements.* See [section 7.02.00](#)
- E. *Site and building requirements.*
1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio).
 2. *Lot width.* Minimum lot width for a single-family dwelling or cluster measured at the front building line shall be 40 feet and at the street right-of-way, 40 feet. The minimum lot width for a two-family dwelling shall be 80 feet at the front building line and 50 feet at the street right-of-way. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.
 3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
 4. *Rear yard.* The minimum rear yard shall not be less than 15 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 30 feet, whichever is greater.
 5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. A minimum side yard of 15 feet shall be required between building clusters and townhouse groups. No side yards shall be required in attached clusters, townhouses, or zero lot line projects except at the ends of the projects where a minimum of 15 feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 30 feet, whichever is greater.
 6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.
 7. *Building clusters and townhouses.* Site and building requirements apply to the total building cluster with such being determined prior to issuance of a land use certificate.
 8. *Zero lot line developments.* See [section 7.10.00](#)
- F. *Landscaping standards.* See [section 7.01.00](#)
- G. *Signs.* See [article 8](#)
- H. *Buffering, screening, and setback standards.* See [section 7.01.00](#)

I. *Locational criteria.* See [article 7](#) and comprehensive plan policy FLU 1.1.10.

(Ord. No. 2008-39, § 2, 6-5-2008)

6.05.29. GBD—Gateway business district.

A. *Intent and purpose of district.* The district is intended to enhance specific segments of the US 29 and SR 97 corridor as a visually attractive, well planned business communities. To accomplish this purpose, stringent site development standards established adequate setbacks, landscaping, and buffering.

These districts are characterized by community-serving commercial uses located adjacent to or in immediate proximity to the US 29 corridor and in immediate proximity to SR 97 at the Alabama-Florida state line.

C-2 type distribution, manufacturing, fabrication and assembly-type operations which are completely enclosed within the confines of a building are permitted when located within a planned business development. Outside storage is permitted when screened. Such treatment is appropriate to protect nearby residential areas from the incompatible impacts of more intense uses such as noise, odors, truck traffic, glare, and visual blight. Refer to [article 11](#) for uses and densities allowed in GBD, gateway business district areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in [article 11](#).

B. *Permitted uses.*

1. C-1 and C-2 type uses with conditions noted above.
2. Planned business developments.
3. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).
4. **Funeral establishment without cinerator.**

C. **Conditional Uses.**

1. **Funeral establishment with cinerator in same building; subject to additional conditional use criteria in Section 7.22.01.**

C.D. *Off-street parking and loading regulations.* See [section 7.02.00](#)

D.E. *Traffic requirements.* See section 7.11.09.

E.F. *Landscaping.* See [section 7.01.00](#)

F.G. *Site and building requirements.* For hotels and motels there are no maximum density limits; however, all applicable open space (yard) provisions and all other applicable regulations which apply to such developments must be complied with. For other principal uses, the following shall apply:

1. *Lot area.* There shall be no minimum lot area, except for recreational camping facilities which shall require a minimum lot size of five acres.
2. *Lot coverage.* At least 15 percent of each lot or parcel shall remain pervious (85 percent maximum impervious cover ratio).
3. *Lot width.* There shall be no minimum lot width.
4. *Yard.* There shall be a front and rear yard of at least 15 feet. There shall be a minimum side yard of ten feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 20 feet, whichever is greater.

5. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade, except for commercial communication towers which shall not exceed 150 feet in height.

G.H. *Signs.* No sign shall exceed 35 feet in height in the GBD. For other sign provisions see [article 8](#)

H.I. *Buffering, screening, and roadway setbacks.* See [section 7.01.00](#)

(Ord. No. 2008-39, § 2, 6-5-2008)

6.05.30. GID—Gateway industrial district.

A. *Intent and purpose of district.* This district is intended to be a light to moderate industrial area which will enhance portions of the US 29 and US 95A corridors as visually attractive, well-planned industrial areas which are screened and buffered to assure compatibility with adjacent nonindustrial districts and uses. The district is intended to accommodate uses requiring access to rail and principal arterial roadways, when other objectives of the district are met. To accomplish this purpose and promote compatibility with neighboring areas, stringent site development standards establish adequate setbacks, landscaping, screening and buffering. Refer to [article 11](#) for uses, heights and densities allowed in GID, gateway industrial district areas located in the Airport/Airfield Environs.

B. *Permitted uses.*

1. C-2 and ID-1 type uses except mobile home sales and service.
2. Planned business developments.
3. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, [Chapter 42](#), article VIII, and performance standards in Part III, the Land Development Code, [article 7](#)).

4. **Funeral establishment without cinerator.**

C. *Conditional uses.*

1. Industrial processes which require a building or equipment height greater than 35 feet. The required side and rear yards shall be increased two feet for every ten feet in height above the first 35 feet of the structure as measured from finished grade.
2. Asphalt plants.
3. Concrete plants.
4. New and used car sales, mobile homes and motorcycle sales. No intrusions are permitted on the public right-of-way (see section 6.04.09).
5. Solid waste transfer stations, collection points, and/or processing facilities.
6. Junkyards, salvage yards, and waste tire processing facilities.
7. **Funeral establishment with cinerator in same building; subject to additional conditional use criteria in Section 7.22.01**

D. *Prohibited uses.*

1. Residential uses.
2. Landfills.
3. Prisons.
4. Carnival-type amusements and amusement arcades.
5. Taverns, cocktail lounges, bars, and night clubs.

E. *Site and building requirements.*

1. *Building height limit.* No building shall exceed 35 feet in height except as otherwise provided in this district, and except for commercial communication towers which shall not exceed 150 feet in height.
2. *Minimum lot size.* There shall be no minimum lot size.
3. *Lot coverage.* The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total area, except as provided for in [article 4](#) of this Code (see "stormwater management and conservation"). Also, the amount of impervious surface shall not exceed 85 percent of the lot.
4. *Lot width.* There shall be no minimum lot width.
5. *Yard requirements.* There shall be a front yard having a depth of not less than 25 feet. There shall be a rear yard having a depth of not less than 20 feet. There shall be side yards of not less than 15 feet. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 20 feet whichever is greater.

The BOA may waive the yard requirements, in response to an application therefore, if a finding of fact is made based on competent, substantial evidence demonstrates that such waiver would not adversely impact public safety, sensitive environmental resources, or compatibility with adjacent uses. Also, such waiver may be granted only if the development plans for the subject property reflect conformance with a floor area ratio which does not exceed 1.1 and a maximum impervious cover limit of 85 percent.

- F. *Roadway access.* Direct access must be provided from a collector or arterial roadway and such access may be provided by curb cuts on the collector or arterial roadway or a private or public road linking the use with the collector or arterial roadway provided that such private or public road does not traverse a predominately residential neighborhood or subdivision between the use and the collector or arterial roadway. No permit shall be issued for any proposed use which requires access through a residential neighborhood or subdivision.
- G. *Landscaping.* See [section 7.01.00](#)
- H. *Signs.* No sign shall exceed 35 feet in height in the GID. For other sign provisions see [article 8](#)
- I. *Buffering, screening, and roadway setbacks.* See [section 7.01.00](#)
- J. *Performance standards.*
 1. Any process that creates smoke shall meet all standards as required by the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency.
 2. No process shall emit an offensive odor detectable beyond the lot parcel. Where odors are produced and provisions for eradication within a building are provided, the burden of successful elimination of the odors shall rest on the occupant of the premises.
 3. Operations creating noise, vibration, dust, smoke or fumes shall be subject to provisions of section 7.07.01 of this Code.
 4. Operations creating glare shall be shielded so that the glare cannot be seen from off the lot or parcel.
 5. Disposal of industrial or other wastes, gaseous, liquid or solid, must be approved by any applicable federal or state regulatory entities.
 6. Also, all applicable performance standards in sections [7.06.00](#) and [7.07.00](#) shall be adhered to.

6.05.31. GMD—Gateway mixed use district.

Gross density for residential uses (seven units per acre).

- A. *Intent and purpose of district.* Mixed residential/commercial district allowing community-serving commercial uses and single-family and multifamily residential area. "Planned business developments" which meet development criteria are permitted. Neighborhood commercial, C-1 and specified C-2 uses. Refer to [article 11](#) for uses and densities allowed in GMD, gateway mixed use district areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in [article 11](#)
- B. *Permitted uses.*
1. Single-family and multiple-family uses permitted in V-1, V-2, V-3 or V-4 districts, except as noted above.
 2. Any use permitted in the VM-1 or VM-2 district.
 3. Any use permitted in the C-1 district.
 4. Specific C-2 uses when located within a planned business development.
 5. Other uses which are similar to or compatible with the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
 6. **Funeral establishment without cinerator.**
- C. *Off-street parking and loading regulations.* See [section 7.02.00](#)
- D. *Traffic requirements.* See section 7.11.09.
- E. *Buffering, screening, and roadway setbacks.* See [section 7.01.00](#) of this Code.
- F. *Landscaping.* See [section 7.01.00](#)
- G. *Site and building requirements.* For hotels and motels, there are no maximum density limits; however, all applicable open space (yard) provisions and all other applicable regulations which apply to such developments must be complied with. For other principal uses, the following shall apply:
1. *Lot area.* There shall be no minimum lot area, except for recreational camping facilities which shall require a minimum lot size of five acres.
 2. *Lot coverage.* At least 15 percent of each lot or parcel shall remain pervious (85 percent maximum impervious cover ratio).
 3. *Lot width.* There shall be no minimum lot width.
 4. *Yard.* There shall be a front and rear yard of at least 15 feet. There shall be a minimum side yard of ten feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 20 feet, whichever is greater.
 5. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade, except for commercial communication towers which shall not exceed 150 feet in height.
- H. *Signs.* No sign shall exceed 35 feet in height in the GMD. For other sign provisions see [article 8](#)
(Ord. No. 2008-39, § 2, 6-5-2008)

6.05.32. P—Public district.

- A. *Intent and purpose of district.* Publicly owned parcels for educational and correctional facilities and purposes, other public institutional uses, borrow pits and associated reclamation activities, collection and/or processing of solid waste, and sanitary landfills. Conversion of suitable public lands for business or industrial park development is allowed. Refer to [article 11](#) for uses, heights and densities allowed in P, public districts located in the Airport/Airfield Environs.

- B. *Site development standards.* Site development standards contained in the C-1 district shall be applicable to this zoning district. Refer to [article 7](#) for specific performance standards relating to borrow pits and associated reclamation activities.

6.05.33. *WMU—Waterfront mixed use district (noncumulative).*

- A. *Intent and purpose of district.* This district is located in the RA-1(OL) Barrancas Redevelopment Area Overlay District. In an effort to take advantage of the deep water characteristics of Bayou Chico and preserve commercial and recreational waterfront, this district is designed to foster more sensitive, consistent, and uniform development and redevelopment activity along the shoreline; minimize the impacts of development on the water quality, air quality, noise, and natural or established habitats; and improve the visual aesthetics of the area for the benefit of current and future generations. It is created to protect and conserve the natural resources along and adjacent to the bayou as well as to nurture water-dependent and water-related support uses that do not cause any water quality degradation or prevent the beneficial restoration of water or environmental quality in Bayou Chico. See section 3.00.01 of this Code for the definition of "water dependent facility or use". The following priority of uses is recognized:

1. The first priority is to protect conservation and recreation related uses.
2. The second priority is to protect and nurture existing and potential water-dependent commercial and industrial uses that do not degrade the water or environmental quality of Bayou Chico.
3. The third priority is to encourage residential uses in and around the waterfront.
4. The fourth priority is to encourage marine and water-related commercial and industrial support uses that do not degrade the water or environmental quality of Bayou Chico.
5. Other specified uses are encouraged only if they are compatible with the priority uses described in 1.—4., above.

Refer to the overlay districts within [section 6.07.00](#) of this Code for additional regulations imposed on individual parcels with WMU zoning located in the RA-1(OL) Barrancas Redevelopment Area Overlay District.

- B. *Applicability.* The waterfront mixed use district generally includes all waterfront parcels on the county side of Bayou Chico from a few parcels north of Lotus Circle to the south side of old Barrancas Avenue and some parcels adjacent to Mahogany Mill Road and Weis Lane between new and old Barrancas Avenues. The district is indicated on "Exhibit 2: Waterfront Mixed Use District" zoning map, as incorporated by reference in Ordinance No. 2006-16, and is reflected in the official zoning maps.

- C. *Permitted uses.* The following uses are permitted consistent with proper design, construction, and operation that prevent unsatisfactory and unpleasant noise, odors, air and water pollution, and aesthetics as defined in section 6.05.33.H. and I. [sic], below.

1. *Water-dependent uses:*

- a. Boat brokerage or sales.
- b. Boat maintenance and repair yards. Boat yards must adhere to the best management practices of the Clean Boatyard Program as cited on the Florida Department of Environmental Protection web site under Best Management Practices for Boatyards, Clean Boatyard Manual, as amended.
- c. Bulk product facilities and terminal facilities as defined in F.S. § 376.031, if the facility was in operation on the date of the enactment of this ordinance. Expansion of this type facility cannot be made any closer than 300 feet of any residential land use and will require additional noise and visual buffering from adjacent parcels and public rights-of-way.

- d. Commercial boat storage. Storage facility must be maintained to avoid nuisance conditions as defined in section 7.07.06 of this Code.
 - e. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water taxis.
 - f. Harbor and marine supplies and services, chandleries, and ship supply such as fueling of vessels.
 - g. Marinas, particularly those berthing tugboats, fireboats, pilot boats and similar services. Marinas must adhere to the best management practices of the Clean Marina Program as cited on Florida Department of Environmental Protection web site under Clean Marina Program and Clean Marina Program Measures, Marina Environmental Measures, as amended.
 - h. Public landings.
 - i. Marine research, education, and laboratory facilities.
 - j. Seafood packaging, loading, distribution and wholesaling for retail sale as long as proper design, construction, and operation prevent unpleasant noise, odors, air and water pollution, and development is aesthetically consistent with the design criteria of this district.
2. *Water-related support uses:*
- a. Cabinet and carpentry shops and accessory retail sales of only those products that are produced on the premises.
 - b. Fabrication of marine-related goods.
 - c. Fabrication, storage and repair of fishing equipment.
 - d. Marine products, wholesaling, distribution and retailing.
 - e. Marine repair services and machine shops.
 - f. Professional, business and general offices related to marine-dependent or marine-related uses.
 - g. Residential use. The primary owner (person who legally owns 50 percent or more) of a marine-related business may occupy space within the primary building or within an accessory structure. Live/work housing shall be allowed as well live aboard housing/houseboats. Mixed uses, defined as a combination of residential and nonresidential uses, shall be encouraged.
3. *Other uses, along with permitted accessory uses or structures:*
- a. Bars and nightclubs.
 - b. Hotels and motels.
 - c. Bed and breakfast inns as licensed under F.S. ch. 509.
 - d. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including pedestrian and bicycle facilities.
 - e. Museums and art galleries.
 - f. Parking lots.
 - g. Professional, business, and general offices.
 - h. Restaurants.
 - i. Retail and service establishments, including craft and specialty shops.
 - j. Single-family and multifamily residential.

- k. Wholesale and/or distribution warehousing.
- l. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).

D. *Prohibited uses.*

- 1. Asphalt plants.
- 2. Bulk product facilities and terminal facilities, as defined in F.S. § 376.031.
- 3. Cement plants.
- 4. Chemical plants.
- 5. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.
- 6. Landfills.
- 7. Open storage facility for any bulk solid or semi-solid material that is a toxic or hazardous substance or nutrient or that becomes one when left to stand or exposed to water. The phrase "toxic or hazardous substance" does not include petroleum and petroleum related products regulated by the Florida Pollutant Discharge Prevention and Control Act (F.S. §§ 376.011—376.17 and §§ 376.19—376.21).
- 8. Paper mills.
- 9. Refineries.
- 10. Rendering plants and slaughterhouses.
- 11. Sand extraction operations.
- 12. Sewage treatment plants.
- 13. Solid or hazardous waste transfer stations collection or disposal facilities.
- 14. Storage facilities for toxic or hazardous substances or nutrients (that is, elements or compounds essential as raw material for organic growth and development, for example: carbon, nitrogen and phosphorus).
- 15. Solid waste transfer stations.

E. *Off-street parking regulations.* See [section 7.02.00](#) of this Code.

F. *Site and building requirements.*

- 1. *Lot area.* There shall be no minimum lot area.
- 2. *Lot width.* There shall be no minimum lot width.
- 3. *Density.* A maximum of 25 dwelling units per acre are allowed.
- 4. *Building height.* No building or structure shall exceed 100 feet in height as defined in section 3.00.01 of this Code. Heights for buildings and structures with pitched roofs shall be measured to the bottom of the eaves. In addition:
 - a. "Mixed use" shall be defined to include two or more residential and nonresidential uses. Work/live spaces are encouraged. Nonresidential uses are encouraged on first and second floors. Parking structures are not considered a separate use.
 - b. Parking structures and nonliving areas may comprise the first two floors of a mixed use structure. Entrance to parking structures shall be from the side or rear of the building or buildings. Street facades shall consist of liner buildings or shall be properly screened so as to provide the appearance of being an occupied use, i.e. articulated building fronts, windows, etc.

- c. Buildings and structures are street oriented and consistent with the requirements of the Barrancas Redevelopment Area Overlay District.
5. *Setbacks.* Front and side setback lines should be consistent with adjacent structures. Front porches, stoops and balconies that extend beyond the primary building plane may encroach to within five feet of the property line. Where setback lines are not clearly established, buildings shall be built to within ten feet of property lines. Steps leading up to the front porch or stop may encroach further, but in no event shall steps extend beyond the property line or on to public sidewalks. There shall be minimum side setback of ten feet on each side which shall be increased by five feet on each side for each story (floor) above the third story or for each ten feet in height above the first 35 feet of the structure as measured from the finished grade.
6. *Waterfront setback.* See [section 7.08.00](#) of this Code, marine/estuarine/riverine setback.
7. *Screening.* All service and loading areas shall be entirely screened from view.
8. *Docks.* In an effort to improve water and sediment quality and to protect the marine environment, it is recommended that all new docks, bulkheads and seawalls constructed of treated wood products after the adoption of this ordinance be built using treated wood products registered for marine use by the U.S. Environmental Protection Agency or the Florida Department of Agriculture and Consumer Services. Other recommended materials include concrete, coated steel, recycled plastic, PVC, vinyl, and fiberglass.
9. *Garages.* For residential uses, there shall be no front facing garages unless they are setback an additional ten feet from the primary front facade and do not exceed 25 percent of the street facing building facade. If the lot width is 40 feet or less, the 25 percent requirement shall not apply. All other garages must face the side or rear of the parcel.
10. *Front entry.* Buildings shall be oriented so that the principal facade is parallel or nearly parallel to the streets they face. On corner sites, buildings shall occupy the corner.
11. *Walkways.* Walkways that lead to front doors, separate from the driveway are encouraged.
- G. *Performance standards.* The waterfront district is designed to take advantage of the deep water characteristics of Bayou Chico while fostering more sensitive and uniform development along the shoreline. The improvement efforts include minimizing the impacts of development on the water quality, air quality, noise, and natural or established habitats so that projects do not cause any water quality degradation or prevent the beneficial restoration of water or environmental quality in Bayou Chico. The goal of this district also is to improve the visual aesthetics of the area. In addition to controls contained in sections [7.06.00](#) and [7.07.00](#) of this Code and controls contained in the county's Code of Ordinances, the below listed items are focused on achieving the redevelopment goals for the area.
 1. *Environmental impacts.*
 - a. All work and/or operations must be conducted within buildings except temporary outside storage may be allowed if adequately buffered and screened from adjacent uses. All waste material must be stored while on the property in a screened enclosure.
 - b. Any process that creates smoke shall meet all standards as required by the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency.
 - c. No process shall emit an offensive odor detectable beyond the lot or parcel. Where odors are produced and provisions for eradication within a building are provided, the burden of successful elimination of the odors shall rest on the occupant of the premises.
 - d. Operations creating excessive noise, vibration, dust, smoke or fumes, which are a nuisance to persons off of the lot or parcel, are not permitted.

- e. Operations creating glare shall be shielded so that the glare cannot be seen from off the lot or parcel.
 - f. Disposal of industrial or other wastes, gaseous, liquid or solid, must be approved by any applicable federal or state regulatory entities.
2. *Shoreline protection.* See section 7.08.00.D.1., D.2., D.3. and E. of this Code. Where there exists a high likelihood of success and effectiveness, natural vegetated erosion control solutions shall be implemented. Escambia County Neighborhood and Environmental Services Department/Marine Resources Division staff will evaluate each application for shoreline protection and shall consider bathymetry, wave climate, sediment quality, and adjacent and surrounding shorelines.
 3. *Marina siting.* Marina siting shall be consistent with regulations in [section 7.05.00](#) of this Code.
 4. *Septic tanks.* See [section 7.19.00](#) of this Code. Additionally if septic tanks are permitted they shall be located at least 100 feet from the mean high water line (MHWL).

6.05.34. *Planned development in the "Villages" zoning districts.*

PNC—Planned neighborhood center (minimum parcel size two acres).

PBD—Planned business development (minimum parcel size two acres).

- A. *Intent and purpose of villages planned developments.* The intent of these developments is to assure excellence in site planning and design in order to accomplish the objectives of the district in which the development is being located and to assure that incompatibilities between adjacent uses are adequately addressed. The PNC or PBD must:
1. Be compatible with the adjacent land uses, by the use of screening and buffering;
 2. Provide for adequate vehicular and pedestrian circulation systems;
 3. Provide for adequate off-street parking;
 4. Provide for adequate open space;
 5. Provide for adequate water, electric, sewerage and fire protection services;
 6. Demonstrate through the preliminary development plans that the development is a sound, well planned development.

These developments are intended to encourage the development of land as planned business communities or neighborhood centers, encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open areas; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of these regulations.

Because of the increase amount and/or intensity of development allowed in a PBD or PNC, greater scrutiny in the development review process is necessary to assure compatibility with adjacent uses and shall include the requirements established below. A concept plan may be submitted at the option of the applicant. Preliminary and final development plans must be submitted for review and approval by the DRC.

- B. *Permitted uses.*
1. Planned neighborhood center (PNC). Neighborhood commercial and C-1 uses allowed up to a maximum of 35,000 square feet.
 2. Planned business development (PBD). Neighborhood commercial, C-1 and specified C-2 uses allowed up to a maximum of 30,000 square feet.
- C. *Buffering.* See section 7.01.06 of this Code.

- D. *Screening.* See section 7.01.06 of this Code.
- E. *Landscaping standards.* See [section 7.01.00](#) of this Code.
- F. *Processing planned developments in the "Villages" zoning districts.* The department shall forward copies of the preliminary development plan to the members of the development review committee. The development review committee shall consider:
1. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.
 2. The nature of the proposed development, including land use types and densities; the approximate total ground coverage of paved areas and structures and types of water and sewer treatment systems.
 3. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable ordinances of the county.
 4. Other applicable factors and standards prescribed by the Comprehensive Plan and this Code.

The DRC shall review the application and submit its comments and recommendations to the applicant within 20 working days of the receipt of the completed application.

The submission requirements for the planned development includes more general criteria at the concept development plan phase, which is optional, and more detailed criteria submitted for review at the preliminary and final development plan phases. An application check list shall be provided by the department.

1. *Concept development plan (optional).* Submittal requirements for the concept development plan shall be those listed under PUD section 6.06.F.2.
 2. *Preliminary development plan.* Submittal requirements for the preliminary development plan shall be those listed under PUD section 6.06.F.2.
 3. *Final development plan.* The final development plan shall reflect any modifications or changes required in the preliminary development plan, plus any additional information required as a result of the preliminary development plan review. Based upon this review the development proposals must be refined and submitted as a final development plan which shall be acted upon by the DRC within 20 working days of submittal.
- G. *[Planned unit developments.]* Planned unit developments (PUDs) may be approved in the "Villages" zoning districts in accordance with PUD requirements contained in [section 6.06.00](#) of this Code.

(Ord. No. 96-22, § 1, 7-25-1996; Ord. No. 97-18, § 1, 6-5-1997; Ord. No. 97-39, § 1, 8-7-1997; Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 97-59, § 1, 12-4-1997; Ord. No. 98-41, § 1, 9-9-1998; Ord. No. 98-42, § 2, 9-9-1998; Ord. No. 98-43, 9-9-1998; Ord. No. 98-49, § 1, 11-5-1998; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 99-12, § 1, 3-4-1999; Ord. No. 99-13, § 1, 3-4-1999; Ord. No. 99-14, § 1, 3-4-1999; Ord. No. 99-20, § 1, 4-18-1999; Ord. No. 99-38, § 2, 9-5-1999; Ord. No. 99-42, § 1, 9-2-1999; Ord. No. 99-60, § 1, 12-2-1999; Ord. No. 2000-4, § 2, 2-10-2000; Ord. No. 2000-8, § 1, 3-2-2000; Ord. No. 2000-28, § 4, 7-6-2000; Ord. No. 2000-45, § 1, 10-5-2000; Ord. No. 2000-46, § 2, 10-19-2000; Ord. No. 2000-50, §§ 2—4, 11-2-2000; Ord. No. 2000-59, § 1, 12-11-2000; Ord. No. 2001-58, §§ 1—4, 10-18-2001; Ord. No. 2001-64, §§ 1—8, 11-15-2001; Ord. No. 2002-18, § 1, 4-4-2002; Ord. No. 2002-30, §§ 3—6, 7-2-2002; Ord. No. 2003-4, § 2, 2-6-2003; Ord. No. 2003-5, §§ 1, 2, 2-6-2003; Ord. No. 2003-11, §§ 1, 2, 6-5-2003; Ord. No. 2003-33, § 1, 7-24-2003; Ord. No. 2003-38, § 2, 8-7-2003; Ord. No. 2003-39, § 2, 8-7-2003; Ord. No. 2004-33, § 3, 6-3-2004; Ord. No. 2004-41, § 1, 8-5-2004; Ord. No. 2005-2, § 1, 1-6-2005; Ord. No. 2005-12, §§ 2—5, 5-5-2005; Ord. No. 2005-22, § 2, 7-7-2005; Ord. No. 2005-23, §§ 2, 3, 7-7-2005; Ord. No. 2006-16, §§ 1, 2, 3-2-2006; Ord. No. 2006-22, § 2, 3-2-2006; Ord. No. 2006-28, § 1, 4-6-2006; Ord. No. 2006-70, § 2, 9-7-2006; Ord. No. 2006-80, § 1, 10-5-2006; Ord. No. 2007-48, § 1, 9-6-2007; Ord. No. 2009-34, §§ 4—6, 10-1-2009; Ord.

No. 2011-22, § 1, 8-4-2011; Ord. No. 2011-28, §§ 1—3, 9-15-2011; Ord. No. 2013-29, § 1, 7-11-2013; Ord. No. 2013-39, § 1, 8-20-2013; Ord. No. 2013-54, § 1(Exh. A), 12-5-2013)

7.22.00. Conditional Use and Performance Standards for Location of Direct Disposal Establishments and Funeral Establishments With Cinerators

7.22.01. Purpose. The purpose of this section is to restrict the location of the land uses of "funeral establishment with cinerator" or "direct disposal establishment."

- A. Prohibition. Notwithstanding any provision found in Article 6 of this Code, the issuance of permits is prohibited for the installation of a cinerator, as defined in Article 3, in either a funeral establishment or a direct disposal establishment within 1,000 feet of an existing residence, an apartment, a restaurant or other commercial eating establishment, a motel, a hotel, a private or public school (including day care centers), a nursing home, an assisted living facility, or any other place designed and intended for the temporary or permanent overnight accommodation of human beings. In addition to the above stated prohibition that applies to the existing described land uses, the prohibition extends to issuance of permits for the installation of a cinerator in either a funeral establishment or a direct disposal establishment within 500 feet of vacant property that is zoned: R-1, R-2, R-3, R-4,
- B. Measurement. The distance from a proposed facility that would include a cinerator shall be measured by drawing a straight line between the closest property lines of the proposed cinerator location and the property containing the existing land uses or existing zoning described in 7.22.01.A.
- C. Establishment of new land uses or zoning changes. Neither the establishment of new land uses nor the modification of existing zoning of property within the prohibited distances described in 7.22.01.A shall convert a previously approved permit authorizing the installation of a cinerator into a nonconforming use. For the purpose of this section only, the issuance of either a development order or a building permit establishes a new land use, until such date as the development order or building permit expires. For the purpose of this section only, the filing of a valid application for rezoning of property, or the public notice required for consideration by the Planning Board of a legislative rezoning of property, is to be treated as the date of modification of existing zoning of property, until such time as the application for rezoning is acted on by the Board of County Commissioners, and either approved or denied.
- D. Conditional use. When otherwise allowed as a conditional use by Article 6 of the Code, the board of adjustment (BOA) may approve a conditional use for the "funeral establishment with cinerator" and "direct disposal establishment" land uses, after conducting the hearing and making all findings required by Section 2.05.03 of the Code, as well as making findings as to each criterion below:
1. The authorization of the conditional use will not unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.
 2. The subject property is oriented to have the minimum impact on the surrounding properties.
 3. Adequate ingress and egress to the subject property and proposed or existing structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe is addressed.
 4. Any adverse impact such as noise, glare, smoke, odor, or other harmful effects of the proposed establishment on the adjoining properties and properties generally in the district is adequately addressed.
 5. The proposed establishment's general compatibility with adjacent properties and other property in the immediate area is adequately addressed.

Summary of Changes to LDC

Article 3. Definitions

I modified the definition of "cemetery" to be consistent with the definition in the state statute (Chapter 497). I then added definitions for the following terms, all taken from Chapter 497:

- Cinerator
- Columbarium
- Cremation
- Direct Disposal Establishment
- Direct Disposer
- Funeral or Funeral Service
- Funeral Establishment (Note: This term is used in the other changes to the code, instead of funeral home and mortuary.)
- Mausoleum
- Practice of Direct Disposition
- Practice of Funeral Directing

Article 6. District Regulations

6.05.01. AG agricultural district, low density

- "Cemeteries, mausoleums and columbariums" was added as a permitted use.
- "Any building, structure or facility that is used for the purpose of cremation" was added to prohibited uses.

6.05.02. RR rural residential district (cumulative), low density

- This district picks up "Cemeteries, mausoleums and columbariums" as a permitted use by virtue of being cumulative with AG.

6.05.12. R-5 urban residential/limited office district, (cumulative) high density.

- Deletes "crematoriums" from conditional uses, but leaves "cemeteries, mausoleums and columbariums" as a conditional use.

6.05.13. R-6 neighborhood commercial and residential district, (cumulative) high density.

- Picks up the change to R-5, by virtue of the district being cumulative with R-5.
- Adds "funeral establishment, without cinerator, subject to Section 7.22.01.D" as a conditional use.

6.05.14. C-1 retail commercial district (cumulative).

- Deletes "Mortuary and funeral homes" from permitted uses.
- Adds "funeral establishment, without cinerator" as a permitted use.

6.05.15. C-1PK (Perdido Key) commercial district.

- Adds "funeral establishment, without cinerator; subject to Section 7.22.01.D" as a conditional use.
- Adds "cemeteries, mausoleums and columbriums" to list of prohibited uses.

6.05.15.01. CCPK (Perdido Key) commercial core district.

- This district is cumulative with C-1PK, and while a funeral establishment is appropriate in C-1PK, I do not believe it is appropriate in CCPK. Therefore, item #1 under permitted uses was modified to read: "Any use permitted in the C-1PK district, with the exception of funeral establishment, with or without cinerator."

6.05.16. C-2 General commercial and light manufacturing district (cumulative).

- Picks up "funeral establishment, without cinerator" as a permitted use, by virtue of the district being cumulative with C-1.
- Adds "funeral establishment with cinerator in same building; subject to Section 7.22.01." as a conditional use.

6.05.17. ID-CP commerce park, district (cumulative).

- Picks up the permitted and conditional uses described in C-2, by virtue of being a district that is cumulative with C-2.
- Added "cemeteries, mausoleums, and columbariums" to the list of prohibited uses. The reason is because there is very little land dedicated in the county to ID-CP, and use for cemeteries seems inappropriate.

6.05.18. ID-1 light industrial district (cumulative) (no residential uses allowed).

- Picks up the permitted and conditional uses by virtue of being cumulative with ID-CP.
- Adds as a permitted use: "Funeral establishment with cinerator, if cinerator is either enclosed in same building as funeral establishment, or physically attached thereto in a garage like structure."
- Adds as a conditional use: "Direct disposal establishment (i.e., a stand-alone cinerator), subject to additional criteria in Section 7.22.00."

6.05.19. ID-2 general industrial district (noncumulative).

- Adds to permitted uses: "Funeral establishments with or without cinerators."
- Adds to permitted uses: "Direct disposal establishments."
- Adds to list of prohibited uses: "Cemeteries, mausoleums, and columbariums" for the same reason as in the ID-CP district. There is very little available ID-2 land, and it should not be used for cemeteries.

6.05.22. VAG villages agriculture districts.

- Adds as a conditional use: "Funeral establishment with cinerator in same building; subject to Section 7.22.01."

6.05.23. VR villages rural residential districts.

- Adds as a conditional use: "Funeral establishment without cinerator."

6.05.25. V-4 villages multifamily residential district.

- Adds as a conditional use: "Funeral establishment without cinerator."

6.05.26. *V-5 villages clustered residential district.*

- Adds as a conditional use: "Funeral establishment without cinerator."

6.05.27. *VM-1 villages mixed residential/commercial district.*

- Adds as a conditional use: "Funeral establishment without cinerator."

6.05.28. *VM-2 villages mixed residential/commercial district.*

- Adds as a conditional use: "Funeral establishment without cinerator."

6.05.29. *GBD—Gateway business district.*

- Adds as a permitted use: "Funeral establishment without cinerator."
- Adds as a conditional use: "Funeral establishment with cinerator in same building; subject to additional conditional use criteria in Section 7.22.01."

6.05.30. *GID –Gateway Industrial District*

- Adds as a permitted use: "Funeral establishment without cinerator."
- Adds as a conditional use: "Funeral establishment with cinerator in same building; subject to additional conditional use criteria in Section 7.22.01."

6.05.31. *BMD—Gateway mixed use district.*

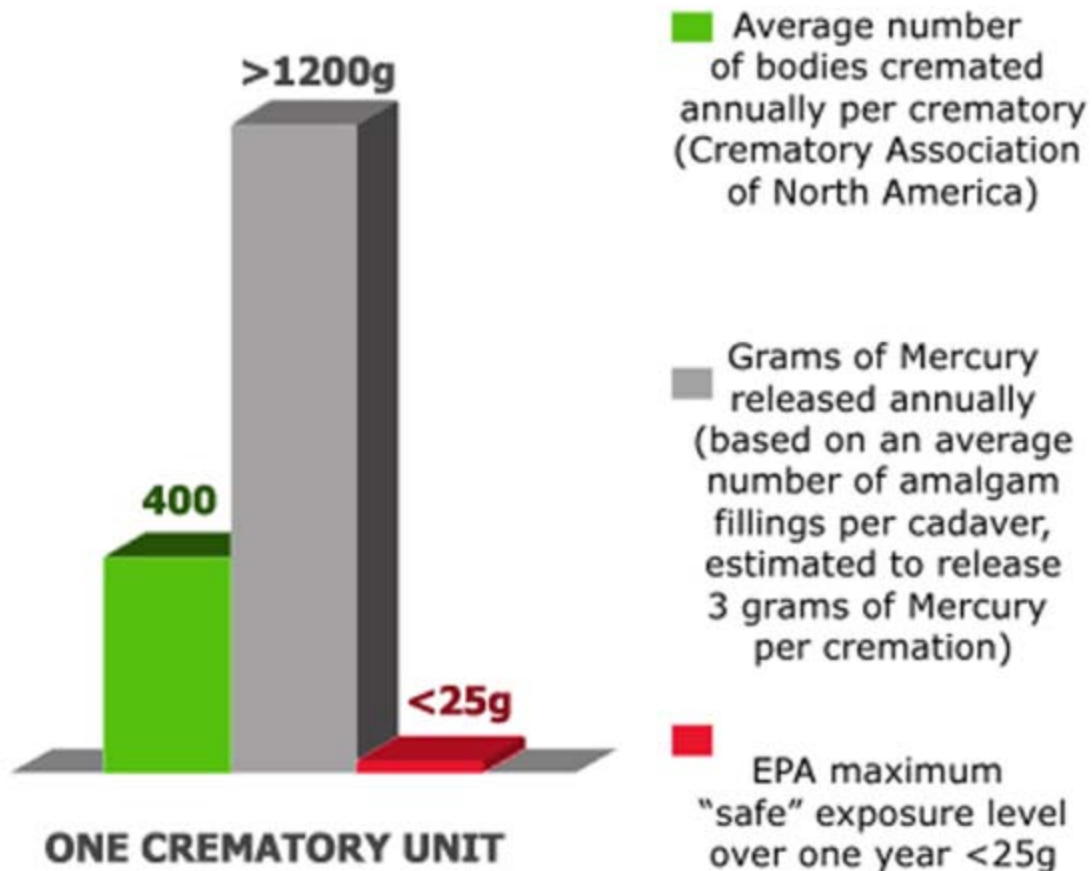
- Adds as a permitted use: "Funeral establishment without cinerator."

Article 7. Performance Standards

I created a new section 7.22.00. This is the new section that should provide reasonable protection to existing land uses that I believe to be incompatible with direct disposal establishments and funeral establishments with cinerator. The protection is a setoff distance of 1000 feet measured from property line to property line. **This is not a conditional use standard, but instead a prohibition if the prohibited land uses fall within 1000 feet of certain identified land uses.**

Section 7.22.01.D provides for somewhat more rigorous conditional use criteria that is layered on top of the standard criteria in Article 2 that are applied to all conditional use applications.

What harm could one little crematory cause??



Source: 1998 Northeastern States Mercury Study - J. Reindl, Summary of References on Mercury Emissions from Crematoria, Dane County, (Nov. 3, 2008), available at : <http://www.ejnet.org/crematoria/reindl.pdf>

There are no federal regulations on emissions from crematoriums. The EPA had intended to regulate this source, but due to lobbying by the funeral industry, crematories were taken out of the category "solid waste incinerators" and have not been placed in another category to be regulated. It is up to the states to enforce air permit requirements.

Don't states require an air permit to operate a crematory? Many states have no regulations whatsoever on crematory emissions. Some states do require air permits – unfortunately do not require testing for the specific toxins that can be released during cremation.

Mercury and other heavy metals like Cadmium, Lead, Nickel, as well as known carcinogens Dioxins, Furans, and Hydrogen Chloride – the most toxic of these being Mercury, a neurotoxin which is extremely hazardous to health.

Mercury affects the body in multiple ways, the most significant being the fact that it disrupts the natural processes that the body must complete in order to detoxify – creating a vicious cycle where more and more toxins are trapped in the body. Mercury itself is particularly difficult to remove from the body – it has an affinity for oxygen receptor sites on a cell that is so strong, the only way to get it out is through chelating. That is often very taxing on the body, and can create a “second exposure” effect – plus the likelihood is that the mercury will attach itself to other cells instead of leaving the body does exist. Most of the time Mercury only abandons a cell when it dies – attaching to a nearby cell, often in the brain. That is why the symptoms of Mercury poisoning resemble so closely neurological disorders such as Autism, Asperger’s, Alzheimer’s, Dementia, and many auto-immune disorders.

There is a significant amount of mercury being released from crematories. See the graph above, where the average number of bodies cremated annually by one crematory unit is 400, the average in grams of Mercury per cremation is <3 grams, the estimated annual release of Mercury per crematory is 1200 grams, and the “maximum safe exposure level” is <25 grams over one year. *Please note that EPA has emphasized that ANY exposure to Mercury is harmful, and should be avoided and impact on the environment should and must be mitigated.*

According CEJ Enterprises, at the last Planning Board meeting, it was stated that the average number of cremations has increased significantly over the last few years. As a consequence, as more and more "baby boomers" elect cremation, the level of Mercury released will go up.

This was taken at Trahan Funeral Home on Friday January 17th with the permission of Richard Trahan (850) 438-8218. Demonstrates the visible smoke that is emitted during the first minute of every cremation.



These devices may cost a lot of money and may be "state of the art", but anything that heats up to 1,600 degrees constantly will get stress cracks, it will develop some decline in efficiency. Vehicles that cost significantly more than a retort develop issues over time, even when they are "state of the art". If there is a power failure, which can and does happen, there will be nothing to stop the smoke. There will be smoke, there is no denying that. The Florida Department of Environmental Protection (DEP) has established an Air General Permit (AGP) under Rule 62-210.310 (5) (c), Florida Administrative Code, (F.A.C.), for Human Crematories. Eligible facilities must not emit ten (10) tons per year or more of any listed hazardous air pollutant (HAP), twenty-five (25) tons per year or more of any combination of HAPs, or 100 tons per year or more of any other regulated air pollutant. So they will emit some hazardous air pollutants. Visible emissions are limited to 5% opacity, six-minute average, with an exception for visible emissions not exceeding 15% opacity for up to six minutes in any one-hour period, so they are permitted to emit visible smoke from the burn for a certain period of time.

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House of Representatives

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The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, DC 20460

Dear Administrator Jackson,

According to EPA, dentists historically use about 34 tons of mercury per year to place or replace dental mercury fillings in Americans. Mercury contained in the existing dental fillings of Americans is, in fact, one of the largest reservoirs of mercury in the United States. According to one estimate, dental mercury comprises over half of all mercury in use today, amounting to over 1000 tons.¹ Dental mercury is also a source of mercury pollution. EPA has developed several emission factors for three routes of atmospheric emissions of mercury related to dental use of mercury. They are: sewage sludge incineration, cremation of human remains containing mercury fillings, and direct air emissions from dental offices.

However, we are concerned that EPA has underestimated the amount of pollution that dental mercury accounts for, thereby rendering this problem a lower priority than it would otherwise be. On the basis of testimony our subcommittee has received, and the findings of our investigation, there appears to be ample justification for EPA to revise its emissions data. As you are fully aware, improving the accuracy of the emissions data is an important first step in improving regulation of dental mercury-source pollution. Yet even while the emission release data is being updated, we strongly urge you to require meaningful reductions of dental mercury into the water and air through goal-based regulatory controls, including mandatory employment of best management practices and amalgam separators, which is similar to what you required earlier when you were Commissioner of the New Jersey Department of Environmental Protection.

¹ EPA International Mercury Market Study, cited in Mercury Policy Project, "Current Status of US Dental Mercury Reduction Initiatives," (Oct. 12, 2007).

Disparities in Data for Mercury Emissions Related to Dental Use of Mercury

At a November 14, 2007 hearing of the Domestic Policy Subcommittee, testimony from witnesses inside and outside the Agency revealed: 1) significant disparities between official EPA estimates and other, more recent emissions estimates, and 2) no emissions estimates for a number of significant additional pathways of dental mercury to the environment. For example, EPA has estimated airborne mercury attributable to wastewater sludge incineration to be 0.6 tons per year. Yet this figure, according to state regulatory officials and EPA itself, may significantly undercount sludge-related mercury pollution. In total, EPA earlier estimated mercury emissions from pathways related to dental use of mercury to be 1.5 tons per year, but in its March 6, 2008 response to my letter suggested that "...these emissions could be as much as two times higher..." Based on testimony provided to the subcommittee, a more realistic estimate for atmospheric emission of dental mercury could range from 7.1 tons per year to 9.4 tons per year, or up to six times official EPA estimates.²

The Northeast States for Coordinated Air Use Management (NESCAUM) estimated that mercury emissions from sludge incineration *in the northeast alone* amounted to 0.5 tons per year.³ According to a northeast state official, "Sewage sludge incinerators were estimated to be the third largest point source of mercury emissions in the northeast prior to regional requirements that dentists use amalgam separators, and accounted for over 1,100 pounds of mercury or 12% of total emissions. This estimate did not include releases from wastewater or land applied sewage sludge, which would significantly increase the total."⁴ Furthermore, EPA admits that its mercury emission data for sludge incineration is "poor," a deficiency it attributes to both the small number of facilities tested and the fact that these facilities were not a random sample of the industry.⁵

It also appears that EPA's estimate of mercury emissions from cremation significantly understates their actual magnitude. EPA estimated total mercury emitted as a byproduct of cremation of human remains to be around 0.3 tons per year. This official estimate is based

² Testimony of Michael Bender, before the Domestic Policy Subcommittee (Nov. 14, 2007).

³ NESCAUM, Inventory of Anthropogenic Emissions of Mercury, (Nov. 2005). Available at: <http://www.nescaum.org/documents/inventory-of-anthropogenic-mercury-emissions-in-the-northeast/>

⁴ Testimony of C. Mark Smith before the Domestic Policy Subcommittee, Oversight and Government Reform Committee, (Nov. 14, 2007).

⁵ Emission Factor Documentation for AP-42 Section 2.2, Sewage Sludge Incineration, Office of Air Quality Planning and Standards, EPA, pp. 3-5 and 4-98, Jul. 1993. Available at: <http://www.epa.gov/ttn/chief/ap42/ch02/bgdocs/b02s02.pdf>

entirely on a single test conducted at a single crematorium 10 years ago, and fails to explain the difference between the amount of mercury in fillings and the amount of mercury measured in crematorium emissions.⁶ However, an article published in 2007 authored by an EPA environmental scientist estimates mercury emissions from cremation at about 3 tons per year, ten times the earlier EPA estimate.⁷ According to the Cremation Association of America, there are about 1,900 crematoria in the US. Nationally, over 30% of Americans are now cremated, a figure that is anticipated to rise to 43% by 2025. The 1998 Northeastern States Mercury Study estimated that each person cremated had an average of 2.9 grams of mercury in fillings, and this figure is still widely considered to be in the right range.⁸ From 2005 data, it is estimated that about 3.3 tons of mercury were emitted by crematoria that year.⁹ In the model used, 25% of these emissions were assumed attached to particulates, which would settle to the ground locally and be classified as land deposition, and 75% assumed to be elemental mercury emissions to the atmosphere. Based on a literature review including ground deposition studies in New Zealand and Norway¹⁰, it appears justifiable to allocate up to 90% of the mercury entering crematoria as emissions to the atmosphere, with some of the balance retained, at least temporarily, in combustion equipment and the stack.

During the next 25 years, emissions from crematoria are expected to rise considerably. There are two simultaneous trends contributing to this: a rise in the average number of fillings per person cremated (better dental health care has resulted in the retention of more teeth, and more fillings, as people age), and a rise in the number of cremations. This will only eventually be counter-balanced by the gradually increasing replacement of amalgam fillings with mercury-free alternatives.

EPA has not developed emissions factors for a number of additional pathways

As pointed out in a letter to EPA dated February 11, 2008, there are a number of other dental mercury-related air emissions for which EPA has not developed emission factors, including dental mercury:

⁶ Appendix A: NEI Nonpoint HAP Source Estimates – Human Cremation, Footnote 3.

⁷ Alexis Cain et al. “Substance Flow Analysis of Mercury Intentionally Used in Products in the United States,” *Journal of Industrial Ecology*, Volume 11, Number 3 (2007).

⁸ J Reindl, Summary of References on Mercury Emissions from Crematoria, Dane County, (Nov. 3, 2008), available at: <http://www.ejnet.org/crematoria/reindl.pdf>

⁹ A Cain, S Disch, C Twaroski, J Reindl and CR Case, Substance Flow Analysis of Mercury Intentionally Used in Products in the United States, *Journal of Industrial Ecology*, Volume 11, Number 3.

¹⁰ *Id.*

- in sludge that is landfilled or spread on agricultural or forest land, or that is dried before it is used as fertilizer;
- in infectious and hazardous waste; in general municipal waste;
- in human respiration;
- in waste removed as grit and fines at wastewater treatment plants and disposed of in a variety of ways, and
- in combined sewer overflows.

EPA has Statutory Authority to Revise and Improve Emissions Data

As you know, EPA is required by the Clean Air Act (CAA) (codified at 42 U.S.C. §7401-7671) to monitor emissions and develop emission standards for a number of hazardous air pollutants, including mercury. Section 114 authorizes EPA to conduct inspections and to require monitoring at emission sources for developing emission standards, determining violations and "carrying out any provision of this Act." Section 130 requires the Agency to "permit any person to demonstrate improved emissions estimating techniques, and following approval of such techniques, the Administrator shall authorize the use of such techniques." Under the CAA, EPA is moving forward with MACT standards to control releases from coal-fired power plants. EPA has also recently published emission standards for mercury and other pollutants originating in hazardous waste incinerators, mercury-cell chlor-alkali plants, iron and steel foundries, and industrial boilers. But in spite of glaring deficiencies in its appreciation of the extent of emissions that relate to dental mercury, EPA has chosen not to revise and improve its data as the circumstances call for, and as the law requires.

Subcommittee Requests

We believe there is ample justification for EPA to invoke its authority to reevaluate and update its own emissions estimating techniques, and to consider the whole range of mercury emission sources attributable to dental applications. We call upon EPA to do so in a timely manner, and the Subcommittee looks forward to learning of EPA's work plan and schedule to address this issue.

To that end, we request that EPA provide the Subcommittee with a plan, complete with projected dates, by which it will reevaluate and update its own mercury emissions factors for wastewater sludge incineration and crematoria, and establish mercury emissions factors for: sludge that is landfilled or spread on agricultural or forest land, or that is dried before it is used as fertilizer; infectious and hazardous waste; general municipal waste; human respiration; waste removed as grit and fines at wastewater treatment plants and disposed of in a variety of ways, and combined sewer overflows. We request that EPA provide this plan to the Subcommittee **no later than Tuesday, February 16, 2010 at 5:00 p.m.**

The Honorable Lisa P. Jackson
January 15, 2010
Page 5

The Oversight and Government Reform Committee is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X.

If you have any questions regarding this request, please contact Jaron Bourke, Staff Director, at (202) 225-6427.

Sincerely,



Dennis J. Kucinich
Chairman
Domestic Policy Subcommittee



Diane E. Watson
Member
Domestic Policy Subcommittee

Summary of References on Mercury Emissions from Crematoria

September 25, 2012

Table of Contents

- Introduction
- Summary
- Number of Cremations in Dane County, Wisconsin and the US
- Cremation Rates in Europe
- Mercury use in Dentistry
- Mercury in Body Tissues, Bones
- Longevity of Fillings
- Mercury from Dental Restorations in Cremations
- Air Emissions from Cremations
- Mercury Emissions and Crematoria Workers
- Mercury Emissions and the Neighboring Area
- The Level of Mercury in the Air Surrounding Crematoria
- Mercury in the Soil Surrounding Crematoria
- Mercury in Crematoria Ash
- Mercury Deposits on Crematoria Chimneys
- Regulation of Mercury Emissions from Crematoria
- Control Technology for Mercury Emissions
- Alternative Technologies to Cremation
- References

Introduction

In July 2000, the Dane County, WI Board of Supervisors banned the sale of fever and basal thermometers containing mercury. As a follow-up to that action, a survey was done of other issues related to mercury in products and it was learned that cremation was a little known, but potentially important source of mercury to the environment. Thus began a summary of information sources of mercury from cremation, which has been periodically updated since then.

Summary

Modern cremation has been a method of handling remains in the US since the 1870's (Prothero), but with a rate of less than 5% of all deaths until approximately 1972. The percentage of cremations increased rapidly after that year (Prothero), reaching just under 32% in 2005 and expected to increase to nearly 56% in 2025 (Cremation Association of North America).

Crematoria represent a significant source of mercury emissions to the environment. While estimates of the quantities vary significantly, it appears that each cremation releases between 2 and 4 grams, with the maximum seen by this reviewer at 8.6 grams in an individual cremation in Switzerland. There has been an increase in the number of cremations annually and forecasts include both a further increase in the number of cremations over time and an increase in the amount of mercury released in the next few decades due to an increase in the number of the deceased having a larger number of their own teeth with amalgam restorations. This increase is

expected to be followed by a decrease in mercury emissions from industrialized countries as the next generation of people has both few cavities and an increased substitution of amalgam restorations with restorations that do not use mercury.

In the US, a mercury flow worksheet developed for Region V of the EPA estimates that in 2005, just under 3,000 kilograms of mercury were released to the environment from cremation to the US. Bender estimates that this will increase to 7,700 kilograms by 2020.

Most of the mercury from crematoria is released to the air, although some may collect on the walls of the oven and chimney. Soil surveys have shown that while there is often an elevation of mercury in the top soils near crematoria, most (over 99%) of the mercury emitted to the air does not settle to the soil in the nearby area, but is instead added to the general atmosphere. Mercury levels in the ash have been only rarely tested, and have been shown to be negligible in those tests.

Mercury emissions from crematoria are regulated in few places in the world, although the amount of regulation is slowly growing. Possible control of mercury from crematoria includes the removal of teeth with amalgam restorations before cremation, the use of selenium capsules to bind up the mercury and exhaust gas capture systems. The effectiveness of the selenium capsules is controversial and the effectiveness of the exhaust gas capture systems is not well documented.

Number of cremations in Dane County, in Wisconsin, and in the US

According to emails from the Dane County Coroner (Stanley, 2004, 2005, 2006, 2007, Irmen 2010, 2012), the number of cremations of Dane County deaths at crematoria within Dane County for the years 2003 to 2011 have been as follows:

2003	1,615
2004	1,566
2005	1,548
2006	1,636
2007	1,817*
2008	1,964*
2009	2,004*
2010	1,857
2011	1,946

*includes corpses from out of the county cremated within the county

Thus, over the six year time frame of 2003 to 2011, the number of cremations has increased by 20%, or, an average of 2.3% a year. From 2005 to 2011, the increase has been 25%, or an average of 3.9%.

In previous communications, it was noted that there were 5 crematoria in Dane County, and that about a third of all cremations are of deaths from nearby counties. While a previous message from the Stanley had estimated that cremations were increasing at the rate of about 10% a year, the data above show that the trend is much less than that

According to Irmen, as of 2010, there are 7 crematoria within Dane County. These are Cress (2), Ellestad, Gunderson, Memory Gardens, Ryan, and UW Anatomy. Krantz (2010) notes that some corpses from deaths in Dane County are transported out of county for cremation. Irmen (2012) notes that corpses brought into Dane County from nearby counties are not included in the above data for 2010 or 2011, but were for 2007-2009.

For the state of Wisconsin, the Wisconsin Department of Health Services puts Wisconsin deaths in 2010 at 47,212, with the cremation rate at 44.9%, for a total of 21,183 cremations. As shown in the chart below, the cremation rate has steadily increased since 2001, while the burial rate has steadily decreased, and the two rates are nearly equal.

Table 7. Deaths by Disposition of Body, Wisconsin 2001-2010

Disposition of Body	Years									
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
TOTAL DEATHS	46,537	46,893	46,040	45,488	46,544	46,051	46,117	46,526	45,598	47,212
PERCENT	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.00
Burial	29,044	28,874	27,689	26,531	26,769	25,653	25,001	24,110	22,417	22,472
Percent	62.4	61.6	60.1	58.3	57.5	55.7	54.2	51.8	49.2	47.5
Cremation	13,160	13,790	14,287	15,044	15,884	16,550	17,337	18,687	19,636	21,183
Percent	28.3	29.4	31.0	33.1	34.1	35.9	37.6	40.2	43.1	44.9

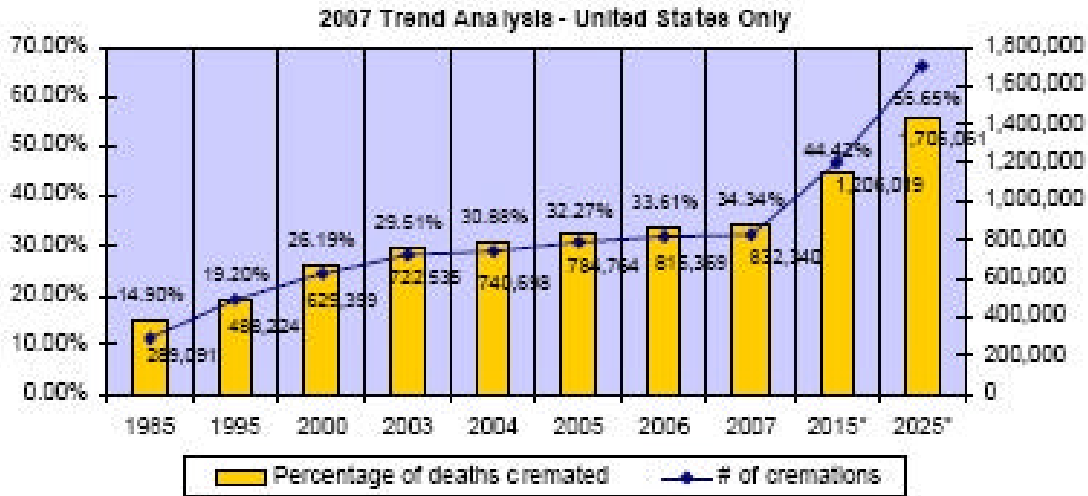
The number of cremations has increased at an annual rate of 6.4% since 1991, the first year for which Wisconsin reports these data, and when there were 6,491 cremations, for a rate of 15.1% of all deaths.

In the US, the latest data available at this time are for 2007, for which just over 832,000 cremations are estimated to have been performed at just under 2,000 crematoria (Cremation Association of North America (CANA), 2010). Cremation rates vary greatly among various groups of people. In the US, in an article in *USA Today* in 2005 (Grossman), it was noted by Jack Springer, Executive Director of the Cremation Association of North America that cremation rates in the US range from 3% in Tennessee to 61% in Nevada. Some of the differences in the rates of cremation are said to be related to the religion of the deceased, with some religions forbidding cremation and others including it as part of their tradition. Also important are the ties of the deceased and the family of the deceased to the community where the death occurred. Those with stronger ties to the community generally have lower cremation rates.

The rate and number of cremations in the US is expected to grow rapidly, with CANA's 2007 trends analysis projecting that in 2025, about 56% of all corpses will be cremated, for a total of 1,706,000 corpses.

Cremation Data & Predictions: Data Trends

- Percentage of Deaths Resulting in Cremation Since 1985



*Projected figures

Cremation Rates in Europe

On an international level, an article in a Danish newspaper in September 2003 (Thøgersen) noted that 90% of all deaths in their larger cities are cremated. The number of cremations is also growing rapidly in some countries. In an article published in 2003 in Switzerland (Knellwolf), it is noted that in the 1960's, one of every five deceased was cremated, while in 2000, two-thirds of all deceased were cremated.

A French language web page (Miquel) gives a table of cremation rates in several European countries from 1998, with the text noting that countries of strong Catholicism have low cremation rates:

Cremation Rates in Europe - 1998

Italy	4 %
Spain	11 %
France	15 %
Belgium	31 %
Germany	40 %
The Netherlands	48 %
Switzerland	68 %
Denmark	71 %
Great Britain	71 %

This article notes that the reported rates of cremation in China and Japan are 80% and 95%, respectively.

A 2012 informational table on a web page of the Cremation Society of Great Britain gives different data for 2010 and 2009 (indicated with an asterisk) for the above countries:

Italy	13 %
France	30 %
Belgium	47 %*
The Netherlands	57 %
Great Britain	73 %
Denmark	77 %
Switzerland	85 %
Spain	NG
Germany	NG

This table notes that the reported rates of cremation in China and Japan are 49% and 99.9%, respectively.

Thus, we see an increase in cremation rates in all countries for which data are reported, except for in China. The Cremation Society of Great Britain data for 1998, however, list the Chinese cremation rate at 40%. so even for China, these two sets of data show an increased rate.

Mercury use in Dentistry

Data were obtained from a variety of sources, including the US Bureau of Mines, the US Geological Survey, the US EPA, an estimate by Bethlehem Apparatus Company as reported by Johnson, a presentation by Vandeven and the Interstate Mercury Education & Reduction Clearinghouse (IMERC) database for the use of mercury in dentistry from 1941 through 2001. In 1941, mercury use was about 0.15 grams per person per year, a total of 21 metric tons for the US. That number increased to just over 0.50 grams per person per year in the 1970's, with 104 metric tons used in 1974. For 2001, the estimate is between 0.07 and 0.15 grams per person, with the IMERC database reporting 21 metric tons of consumption and Bethlehem Apparatus estimating consumption at 44 metric tons. The US EPA mercury flow worksheet, updated in June 2006, uses an estimate of 32 metric tons for 2000, based on the work of Vandeven. More recent data from the Interstate Mercury Education and Reduction Clearinghouse (IMERC) of the Northeast Waste Management Officials' Association (NEWMOA) suggests that the use of dental mercury has dropped dramatically in the US recently, from 30.39 tons in 2004 to 16.48 tons in 2007 (Wienert). On a percentage basis, dental mercury went from just over 26% of all mercury sold in the US in 2004 to just under 24% in 2007.

In a Power Point presentation of the city of Palo Alto, CA, it notes that a small filling (restorations) typically has 0.37 grams of mercury, calculated at one amalgam unit with 0.55 gram mercury, minus 0.14 gram waste

during the filling process, minus 0.04 grams in trimmings. A large filling starts with two amalgam units, but the final amount of mercury in the filling is not stated, although it is implied to be 0.74 grams.

In 1997, a US study (Albertini) was published with the results of a 1992-3 study of restorations in 1,166 male US Air Force Veterans, of which 1,105 had teeth. The results are in the following table:

Dental Restorative Practices in US Air Force Veterans
1992-1993 Study

Age Group	Number of People	Mean Number of Teeth	Mean Number of Restored Surfaces	Mean Number of Restored Anterior Surfaces with Amalgam	Mean Number of Restored Posterior Surfaces with Amalgam
40-44	105	25.66	30.91	0.52	18.89
45-49	392	26.12	34.66	0.70	19.81
50-54	182	25.80	40.32	0.90	21.36
55-59	193	23.92	39.83	0.98	18.42
60-64	175	23.25	42.21	1.16	17.35
65-79	58	21.71	41.00	0.74	14.00

The authors note that other studies had found that the people in this study probably had better dental care than the population as a whole and had both more restored dental surfaces and fewer missing teeth than the population as a whole. On this issue, a 1998 article by Kingman reported results of a study of Vietnam-era veterans under the auspices of the National Institute of Dental Research, augmenting the results of the Air Force Health Study. In this study, they reported the following data for the study participants and the US adult male population and found that the veterans in the study had much higher levels of tooth retention than the general public. (Note: edentulous means “without teeth”.)

Edentulism and Extent of Natural Teeth
in US Male Adults and the NIDR Study Cohort
1998 report

Age Group	NIDR Cohort	NIDR Cohort	US Adult Males	US Adult Males
	Edentulous	# Natural Teeth	Edentulous	# Natural Teeth
40-44	1.0	25.7	4.8	23.9
45-49	2.8	26.1	9.1	21.7
50-54	6.3	25.7	9.3	21.1
55-59	6.1	23.9	17.9	20.4
60-64	6.5	23.2	23.3	19.3
65-79	10.3	21.3	28.0	18.7 (est)

Marcus, et. al., give data for tooth retention and tooth loss for the general adult public in the 1988-1991 period.

Percentage of US Adults with One or More Teeth
1988-1991
NHANES III

Age Group	Male	Male	Female	Female
	% Dentate	Ave Number of Teeth	% Dentate	Ave Number of Teeth
40-44	95.2	22.7	93.3	22.3
45-49	90.9	19.7	90.7	20.6
50-54	90.7	19.2	85.8	18.4
55-59	82.1	16.7	82.6	15.0
60-64	76.7	14.8	75.8	14.7
65-69	73.0	14.3	74.9	14.1
70-74	70.9	12.5	67.3	12.7
75+	53.4	8.4	57.8	9.4

More recent data on oral health in the US (Dye, et. al.) provide information on the number of restorations, as shown in the following table. As seen, the number of filled teeth and filled surfaces in permanent teeth has declined in both categories for those 49 and under, while those 50 and older have had an increase in one or both categories. The most dramatic increase in is those 75 and older. As shown elsewhere in this document, two thirds of all deaths are of people 75 and older.

Number of Filled Teeth and Filled Tooth Surfaces in the US
1988-1994 and 1999-2004
Secondary teeth except where indicated

Age Group	1988-94		1999-2004		Changes	
	Filled Teeth	Filled Surfaces	Filled Teeth	Filled Surfaces	Filled Teeth	Filled Surfaces
2-5 (Primary teeth)	0.34	0.87	0.47	1.33	0.13	0.46
6-11 (Primary teeth)	1.06	2.31	1.26	3.32	0.20	1.01
6-8	0.16	0.22	0.13	0.19	-0.03	-0.03
9-11	0.66	1.04	0.50	0.76	-0.16	-0.28
12-15	1.66	2.60	1.38	2.19	-0.28	-0.41
16-19	3.31	5.23	2.61	4.41	-0.70	-0.82
20-34	6.10	11.96	4.61	8.62	-1.49	-3.34
35-49	9.27	23.48	7.78	18.38	-1.49	-5.10
50-64	9.18	27.94	9.20	27.35	0.02	-0.59
65-74	9.21	29.10	8.96	29.36	-0.25	0.26
≥ 75	7.73	24.70	8.42	28.03	0.69	3.33

Two reports on the number of fillings per person in Sweden were found. In 1994, Hogland noted that in Sweden, people in the age range of 30-55 have the highest amount of mercury in their teeth (about 15 grams per person), those younger than 30 have about 10 grams and those older than 55 have 5 grams each. Using these data and information on the number of people who die in different age groups, he calculates that mercury emissions from crematoria in Sweden will increased from 177 kilograms a year in 1985 to 602 kg/year in 2020, following by a decrease to 570 in 2025.

In a report from 1996 (Gran), it is reported that the average filling in Sweden weighs one gram, of which 50% is mercury. In a study of people with an average age of approximately 44, the average was 11-12 fillings per person.

In a rule promulgated by the US FDA in 2009, the agency provides the following estimate of the number of dental restorations through 2023. The estimate does not include the quantity of mercury used.

US FDA Projected Annual Dental Restorations and In-place Amalgam Restorations
(in millions)

Year	US Population	Total Restorations	Amalgam Restorations	Other Restorations	Number of amalgam restorations in place
2009	307.2	149.0	50.5	98.5	890.5
2010	310.2	145.0	49.0	96.0	879.5
2011	313.2	141.0	47.6	93.5	867.1
2012	316.3	137.2	46.2	91.0	853.3
2013	319.3	133.4	44.8	88.5	838.1
2014	322.4	129.7	43.5	86.2	821.6
2015	325.5	126.1	42.2	83.9	803.8
2016	328.7	122.6	41.0	81.6	784.8
2017	331.8	119.1	39.8	79.4	764.6
2018	335.0	115.8	38.6	77.2	743.2
2019	338.2	112.5	37.5	75.0	720.7
2020	341.4	109.4	36.4	72.9	697.1
2021	344.6	106.3	35.4	70.9	672.5
2022	347.8	103.3	34.4	68.9	646.9
2023	351.0	100.3	33.4	67.0	620.3

Mercury in Body Tissues, Bones

According to a study done by the US Centers for Disease Control and Prevention (the 1999 National Health and Nutrition Examination Survey (NHANES 1999)), the geometric mean for mercury in the blood of women aged 16 to 49 was 1.2 ppb, with a 90th percentile reading of 6.2 ppb. For hair samples, the geometric mean was not calculated, but the 90th percentile level was 1.4 ppm.

References have not been found on the relationship of mercury levels in either blood or hair to levels in other body tissues. According to a web page of the World Health Organization, 80-90% of ingested methylmercury becomes combined with red blood cells. This implies that only 10-20% would combine with other body tissue. For metallic mercury vapors, in a US FDA rule released in 2009, it was noted that metallic mercury vapors absorbed into the body are oxidized to mercury ions (Hg^{2+}) with cells and that this mercury is unable to diffuse back across the cell membrane. The mercuric ion is said to have a half-life of two months. Two references are cited: Liu, J. et al., "Toxic effects of metals," Casarett Doull's Toxicology: The Basic Science of Poisons, Chapter 23, pp. 931-979, McGraw-Hill Medical, New York, New York, 2008, and Clarkson, T.W. et al., "The Toxicology of Mercury and Its Chemical Compounds," Critical Reviews in Toxicology, Vol. 36, pp. 609-662, 2006. Several articles discuss the half-life of mercury in the body, and more details will be sought on this subject.

As an indication of mercury levels from body tissues as part of cremations, if the average weight of a cremation is estimated at 80 kilograms (176 pounds), the data from blood and hair samples would provide a range of 9.6×10^{-5} to 1.2×10^{-1} grams of mercury in body tissues per cremation. The high end is viewed as extremely conservative as it represents the 90th percentile, not the mean level of mercury in hair.

Longevity of fillings

In a US Geological Survey report published in 2000, it was noted that the average life of a mercury amalgam filling is reported to be from 5 to 8 years, while in a 1995 article in a Swiss dental medicine journal (Matter-Grütter), the average life was stated to be 10 years, and 10 years is the assumption used in Defra's 2nd consultation, published in 2004 (UK Department for Environment, Food and Rural Affairs). In a 1991 article in *Consumer Reports*, (Anonymous) however, the life of mercury fillings was given as 10-20 years.

If these data are correct, they imply at least two things: (1) the amount of mercury fillings in cremations depends on the amount of fillings obtained in the last decade or so of life, and (2) changes in dental filling practices will affect the amount of mercury found in cremations relatively rapidly.

Mercury from Dental Restorations in Cremations

Most of the data of estimates of the amount of mercury in dentant restorations are from the 1990s or before, with detailed studies done in Switzerland in 1990 and 1995. The most specific estimate was done in 2010 by Bender for a US Congressional hearing.

Bender estimates that mercury emissions from crematoria will be about 7,700 kilograms (17,000 pounds) in 2020. This estimate is based on a cremation rate of 50%, making an interpolation of estimates from the Cremation Association of North America and estimates of tooth retention and amalgam per cremation as noted by studies in the UK. This estimate compares to a mercury flow model from the US EPA of 2005-2010 emissions of about 3,000 kg (6,500 pounds).

Cain, et al, and Cain, 2006, of the US EPA Region V, estimated mercury emissions from crematoria at about 3 metric tons a year, with the split between air and land emissions for 2005-2010 being 2.2 and 0.74 tonnes, respectively.

In a 1993 Swedish report (Axelsson) on mercury flows in Göteborg (Gothenburg), an accounting was done for cremations in 1984 and 1991, with a forecast for 2000.

The study notes that the amount of mercury in fillings per cremation changed from 1984 and 1991 from 3.6 to 4.6 grams, while the forecast is for 5.9 grams in 2000. This is due in part to a change in the age distribution of the deceased, but more due to an increased retention of teeth by older people and hence a greater presence of mercury fillings in the cremations. For example, from 1984 to 1991, the percent of cremations and amount of mercury per cremation changed as follows in Gothenburg;

Mercury from Dental Fillings in Cremations in Gothenburg, Sweden

Age Group	Mercury per cremation, grams	Mercury per cremation, grams	Percent of cremations	Percent of cremations
	1984	1991	1984	1991
0-4	0	0	1%	1%
5-29	10	5	2%	1%
30-34	18	10	1%	1%
35-39	17	10	1%	1%
40-44	15	10	1%	1%
45-49	13	13	2%	2%
50-54	12	12	3%	2%
55-59	8	12	4%	3%
60-64	6	8	7%	5%
75-84	2	3	23%	21%
85+	1	2	33%	36%

For Switzerland, two articles from a Swiss dental medicine magazine were found on a determination of mercury levels in the teeth of deceased who are cremated.

The first Swiss article is from a 1990 journal of dental medicine (Rivola). A study was done of the amount of mercury found in 130 cremations in Zurich, with each body examined by visual techniques and x-rays. Based on a study of the amount of mercury in extracted teeth (62 molars and 72 pre-molars), it was assumed for the cremations that each molar filling had 1.20 grams of amalgam, while each pre-molar filling had 0.79 grams of amalgam. The authors assumed that 40% of the amalgam was mercury, although noted that a more recent study had found that 43% of the amalgam was mercury.

The average age of the deceased was 77.4 years, and it was found that 32% of the deceased had no natural teeth, with a 95% confidence interval of $\pm 8.3\%$. For those with teeth (average age was 60.9 years), there were 2.49 grams of mercury in the fillings, with a 95% confidence interval of ± 0.37 grams.

The second article is from 1995 (Matter-Grütter) and builds on the first article. The amount of mercury in 28 cremations was studied and given by age, but it is not clear if these are representative of the Swiss population as a whole or instead more likely, it is what was available as part of the study to determine mercury emissions from crematoria. The statistical analyses of these data were performed by this reviewer. The results are as follows:

Mercury from Dental Fillings in Test Cremations in Zurich, Switzerland

Age	Number	Average Mercury, grams	Standard Deviation, grams	Coefficient of Variation
20-40	5	4.08	1.84	45%
41-60	7	4.45	1.32	30%
61-80	8	2.94	2.20	75%
81-99	8	2.32	1.73	75%

In a 2003 report from the United Kingdom agency Defra (Department for Environment, Food and Rural Affairs), it was estimated that the amount of mercury from cremations will increase in that country by two-thirds from 2000 to 2020 and account for between 11% and 35% of all mercury emissions to the air in 2020. After 2020, the amount of mercury from cremations is estimated to stabilize for a period of time and then decrease, based on the declining amount of mercury in current and future dental restorations.

The 2003 Defra report includes data on the occurrence of restorations in various age groups, developed by the Office of National Statistics, in a 1999 document. In one table, it provides the following data for the percentage of adults with no teeth:

Percentage of Adults in the UK with no teeth
Office of National Statistics, 1999

Age	1978	1988	1998
16-24	ND	ND	ND
25-34	4	1	ND
35-44	13	4	1
45-54	32	17	6
55-64	56	37	20
65-74	79	57	36
over 75	79	80	58

Also provided are data for the number of restorations in those adults who had teeth:

Number of Sound Restorations in Dentate Adults in the UK
Office of National Statistics, 1999

Age	1978	1988	1998
16-24	8	5.5	2.9
25-34	9.8	10	7.4
35-44	8.9	11.1	10.1
45-54	7.1	9.6	11.1
55-64	ND	7.1	9
65-74	4.8	5.7	8.2
over 75	ND	3.7	6.5

The report noted that in a 2001 study of 18 cremations in the UK, six released very little mercury, with the average mercury emission being 0.9 grams, with a maximum of 6.76 grams. The report further notes that in the UK, 3.0 grams of mercury per cremation is typically used in calculating mercury emissions from cremations and is used in the National Atmospheric Emission Inventory. The 2004 Defra consultation recommends that this number be revised and more details are given in the next section.

Air emissions from cremations

Data on mercury air emissions from cremations were found from the UK, the US, Norway, Sweden, Finland and Switzerland. The range of data is very large, from 0.94×10^{-3} gram/body in a US report to 8.6 grams in other reports. Defra (2004a) reports ranges as high as 6.76 grams from some cadavers. In no case was a mass balance performed, with measurements of mercury deposited on the walls of the crematoria or the amount of

mercury in the cremated ash, the filter or water from scrubbers. While one study found a relationship to account for almost 77% of the mercury from the cremation of three cases of mercury amalgam added to a coffin without a corpse, other reports account for less than 1% of the mercury available in the fillings.

A 1990 correspondence by Mills in *Nature* noted that there had been few, if any, studies on the release of mercury from crematoria. In laboratory work, the author found that decomposition of amalgam was detectable at 200° C and essentially complete at 700° C. The author concludes that during cremation, all the mercury in standard dental amalgams would be released.

Other researchers concluded that higher temperatures are needed for the release of all mercury from amalgam. Odanovic and Djurdjevic concluded that decomposition was very significant for in a laboratory test of heating amalgam to 400° C, with the percentage of mercury in the amalgam falling from 50.17% to 3.11% after two hours of heating. At higher temperatures, the release of mercury was more complete; a temperature of 800° C left mercury amounts at 0.7 % after 1.5 hours, while mercury was below detectable levels after heating to 850° C for one hour or more.

Mills estimates that 30% of the adults in the UK have lost all of their normal teeth and that the rest have an average of 7.5 fillings. He concludes that the average amount of mercury in the deceased is 5 fillings, and, by measuring the amount of mercury in ampoules, estimates an average of 3 grams per cremation.

The estimate of Mills is judged to be reasonable by a follow-up correspondence in *Nature* by Künzler and Andrée, who report on tests done in a crematorium in Switzerland, but is said to be too high by Basu and Wilson in their follow-up correspondence in *Nature* in 1991. Using data on the age distribution of the death records and the loss of teeth by age group, their estimate is that the following amounts of mercury would be present in the deceased:

Estimated Mercury in the fillings of the deceased in England and Wales, 1988
Basu and Wilson

Age group	Number of deceased	Percent with teeth	Number with teeth	Number of fillings	Grams of mercury, at 0.6 grams per filling
under 65	161,587	100%	161,587	9	872,570
65-74	137,179	43%	59,000	5.7	201,780
75 and older	272,642	20%	54,500	3.7	120,990
Total	571,408	-	-	-	1,195,340

Basu and Wilson estimate that that the estimates of Mills are too high, but as noted by Burton, there is a mathematical error in their article. According to the data in the table above, taken from Basu and Wilson but corrected by this reviewer to conform to the note by Wilson, the average mercury per cremation would be about 2.1 grams.

As noted in the previous section, the 2003 and 2004 consultations of Defra note that the UK National Atmospheric Emission Inventory for 2002 uses a value of 3 grams per cremation, and that it is estimated that cremations account for about 16% of all atmospheric emissions of mercury in the country. Both reports point out that tests done in the UK of 18 cremations found emissions averaging 0.9 grams per body (with the highest test at 6.76 grams), and the 2004 consultation includes a description of the work of both Mills as well as Basu

and Wilson, and Burton, as described above. Recognizing that developing an estimate is a difficult process, the consultation looks at the changes in the number of teeth remaining at various ages and the number of restorations in the various age groups, and develops an alternative estimate, as follows:

Estimated Mercury Emissions from Cremations in the UK
(2004 Defra Consultation)

Year	Emission (grams/cremation)
1968	0.49
1978	0.66
1988	1.04
1998	1.71
2003	1.92

For the US, the data on mercury emissions from crematoria is extremely limited. Two different EPA reports on the Internet from 1997 provide two drastically different conclusions, both based apparently on the same study.

For the US, in one study (EPA, 1997a), a value of 1.5×10^{-3} kg (1.5 grams) of mercury per cremation is reported, from a 1992 test done in California of a propane fired crematorium. The EPA report does not provide data on the age of the deceased, or the number and size of the fillings and the mercury estimated to be contained in the fillings. The reference for this data is a report of California Air Resources Board (CARB), 1992.

Evaluation Test on Two Propane-Fired Crematories at Camellia Memorial Lawn Cemetery. Test Report No. C-90-004. October 29, 1992. This reviewer has not been able to obtain this study.

In the second EPA report (1997b), the amount of mercury is reported at 0.94×10^{-6} kg/body (0.94×10^{-3} gram/body). The test results were said to have been obtained from a confidential test report to the California Air Resource Board. The reference given for this report is *FIRE Version 5.0*, EPA-454/R-95-012, U. S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, August 1995.

Both EPA reports note that “Only one set of data are available for the average quantity of mercury emitted for a cremation” in the U.S. (Page A-17 in EPA, 1997a, and page 4-36, EPA, 1997b.)

Two years later, however, other data were available, and for the US estimate of mercury releases from cremation, the US 1999 National Emissions Inventory uses data from a study done at the Woodlawn Cemetery crematorium to estimate that there are about 5.32×10^{-3} lbs of mercury emitted to the air per ton of cadavers cremated, with an average cadaver estimated to weigh 168 pounds (ERG). This is equivalent to 0.2027 grams per cremation.

In 1999, EPA and the Cremation Association of North America did a series of tests of emissions from cremations at the Woodlawn Cemetery, located in The Bronx, New York, where the tests were done from June 11 through June 17, 1999. The data are both reported on the Internet, and, according to an email note from a staff person with the state of Maine (Macdonald), in an industry trade magazine, *The Cremationist of North America* (Vol. 35, No. 4, 1999). In addition a review was done of the actual study, which was obtained from the US EPA.

Nine cremations were done, 3 each at the operating temperatures of 1400° F (760° C), 1600° F (870° C) and 1800° F (980° C).. The article on the Internet says that mercury averaged 0.23 grams/hour of operation, but

there are no data on mercury emissions varying with temperatures, since, according to the article, it was assumed that mercury emissions would not change with temperature. According to the writer from Maine, this level of emissions appears to be in the range of 1 gram or so per cremation. This would imply that each cremation lasts over 4 hours, much longer than what is reported in European information.

However, the actual study (US EPA, 1999) shows somewhat different data. For background, the crematorium has four cremation units that feed into a common chimney, which includes a wet scrubber. According to Rahill (2005b), this is the only crematorium in the US that is known to have a wet scrubber and was specifically selected for this test to determine the effectiveness of a scrubber to remove materials from the exhaust gas. Each cremation unit has two chambers, the primary or retort chamber and the secondary chamber. The retort is preheated prior to introducing the body container for cremation. A typical cremation lasts approximately two hours. Following the cremation, the cool down, removal of the remains, and preheating for the next cremation takes approximately one hour.

As noted above, testing was conducted for three conditions, where secondary chamber temperatures were varied to be about 1400°, 1600° and 1800° F per test (approximately 760°, 870°, and 980° C, respectively). Each test consisted of three sampling runs at the scrubber inlet and outlet.

The data for these tests are contained in the following table:

Woodlawn Cemetery Cremation Test Results for Mercury, 1999

Run	Age	Gender	Weight	Container Weight	Body wrappings	Average Secondary Chamber Temperature, °F	Inlet Hg emissions, g/hour	Outlet Hg emissions, g/hour
1	78	M	157	15	No clothes; plastic sheet	1425	0.3	0.2
2	70	F	163	85	No clothes; plastic sheet	1475	0.003	0.006
3	91	M	182	10	Plastic pouch	1450	0.51	0.23
4	55	M	199	10	Plastic pouch	1660	0.82	0.71
5	74	M	180	100	Suit, leather shoes	1656	0.14	0.07
6	76	M	188	30	Plastic sheets	1645	0.02	0.01
7	65	M	140	100	Hospital gown	1845	0.24	0.16
8	88	F	200	10	Plastic pouch	1838	0.014	0.012
9	88	M	105	10	Plastic pouch	1838	0.005	0.007
Average	76.1	7 M, 2 F	168.2	41.1	-	-	0.228	0.156

The report gives no data on the number of teeth nor the number of restorations present. In addition, although it is clear that some mercury was removed by the wet scrubber system, no data are provided on the analysis of the mercury in the water from the scrubber. The ash also does not appear to have been tested for mercury. The report also does not indicate how the cadavers for analysis were selected and whether they are representative of the population being cremated. For example, as seen by the data, there is not a balance between male and female cadavers. According to the Defra second consultation (2004a), elderly men are likely to have more fillings than elderly women, so the above tests may overstate the amount of mercury from cremations.

The tests for mercury releases also were not done continuously during the cremations. In the nine test runs, gaps in emission testing at the inlet to the scrubber range up to 40 minutes. The clock times between the start and the finish of the test ranges from 2 hours and 13 minutes to 2 hours and 40 minutes.

The number of tests are too few to determine if there is a correlation between secondary chamber temperatures and mercury emissions, and a cursory review does not indicate that such a correlation exists, with mercury emissions at the input to the scrubber averaging 0.27 grams per hour for the tests at about 1400° F, 0.33 grams/hour for the tests at 1600° F and 0.086 grams per hour for the tests at 1800° F. (On the other hand, there were increased emissions of HCl, Cd, Pb and PCDD/PCDF homologues with increased temperatures.)

The Woodlawn study only reports the emissions in terms of grams per hour and no conversion is given for total releases. According to Rahill (2005c), most of the mercury emissions would have been during the first hour of actual cremation, and the values reported are for that period. He concludes that the reported values of emissions per hour are equivalent to total emissions. Thus, for run 1, he concludes that the total emissions at the inlet to the scrubber were 0.30 grams of mercury.

The authors of the Woodlawn study, however, recommend against the use of their data without caution; all three volumes of the EPA study contain a disclaimer that:

“This report presents the results of a single test program at a single cremation facility. It should not be assumed that these results would characterize emissions at other cremation facilities without further study.”

Moreover, the lead staff person (Surman) for the consulting firm (Midwest Research Institute) that performed the work notes that the data are subject to interpretation. He goes on to note that the data are averages and recommends that they be multiplied by the total time of the cremation. He also notes that they do not include measurements from the time break during which the measuring instruments were switched from one access port to another, nor any releases from the warm-up and cool down periods. For run 1, he recommends multiplying the emissions per hour times the difference between the end and the start of the test, or with a start time of 15:21, and an end time of 18:01 (total time lapse of 2.67 hours), the total emission would be 2.67 hours x 0.30 grams/hour or an estimated 0.8 grams of mercury for this cremation.

Thus, there is a significant difference of opinion among two of the principals in the Woodlawn study on how to interpret the data from this study. In addition, the EPA project manager of the study (Curtis) questions the validity of the testing, and notes that mercury levels were sometimes higher after pollution control equipment than before it (Cain, 2005).

As another estimate of mercury emissions from US crematoria, an email note from a state official in Maine (Macdonald) noted that a report titled *The Northeast States and Eastern Canadian Provinces Mercury Study*, February, 1998 suggests a range of emission values from 0.8 to 5.6 grams of mercury per cremation, or an average rate of 2.9 grams of mercury per cremation. A copy of this report has not been obtained by this reviewer. However, a chapter of this report was found on the Internet, and in this chapter, the suggested emission levels from crematoria are based on a review of data by EPA from Germany, Switzerland and the United Kingdom is said to be about 1 gram per cremation. In addition, a more recent NESCAUM report, *Inventory of Anthropogenic Mercury Emissions in the Northeast*, reports the same range of estimates from six cited references.

A more recent US estimate of mercury emissions from crematoria is from a mercury flow workbook prepared for EPA Region V by Barr Engineering and updated by EPA staff. In the January 2006 version (Cain, 2006), the estimate is that in 2005, there were 2,961 kilograms of dental mercury that were in the corpses cremated, and

75% (2,221 kg) were released as air emissions and 25% (740 kg) were released to the land (also, US EPA, 2010). The primary source of the land emissions is mercury attached to settled particulates from the crematoria. This estimate is based on the judgment of staff from the Wisconsin Department of Natural Resources, which helped develop the data for the model – no hard data were available for this estimate.

In a Canadian publication, a January 1998 document known as the *Emission Inventory Guidebook*, the role of crematoria for a variety of air emissions is summarized, with a review of data from 12 countries. It concludes that for most materials, crematoria are a minor source of emissions. The exception is heavy metals, including mercury, for which cremations are said to be responsible for up to 21% of the emissions, as in Sweden.

The guidebook notes that the majority of the mercury comes from dental fillings, which it lists as being between 5 and 10 grams per corpse. However, it lists the emissions from the EPA study as 9.344×10^{-7} kg per body, or 9.344×10^{-4} grams/body, less than 0.02% of the mercury contained in the fillings.

In a February, 2001 newspaper article in a UK newspaper, it was reported that the 440,000 cremations done annually in Great Britain resulted in an emission of 1,300 kg of mercury to the air, or about 2.95 grams of mercury per cremation. As noted previously, a 2003 UK report estimates that the amount of mercury from cremations in that country will increase by two-thirds from 2000 to 2020 and in 2020, cremations will account for between 11% and 35% of all mercury emitted to the air.

In Norway, a researcher reported in a February 2001 email that it is estimated that between 2 and 4 grams of mercury are emitted to the air per cremation, but that it is dependent on the age of the deceased. He has measured one such cremation and found an emission level of 0.80 mg Hg/ Nm³ gas over a cremation of 2 hours. The gas volume was some 3,500 Nm³ gas/hr. (one furnace), so the total volume was 5.6 grams. In a different email, this same researcher reported for another cremation the same concentration of mercury, but a 1.5 hour duration and a gas volume of 3,880 Nm³/hour.

A staff person at the Norwegian equivalent of the EPA also wrote an email, noting that an inventory of mercury emissions in Norway puts the emissions per cremation at 4.9 grams. The report is available on the Internet at <http://www.ssb.no/milgiftn/>.

In a draft fact sheet on crematoria from early 2001 being prepared for the Swedish Environmental Protection Agency, an average emission of 5 grams of mercury is assumed. The reference for this assumption is not listed, although the bibliography for the fact sheet has several references to a number of Swedish reports on mercury emissions from crematoria. The fact sheet notes that in Sweden, cremations account for just under 32% of the mercury emissions to the atmosphere.

Research in Switzerland was published in 1995 in an article in a Swiss journal of dental medicine (Matter-Grütter, “Quecksilber- Emissionsmessungen in einem Krematorium”). In this study, the amount of mercury was estimated in 54 bodies before cremation using a modification of the technique in the article described above, by classifying the filings in various size categories as well as type of tooth. The bodies were cremated without the level of mercury known to the people doing the cremations or testing the stack for emissions and the exhaust gases were measured for mercury levels. Data on the deceased include their age in 20 year intervals and the amount of mercury in their fillings and the results are provided for each cremation and analyzed by output vs. input and by furnace temperature.

A total of 60 cremations were done, divided into a group of 54 cremations of corpses, approximately half with mercury fillings and half without, and 6 “blind” tests where the coffins were empty but a specific amount of mercury amalgam was added in three of these coffins.

There was a correlation of 0.85 between input quantities of mercury and output quantities when all data were included and 0.93 when several “outliers” were excluded. However, the output averaged only about 56% of the input for the 54 cremations of actual bodies and approximately 77% in the three tests that a known amount of mercury amalgam was added to the blind test coffins. There was also mercury in the emissions of corpses that had no fillings. In a series of cremations of corpses with no fillings, the level of mercury emissions in the exhaust steadily declined with each subsequent cremation. It was concluded that during those cremations with mercury fillings, some of the mercury was deposited on the walls of the crematory rather than being exhausted to the air. The wall-deposited mercury was then emitted during subsequent cremations, including cremations that had no mercury. An analysis was also done of mercury emissions from the cremation those corpses without mercury fillings with respect to exhaust temperatures. A positive relationship was found, with more mercury emitted with higher temperatures, and a correlation of 0.56. There was no correlation found for mercury emissions and age for those corpses that had no fillings.

Actual output data were not provided in a numerical form, but instead are represented in a bar graph, with the highest value being approximately 8.6 grams, as measured by this reviewer. Similarly, the level of mercury emissions per Nm³ was not provided, although it was stated that in 82% of the cremations of people with fillings, emission levels exceeded 0.2 mg/Nm³. In addition, this level was exceeded for 12% of the cremations of bodies with no fillings.

It was recognized that mercury could come from other sources, such as mercury in body tissues or other devices, such as the batteries of pacemakers. However, these sources of mercury were not calculated or estimated.

Rahill (2008) describes both the Woodlawn study noted above and studies done in the UK in which he writes that the emissions were 0.128 grams per cremation from a test at the Craigton Crematorium in 2006 and 0.323 grams per cremation at the Linn Crematorium in 2007. No citations were provided for obtaining the reports from these two studies, and this reviewer was unable to find any reports for these data on the Internet. A note was sent to Mr. Rahill in March 2012 for either copies of the reports or links on the Internet.

In 2010 article, Carns, et. al., reported on the results of mercury emissions from four UK crematoria using atomic spectrometry. They note that they were unable to calculate the total quantity of mercury from each cremation because they did not collect data on the flow rates, but that all the mercury appeared to be emitted within the first 40 minutes of the beginning of the cremation process. They also noted that the ratio of ionic mercury to total mercury decreased with increasing concentrations of mercury. For example, 75% of the total mercury was oxidized in the test where the mean total mercury gas concentration was 25.8 µg/m³, and 29% where the total mean gas concentration was 1094.5 µg/m³.

Mercury Emissions and Crematoria Workers

The issue of the impact of the mercury on the workers at crematoria has been discussed in varying depths by researchers in at least Sweden, Norway and the UK.

In 1994, an article by von Platen in a Swedish newsletter on worker protection postulated that the gaseous mercury produced during a cremation would disperse through the porous brick of the oven and that the levels of mercury could reach 370 times the Swedish standard for mercury in the air of a work environment. This theory was challenged by a later writer (Stråby), although no actual air measurements were offered by either writer.

A year later, the Swedish Institutet för vatten och luftvårdsforskning (Institute for Water and Air Protection Research) in Göteborg prepared a report on mercury in crematoria, which was referenced in a similar report done by the Norwegian Statens arbeidsmiljøinstitutt (The State Work Environment Institute). According to the

Norwegian report (Haugen), the Swedish study found average values of mercury of 0.122, 0.011, 0.177 and 0.249 $\mu\text{g}/\text{m}^3$ in the air at four crematoria. The outside air had average levels of mercury of 0.002 $\mu\text{g}/\text{m}^3$.

In the Norwegian study, measurements were made at three crematoria for a period of one week each. With one exception, all measurements in the air were below the level of detection, which, depending on background levels was 0.2 to 2 $\mu\text{g}/\text{m}^3$. The level of mercury in the morning urine of 29 crematoria employees from 18 crematoria was measured and found to be an average of 15.2 nmol/liter, with a range of 4-39 nmol/liter. According to the authors, any concentration of less than 50 nmol/liters is assumed to be non-work related. The workers who were tested worked more than 50% time and the crematoria all had a minimum of 100 cremations a year.

A more detailed analysis of the impact of the mercury released during cremation on the mercury levels in the employees of the crematoria was presented in an article in *The Lancet*, published in 1998 (Maloney), with the research done in the UK. Measurements were made of the level of mercury in the worker's hair, stratified by the type of work that they did, along with data from a control group and the number of fillings in the people studied. The authors conclude that the employees had an increased level of mercury in their hair as compared to the control group ($p = 0.0016$) and that there were statistically significant differences between the strata for the types of work that people did ($p = 0.024$), as shown in the following table.

Mercury in Crematoria Workers
The Lancet, 1998

Occupation	Number sampled	Mean Hg in hair in ppm, and standard error	Mean number of fillings
Administration	38	1.84 (0.20)	6.84
Cremation operative	48	1.60 (0.25)	5.85
Groundskeeper	11	1.47 (0.59)	4.82
Total crematoria workers	97	1.68 (0.16)	6.12
Control	46	0.97 (0.11)	5.65

The research did not show a statistical correlation between the number of cremations performed annually and the levels of mercury found, but there was a statistically significant difference ($p = 0.039$) between those workers at crematoria with more than 1,600 cremations a year and those workers at crematoria with low outputs, with means of 1.96 and 1.47 ppm, respectively.

A follow up exchange in *The Lancet* (Nielsen) expressed some questions about the conclusions of the authors that the levels of mercury in the crematoria employees' hair was related to their work in the crematoria and instead pointed out a possible correlation with the number of dental fillings of the workers and the potential of other factors, such as the consumption of fish. The authors of the original article said that further analysis of the data showed only a superficial explanation of the levels in the hair and number of fillings and believe that the level of fish consumption in the UK would not warrant the levels of mercury in the hair.

Mercury Emissions and the Neighboring Area

Dummer, et al, found that there was an increased risk of stillbirths around crematoria in Cumbria, England during the period of 1956-1993, but the cause of this increase was not identified, and the authors call for more investigations.

The Level of Mercury in the Air Surrounding Crematoria

In a March 2012 report for a proposed crematorium in Manassas, VA, Green and Zemba estimated the mercury levels that would be found in the air surrounding the crematorium based on an estimate of cremating 4 corpses a day with an average of 3 grams of mercury per corpse. They estimated that the mercury levels would be 3 ng/m^3 in a nearby residential area and concluded that this level would be safe as they were far lower than the existing health-based exposure guidelines for the general public, which range from 300 ng/m^3 from the US EPA to 100 ng/m^3 from the Virginia DEQ. The report does not given the assumptions of stack height or local conditions, nor the distance to the neighborhood or the school. This reviewer contacted the authors and in a telephone conversation, the authors said that they would provide the reviewer with more information to include in this report.

In a draft document from June, 2011, Craft looked at four issues related to mercury emissions from crematoria:

1. emission estimates
2. dispersion modeling results
3. acute risk calculations, and a
4. partial effort to identify risk reduction measures.

For the actual risk calculations, scenarios were examined at 20 meters and 300 meters from a hypothetical crematorium. At 20 meters, assuming a constant emission rate of 0.006 grams per second, a Hazard Index of 30 was calculated under the standards of the California Office of Environmental Health Hazard Assessment (OEHHA), while at 300 meters, a Hazard Index of 2.7 was calculated.

The California Office of Environmental Health Hazard Assessment (OEHHA) maintains of web page of acute, 8-hour and chronic reference exposure levels. As of December, 2008, the values for mercury and inorganic mercury were $0.6 \text{ } \mu\text{g/m}^3$ for acute, $0.06 \text{ } \mu\text{g/m}^3$ for 8-hour and $0.03 \text{ } \mu\text{g/m}^3$ for inhalation chronic reference exposure levels and $0.16 \text{ } \mu\text{g/kg}$ body weight-day for a chronic oral reference exposure level.

A 2006 study done of a crematorium in Rawlins, Wyoming (URS) looked at 20 species of emissions from the stack, and an air dispersion model was developed using the Industrial Source Complex Short Term, Version 3 model (ISCST3). A stack height of 15 feet was used, along with natural gas as a fuel. Two mercury emission rates were found in the literature, one at $1.438 \times 10^{-6} \text{ lb/hr}$ from a 1996 EPA report and the other at $5.73 \times 10^{-4} \text{ lb/hr}$ from the EPA/CANA test at Woodlawn in 1999. A maximum emission rate of $5.732 \times 10^{-4} \text{ lb/hr}$ was assumed and calculated to be equal to $7.222 \times 10^{-5} \text{ grams per second}$. Using these assumptions and values, the annual average mercury concentration was estimated at $8.06 \times 10^{-3} \text{ } \mu\text{g/m}^3$, with 1 hour concentrations of $0.246 \text{ } \mu\text{g/m}^3$. These values were below the then-existing US EPA Region 9 Annual Preliminary Remediation Goal of $0.31 \text{ } \mu\text{g/m}^3$. According to the study, only cadmium and dioxins/furans were estimated to exceed air quality standards.

An email note was sent to the URS Corporation in November 2011 to see if the results of the model might be scalable given changes in estimates of the quantity of mercury from cremations with more recent data as well as future estimates. The short answer (Bloom) that they could be if the number and speciation is not too different from the original data. The full answer provides other insights and suggestions for this topic and so is reprinted here in its entirety:

I have been asked to respond to your questions regarding Hg emissions from crematoria. The good news is that I know quite a bit about the behaviour of mercury released to the environment, but the bad news is that I do not know so much about atmospheric dispersion modeling. That having been established, I believe that the results would be scalable over a reasonable range of Hg concentrations as long as several criteria are met: (1) the speciation ratios of gaseous Hg(0) to gaseous Hg(II) to particulate Hg in the emissions scenarios are always the same, regardless of total Hg concentration. This is critical, as the deposition rates for particulate Hg and gaseous Hg(II) are orders of magnitude greater than for gaseous Hg(0), leading these to fall out much closer to the source. Because of the nature of the chemistry of cremation, it is likely that the vast majority of Hg emitted from crematoria is in the form of Hg(0), making this concern unlikely to be of major effect; (2) one must assume that the concentration of Hg in the flue gas emissions are low enough in all scenarios that one does not risk seeing condensation of gas phase Hg(0) to liquid phase Hg(0) droplets in the case of higher flue gas concentrations, upon coming into contact with cooler outside air. If one was burning bodies that contained no dental amalgams (average Hg concentration <0.1 mg/kg, or 5-10 mg Hg/body), the levels of emitted mercury should be very low, and even if two or three times higher, the levels would still be low, making condensation, even on very cold days seemingly unlikely (air at 20 C can hold around 13.2 mg/m³ of Hg(0) at saturation, while at 0 C, the saturation level is perhaps more on the order of 2.4 mg/m³). If the body contained a mouth full of dental amalgams, on the other hand, then the amount of Hg emitted could be up to 20 grams of Hg, which would likely be volatilized as a relatively short spike into not too large a volume of flue gas. For example, 20 grams of Hg(0) released into 1000 m³ of fluegas would give a level of 20 mg/m³ (at STP), which would definitely risk precipitating out micro-droplets of liquid Hg if rapidly cooled to 0 C. Of course, if the released flue gas was diluted by outside air at a rate faster than it is cooled down, then the Hg(0) might always remain in the gas phase. However, watching steam condense from combustion stacks on cold days suggests that condensation and so rapid fallout would be a possibility. Finally (3) there is the issue of active uptake of gaseous Hg(0) by plant leaves--this is a non-linear relationship, with leaves actually emitting Hg(0) from their leaves (taken up from groundwater) when the air levels are low (< 3-5 ng/m³ of Hg(0)), a net uptake/release balance of zero at this concentration (the compensation point), followed by active uptake of Hg(0) and deposition of the then enzymatically oxidized aqueous Hg(II) into the forming wood of the tree when atmospheric levels reach levels of greater than the compensation point. The exact compensation point varies with foliage, Hg(0) concentration in the ground water near the roots, and likely with season and time of day. My guess is that given the short stacks found on crematoria, and the likely significantly higher than 5 ng/m³ emissions levels of Hg(0), that uptake by local foliage is a significant loss factor. This has been shown in the vicinity of mercury cell chlor alkali plants, municipal waste incinerators, alumina extraction plants, gold mines, etc. In fact, one can possibly develop empirical factors by which the biochronologies of Hg bound into wood tissues versus year of deposition (by counting tree rings) which could be used to validate results from dispersion modeling--especially historically and over a wide area. For example, if more bodies with more amalgam fillings were combusted in the 1970's than in the 2000's, then this would be seen as a peak of Hg trapped in wood cores drilled from local trees. I have done quite a bit of this kind of work together with my colleague, Dr. Ralph Turner, formerly of the Oak Ridge National Laboratory--although there are a range of considerations that tends to render the methodology more qualitative (a good comparison between relative exposures at different sites and times) than quantitative, since it is near impossible to obtain specific uptake rates for specific tree species (we have a small amount of such data from trees in Oak Ridge, TN).

In 2011, two reports were done by the consulting firm EnSafe for the City of Spring Hill, TN on the estimated air emissions from a proposed crematory. In the first report, a description was given of 16 types and categories of air pollution, with the note that most attention focused on dioxins/furans and mercury. The report looked at 11 pollutants and compared expected emissions from the crematory with those from other sources, such as

residential natural gas furnaces, residential fireplaces and wood stoves and commercial/institutional boilers fired with natural gas or wood. The source of the data is the EPA FIRE Database, and mercury emissions are put at 0.001 lbs per cremation or about 0.45 grams per cremation. The report concludes that emissions are dioxins/furan emissions would be roughly three orders of magnitude lower than those from a residential woodstove and that mercury emissions would be on the order of magnitude of a commercial/institutional boiler fired either by natural gas or wood.

In the second report, EPA's air dispersal model AERMOD, version 11103, was used to predict air concentrations. This report provides data on mercury, dioxins and furans; for mercury, 19 estimates are provided for long-term emissions rates, 1-hour rates and 8-hour rates. As an example, 1-hour rates vary from 2.61×10^{-6} to 2.39×10^{-3} grams/second. The emission rates used were:

1-hour:	US EPA 4.15×10^{-4} g/s and a maximum of 2.39×10^{-3} g/s
8-hour:	US EPA 1.55×10^{-4} g/s and a maximum of 8.96×10^{-4} g/s
Annual:	US EPA 1.38×10^{-4} g/s and a maximum of 7.96×10^{-4} g/s

A stack height of 29 feet was used, and the California OEHHA screening levels were used at $0.6 \mu\text{g}/\text{m}^3$ for 1-hour acute, $0.06 \mu\text{g}/\text{m}^3$ for 8-hour acute and $0.03 \mu\text{g}/\text{m}^3$ for annual chronic exposures. For the entire modeling domain, mercury emissions were estimated to exceed the screening level in two of the six rates – the maximum emission rate for 1-hour acute exposures and the maximum emission rate for 8-hour acute exposures. In the other four analyses, the mercury levels were between 17% and 87% of the screening level.

The dispersion of mercury which is released from crematoria might partially be indicated by studies that look at the dispersion of mercury from solid waste incineration systems. In a review of mercury from incineration by van Velzen, et. al., (2002), it is noted that flue gas leaving an incinerator stack has a linear velocity of more than 10 meters per second, and will act as a free turbulent jet, resulting in considerable dilution in a short period of time, with a dilution factor of 10^5 after about 200 meters and 10^6 after a distance of 1 kilometer.

Mercury in the Soil Surrounding Crematoria

In an anonymously authored 1990 article published in *Resurgam*, the newsletter of the Cremation Society of Great Britain and the Federation of British Cremation Authorities, results are reported from soil samples at a crematorium that had done in excess of 112,000 cremations over a period of 40 years, as given in the table:

Mercury in Soil Surrounding a Crematorium
Great Britain

Sample number	Distance from chimney	Mercury (mg/kg)
9H005P	142 meters, upwind	0.09
9H004P	61 meters, upwind	0.10
9H003P	51 meters, downwind	0.17
9H002P	138 meters, downwind	0.17
9H001P	233 meters, downwind	0.09

In a 1992 article in a dental magazine in Denmark by Arenholt-Bindslev, the author says that some studies have found slightly elevated mercury levels in the soil and plants near crematoria, whereas other studies have not found elevated levels. The reference cited is an 1986 Swedish report by S. Mörner and T. Nilsson,

“Kviksilverutläpp från Göteborgs krematorier”, published by the city of Göteborg. This reviewer has not yet been able to obtain a copy of the Göteborg study.

A 1994 study by Phillips, et. al., in the UK found that mercury levels in the soil were elevated around several crematoria. In one case, the soil levels were from 610 to 1,320 ppb, compared to a background or control level of 430 ppb. The highest level was found in the location closest to the chimney. Samples consisted of 2 kg of soil from underneath the top 2 cm of soil, but the depth of the samples was not described. No data were provided on the number of cremations at this crematorium, nor the length of time that it was in operation.

In a 1996 Swiss article (Anon., “Schwermetalle und Fluor in der Umgebung der Zürcher Krematorien”), there is a discussion from a study that was made of mercury and other substances in the area surrounding several crematoria in Zurich. It was found that there were measurably higher levels of mercury in the soil than in background soil, especially within 100 meters of the crematoria, although the report did not provide the actual data, nor information on the number of cremations performed nor the length of time that the crematoria had been in operation. While the current levels of mercury in the soil were not found to be of environmental or health concern, the future level of mercury in the soil is of concern, since the number of cremations is expected to increase faster than the decrease in the amount of mercury used for dental purposes. Three scenarios were done of mercury emissions from crematoria over the next 50 years, using assumptions of 2, 3 and 5 grams of emission per cremation.

In a latter article from Switzerland (Schilling), it was noted that the soil near the Winterthur crematorium near Zurich, there were elevated levels of mercury to a distance of 500 meters in a 1992 study. However, no specific data were provided in this article. Because of increases in the number of cremations at this location, the leader of the canton’s soil protection unit [Fachstelle für Bodenschutz] forecast a significant increase in the contamination of the soil. However, no more recent soil tests have been done of the mercury levels near the Zurich crematoria since the 1992 study at the time that this article was published. .

In a 1997 New Zealand study (Nieschmidt and Kim), an investigation was done of the soil surround three crematoria, and increases were found of mercury level levels in the top 5 cm of soil. A summary of the data can be found in the next table:

Some Results of Soil Studies around Three New Zealand Crematoria, Published 1997

Crematoria	Year opened	Years of operation	Total cremations	Background concentration (ppb)	Maximum concentration (ppb)	Geometric Mean above Background
Purewa	1957	37	66,200	140	870	350
Hamilton	1964	30	28,800	200	560	170
South Auckland	1982	12	800	90	120	25

For both the Purewa and the Hamilton crematoria, the authors found that mercury concentrations increased as the distance from the crematoria increased, reached a peak, and then decreased. For the Hamilton crematorium, the peak was found at a distance of 15 meters from the chimney.

In addition, at both the Purewa and the Hamilton crematoria, the authors also provide data from samples extracted from deeper levels. At the Purewa crematorium, at the site where the mercury concentration in the 0-5 cm level was 850 ppb, it decreased to 130 ppb in the 5-15 cm depth and 90 ppb at the 15-30 cm level. At the Hamilton crematorium, a site with 410 ppb mercury in the 0-5 cm level had 170 ppb mercury in the 5-15 cm

interval and 120 ppb in the 15-30 cm. As can be seen, the levels of mercury in the depths under 5 cm were below background levels for both crematoria.

While the authors estimate that there is an increase of 100 ppb of mercury in soil concentrations for every 18,000 cremations, they also estimate that most mercury (99.95%) either never reaches the local soil or is deposited and then re-volatized.

In a 2002 article looking at the levels of 32 metals in the topsoil of Oslo, Norway, taking 300 samples at 1 km intervals (Tijhuis, et. al.), the researchers found mercury levels ranging up to 2.30 mg/kg, with a mean of 0.13 mg/kg and a median of 0.06 mg/kg. The highest median values were found in central Oslo, with levels 8 times those of the median of the entire city. Using factor analysis, the authors conclude that mercury is in a group of metals that are "... not very usual in geologic materials and probably have an anthropogenic origin", of which industry, garbage incineration and crematoria are listed as possible sources. No attempts to correlate mercury to any individual source was made in the article.

In contrast to the UK, Swiss and New Zealand research on mercury in soils surrounding crematoria, in May 2003, an article in the Norwegian newspaper *Aftenposten* ("Krematoriene forurenses for mye") reported that while the Oslo crematoria were releasing mercury above recently established standards, the director of the crematoria stated that regular tests had been done of the soil in the area and that no dangerous values were found. The newspaper article did not provide any data on the actual levels of mercury in the soil. In response to a request from this reviewer, on May 27, 2003 Stein-Olav Hohle of the agency that is responsible for the crematoria wrote that their tests of the soil around the crematoria found no measurable increase in the amount of mercury in the soil surrounding the crematoria over background levels. At the time that the tests were done, the crematorium had performed some 70,000 cremations over a period of 30 years.

Also from Norway, data were obtained (Andersson) on topsoil analyses from the city of Trondheim, where 321 soil samples were taken. The data provided include the locations of the sampling with a precision of hundredths of a meter. Also provided were the location of three crematoria, along with their dates of operation and the number of cremations performed. In the data provided, no analysis was done of the relation of the mercury levels in the soil and the operation of the crematoria, but using the information provided, the following are the data from those locations within 400 meters of the crematoria, with the distances calculated by this reviewer.

Mercury Levels in Topsoil near Tilfredshet Crematorium, Trondheim, Norway

Distance in meters

Mercury in mg/kg

Crematorium operated 1925-1998, performed 26,000 cremations

Distance	38	40	43	44	50	60	62	73	94	108	111
Hg	0.110	0.294	0.527	0.213	0.055	0.089	0.138	0.197	0.038	0.162	0.015

Distance	112	121	155	170	171	187	217	266	315	392	396
Hg	0.110	0.342	0.145	0.203	0.071	0.114	0.259	0.015	0.367	0.195	0.216

Mercury Levels in Topsoil near Lademoen Crematorium, Trondheim, Norway

Distance in meters

Mercury in mg/kg

Crematorium operated 1962-1998, performed 12,000 cremations

Distance	53	78	192	230	249	251	286	321	339	381	396
Hg	0.143	0.136	0.547	0.340	0.015	0.222	0.084	0.094	0.041	0.424	0.262

Mercury Levels in Topsoil near Moholt Crematorium, Trondheim, Norway

Distance in meters

Mercury in mg/kg

Crematorium operated since 1998, performed 5,500 cremations

Distance	6	68	79	116	117	118	180	237	250	271	278	290	375
Hg	0.024	0.035	0.068	0.267	0.070	0.122	0.138	0.054	0.076	0.123	0.083	0.048	0.134

In reviewing the data of mercury deposition surround crematoria, it should be noted that some research concludes that atmospheric forms of metallic mercury have a very slow deposition rate (Capri) and that deposition is largely from the Hg^{++} ionic form. Thus, the mercury released from crematoria might not be expected to be deposited locally, but instead would contribute to deposition on a larger, perhaps global, scale.

National standards for mercury levels in soils have been set at greatly different levels. Tjihuis notes that for the topsoil analyses in Oslo, 4 exceeded the Norwegian norm value of 1.0 mg/kg, 23 exceeded the Dutch target value of 0.3 mg per kg, while none exceeded the Dutch intervention value of 10 mg/kg. In the UK (DEFRA, 2002), the most stringent guideline level is set for residential areas that have plant uptake, at 8 mg/kg, while the guideline for commercial/industrial areas is 480 mg/kg. Much lower levels are given in a US EPA OSWER publication in 2003, which references a 1998 report that found that critical limits for mercury in soil of 13 countries ranged from 0.1 to 2.1 mg/kg.

Mercury in Crematoria Ash

No published articles on mercury levels in crematoria ash have been found. However, in an email from Dr. Thomas Thomassen of Miltec in August 2002, he reported that he took 4 samples of ash from cremations and found that the mercury levels were less than 1 microgram/kilogram of ash. He noted that this low level was to be expected, given the high temperatures produced during cremation.

Mercury Deposits on Crematoria Chimneys

In an email from Dr. Thomas Thomassen of Miltec in Norway on September 12, 2002, he reported that he chipped off part of the brick material from a crematorium and found that the sample had 0.9 grams of mercury per kilogram of matter. He noted that it was easy to obtain a chipped sample, as the concrete was rotten due to exposure to acid mists from the cremations. In follow up tests, again near the top of the chimney, data were obtained on the surface dust, the cement between the bricks, and in samples that included pieces of the brick:

	mg Hg/kg sample
Surface dust on the bricks (black)	168
Cement between bricks (rotten)	20
Brick (solid chunk)	2.3

Dr. Thomassen believes that the level of mercury would be higher in lower levels of the chimney.

Regulation of Mercury Emissions from Crematoria

As of 2010, national mercury standards were found by this reviewer in only three European countries (Norway, Switzerland and the UK), although a 2003 report from Defra in the UK reports that national standards are also in effect in Austria, Belgium, Germany, The Netherlands, and Sweden. Also, Jensen reports that Denmark will have standards that go into effect at the end of 2010. In addition, standards were found at the state (Land) level in Germany, and a 2001 report by the French Senate (Miquel) listed specific standards at that time for a number of countries, as follows:

Cremation Emissions Standards

Country	(ng/Nm ³)
Belgium	0,2
Great Britain	0,2
Italy	0,1
The Netherlands	0,2
Sweden	- 90 % of inflow
Switzerland	0,2

However, citations were not given for these standards and they may have subsequently changed, such as what has occurred with the UK standard.

Norway's Pollution Control Authority (SFT) has developed air and water regulations for crematoria, which went into effect on January 1, 2003 for new crematoria and 2007 for existing crematoria. The regulations will result in a 95% reduction in mercury emissions from the largest crematoria (those with 200 or more cremations a year), according to an SFT news release issued on January 15, 2003. For air, the requirement is 0.05 mg/Nm³, while for water, it is 2.0 µg/liter. The contacts at SFT are Signe N  mdal at signe.namdal@sft.no and Bente Sleire at bente.sleire@sft.no.

A search of the Internet in March 2012 found that these standards were unchanged (Lovdata and Klima- og Forurensnings- Direktoratet).

In early July, 2001, two Norwegian environmental groups came out with a statement that it preferable to remove the teeth of the deceased before cremation rather than rely on control equipment. However, as in Maine, there is reluctance from the public to this approach. One Norwegian newspaper ran a poll on this through the Internet, and of 221 respondents, 40% said that they thought it was right to remove the teeth for environmental concerns, while 53% said it was not right to extract the teeth (7% had no opinion).

For Switzerland, according to an Internet article published in 2003 (Knellwolf), the standard is 0.2 mg of mercury emissions per hour of operation. The estimate is that each cremation contributes 3 grams of mercury. The article also notes that of the 59 crematoria ovens, only 13 are equipped with air pollution control equipment and that crematoria operators are screening out those corpses with large amounts of mercury fillings so that they are only cremated in the more modern ovens. An article by Schiller notes that the Swiss requirement went into effect at the end of 1991.

In the UK, standards were set in the fall of 2004 (Defra, 2004b) and then further revised in the spring of 2005 (Defra 2005). The original standard called for no regulation of existing crematoria and, for new crematoria, a maximum release of 150 milligrams per four cremations, with a concentration limit of 50 micrograms/cubic meter of exhaust gas. In the revised standard, 50% of all cremations at existing crematoria are to be subject to mercury abatement, with a deadline of 31 December 2012. The regulations allow for “burden sharing” – instead of each crematorium installing controlling equipment, several crematoria can share the cost of abatement equipment so that 50% of the cremations of the pooled crematoria have mercury abatement. Crematoria are to make their plans by the end of 2005.

In Germany, two states (Länder) (Sachsen and Brandenburg) had local standards, with Sachsen's at 0.2 mg/Nm³, while Brandenburg's standard was 0.05 mg/ Nm³. However, both of these standards were superseded by national regulations for crematoria as given in 27. BImSchV (the Federal Emission Regulation for crematoria, promulgated March, 1997), which contains no mercury standards. In addition, the German Association of Engineers published guidelines for crematoria (VDI 3891, promulgated August, 1992), but it also has no standard for mercury. However, in a February 2001 email from the German firm IFZW, it is expected that there will soon be an amendment of the 27th BImSchV with a limit for mercury of 0.05 mg/Nm³. However, in a Internet search of the regulation on February 11, 2010, no standard for mercury was found in this regulation.

Denmark was checked for regulations, and an email message from the Danish equivalent of the EPA said that they do not have any mercury-related regulations, although they do have other crematoria regulations.

The requirements of The Netherlands was also reported in an report made to the International Cremation Association by Dutch National Association of Crematoria, although the actual standards were not provided.

For Sweden, an article in the March 18, 2002 edition of the Norwegian newspaper *Aftenposten* noted that there were no emissions standards for mercury from crematoria. Instead, the Swedish Naturvårdsverket has published guidelines, and that since 1995, some 20 crematoria have been built in Sweden with control equipment. The article quotes staff at the Swedish agency as saying that standards have not been developed due to the difficulties in measuring mercury emissions. According to one staff person, some measurements show that control equipment provides for clean emissions, but other measurements only result in a third of all mercury being trapped by the filters, and that either the measurements are in error or there is another path for the mercury.

However, those crematoria that do not have control equipment, may, in some cases, be required to install equipment. A newspaper article from 2008 notes that the crematorium in Luleå, Rena, is required to have the equipment in place by the end of 2010, or must close (Berglund). Similarly, the 2010 budget proposal for the Green Party of Stockholm is proposing to update the flue gas cleaning equipment, saying that Stockholm should be a leader on minimizing the environmental impact of the crematoria (Anonymous (2009)).

No national standards for mercury emissions from crematoria exist in the US. Under Section 129 of the Clean Air Act, the US EPA is required to set standards for a variety of air sources. Originally, the standards for crematoria were to be developed by November 2000, and in a *Federal Register* notice at that time, EPA set a new schedule to release its standards by November 15, 2005. However, in the *Federal Register* of December 9, 2004, EPA came to the conclusion:

“... that the human body should not be labeled or considered ‘solid waste.’ Therefore, human crematories are not solid waste combustion units and are not a subcategory of OSWI for regulations. If EPA or States determine, in the future, that human crematories should be considered for regulation, they would be addressed under other authorities.”

In California (Spicuzza), a group discussing the issue of mercury emissions from crematoria in 2000 recommended that teeth with amalgam fillings be extracted prior to cremation.

In Minnesota, the 2005 legislature had bills introduced (HF 0661 and SF 641) to require that dental mercury be removed before cremation. Neither bill was adopted.

However, a few years later, the State of Minnesota reached an agreement with the cremation industry to reduce their emissions by 75% by 2025 (Brooks). A 2008 report by the Minnesota Pollution Control Agency puts annual emissions of mercury from crematoria in the state at 80 pounds. A 2009 report by the same agencies contains the following timeline of activities:

- Study emission rates and develop better understanding of future trends by 2010.
- Study abatement alternatives and emissions-control options between 2008 and 2011. (Abatement options include alkaline hydrolysis, pulling or decoronating teeth.)
- Study social issues of abatement options.
- Implement recommended alternatives to achieve reduction targets.

In Maine, the 2005 legislature considered a bill (LD 1664, Cowger) to require crematoria to either remove amalgam fillings before cremation or to capture mercury emissions, but it was unanimously rejected by the Natural Resources Committee (Carrier). One newspaper reporter (Churchill) started off an article on the proposed legislation as “It’s a ghoulish scenario: funeral home directors statewide prying teeth from the mouths of the dead.”, and a later statement showed that it causes concerns even among crematoria operators, with the article noting ‘Diane Fuller, manager of a crematorium in Auburn, called the notion "repulsive."’. Although the removal of teeth was supported as a method of control by both the Maine Natural Resources Council and the Maine Department of Environmental Protection, public support does not seem present. In a public opinion poll done by the *Portland Press Herald* on the Internet (Carrier), as of June 17, 2005, 72% of the 312 people who responded believed that crematoriums should not be required to remove teeth from cadavers.

In Minneapolis, Minnesota, an ordinance was adopted in the spring of 2006 with the following three components (Maccabee, 2006a and 2006b):

47.50. Registration of crematoria as an emissions source adds crematoria to the types of businesses that must register with the Minneapolis Air Quality Management Authority.

47. 100. Disclosure of mercury emissions control at crematoria requires crematoria to disclose the methods used to limit their mercury emissions.

47.115. Preventing increase in mercury emissions, prevents the increase of mercury emissions into air or water from existing or future stationary sources.

A search on the ordinance in 2011 found some changes, however (City of Minneapolis, Minnesota Code of Ordinances). Registration is now required under 47.40 (b) (7). The 2011 fee for registering crematoria in Minneapolis is \$53 per unit. (City of Minneapolis Regulatory Services). The requirement for a disclosure of control equipment was not found in the ordinance, but section 47.80 provides a limit on increases in mercury air emissions, with certain exemptions. These exemptions include an increase of less than 2 pounds a year and less than 20% of annual emissions, as well as for any facility which has signed an approved agreement with specified agencies for the elimination of mercury emissions, or Maximum Achievable Control Technology and a Continuous Emissions Monitoring system is installed and used under approval from the Minnesota Pollution Control Agency.

In Pennsylvania, two communities have adopted ordinances to control mercury from crematoria. West Reading's and Kulpmont's ordinances (Borough of West Reading, Borough of Kulpmont) set a limit of 0.05 mg/Nm³ for all biowaste incinerators (including crematoria) which have the potential to release mercury. A continuous emissions monitoring system is required for data collection and the results can be averaged over a three hour period.

Control Technology for Mercury Emissions

As described in the previous section, one method of controlling mercury emissions from cremation is to remove the teeth with amalgam prior to cremation. Crematoria operators in the US already regularly remove other artificial devices prior to cremation, as shown by an Internet search. For example, the webpage of the Cayuga Crematorium, Inc. has a question and answer section which responds to the question:

What happens to cardiac pacemakers, artificial implants, defibrillators, etc...?

with the answer :

According to the Cayuga Crematorium, Inc. policy, pacemakers, defibrillators, battery operated devices, and artificial limbs are removed by the funeral home handling the case. Artificial implants such as hips and knees are cremated with the body and removed before the remains are pulverized.

The Missouri Cremation Services web page of frequently asked questions has a similar question and the answer shows that implants are at times removed:

What is the policy in regards to disposing prosthetics, artificial hips, knees, etc.

If requested, these items will be returned to the family. Provided there are not special request made by the survivors, these items are disposed of in accordance to state regulations.

And the Sierra Aftercare Center in California notes that pacemakers are required to be removed prior to cremation and lists a fee of \$50 for this service.

In some cases, state laws also require the removal of certain products. For example, South Dakota requires the removal of pacemakers and hazardous implants, while Texas requires a declaration that the corpse does not “.. contain a pacemaker or any other material or implant that may potentially be hazardous or cause damage to the cremation chamber or the person performing the cremation.” However, in Wyoming, while the statutes for crematories require the removal of pacemakers and other potentially hazardous implants (Section 11, (b)), the statutes also say “Removing or possessing dental gold or dental silver from deceased persons is prohibited “ (Section 11, (a)).

A 2006 report by the Virginia State Advisory Bord on Air Pollution recommended that the teeth with mercury-containing restorations be extracted before cremation. Based on a cost of \$25 per cadaver (8 fillings average), it was calculated that this would result in a cost of about \$3,500 per pound of mercury caputred, based on an average of 3.2 grams per person.

Besides the removal of teeth prior to cremation, there are a variety of systems available for the control of mercury during crematoria. Selenium as a control media was mentioned in several articles reviewed from Sweden. During this preliminary search, four other types of control systems were found to be in use, one each from Germany, the Netherlands, Norway and Switzerland. More recently, Craft (2012) identified eighteen companies worldwide with pollution control equipment for crematoria.

In Sweden, as noted above, some 20 crematoria have been fitted since 1995 with air pollution control equipment for mercury. However, results are ambiguous due either to measurement problems or that there are other paths to which the mercury is going. A newspaper article in March 2002 notes the development of a liquid nitrogen freeze-dry process that is said to have no mercury emissions to the air. In the spring of 2004, the Swedish Chemicals Inspectorate reported on the general topic of mercury use in the country, including the issue of mercury releases from cremation. While the Reuters News Service and a Swedish publication (*NyTeknik*) reported that the report called for the extraction of teeth with amalgam fillings from the corpses prior to cremation, the agency – known as KEMI – said that this was not called for in their report.

One of the control processes is the addition of a selenium-containing ampoule to the firing chamber during cremations. Developed by Magnus von Platen of Emcoplete, AB, the ampoule is placed on the top of the casket, the selenium is said to chemically react with the mercury to form a compound that both is deposited on the inner wall of the crematoria oven or is trapped by the emission control system. The material that is deposited on the inner wall of the oven is said to also reduce the permeability of the oven wall, reducing the diffusion of mercury through the oven wall. One ampoule per cremation is required and in the fall of 2003, the cost per ampoule was SEK 170, or about \$21.

Hogland reports on this system in a 1994 article and found that the selenium ampoules reduced the mercury levels in the exhaust from cremations from a maximum of 12.5 mg Hg/s to 2.3 and the mean from 2 grams per cremation to 0.3. Hogland also notes that in high concentrations, selenium and its compounds can be toxic to animals and people, but does not give what these toxic concentrations are, nor the amount of selenium and various selenium compounds that are released to the air and ash. The web page of Selenium Watch notes that increasing attention is being given to the toxic health and environmental effects of selenium, but a search for cremation did not produce any results.

The German organization known as IFZW says that its equipment can reduce mercury emissions from crematoria to a level of below 0.05 mg/Nm³. The German firm H. R. Heinicke has a web page that lists 16 crematoria which it has constructed and notes that its system also meets the German standard of 27. BImSchV.

In a report from the Dutch National Association of Crematoria to the International Cremation Federation (no date given, but 1999 or later), it was noted that the firm Vermeulen Product Engineering had developed a technology to meet the Dutch standards and removed 99.8% of the mercury found in the emissions. The system is said to be low cost. According to a US crematoria manufacturer (Rahill, 2005a), the cost of a control system in Europe would be about \$300,000 installed, at an existing crematorium. He noted that in the US, the cost of a new crematorium would be about \$80,000, while the cost of the air pollution control equipment for a new crematorium would be about \$175,000.

In Norway, the Miltec firm (<http://www.miltec-mercury.com>) has control equipment for mercury and has installed this equipment on a crematorium. Trial runs in the spring of 2001 resulted in a 94% reduction in mercury emission to the environment.

In Switzerland, the firm of SEU Schenkel AG had developed an adsorption process for dioxins, furans and mercury. A system was installed on a crematorium in Basel in 1999 and a paper describing the firm's system was on the Internet, but the firm has been liquidated. The unit is said to be 99.9% effective in removing mercury, with the resultant effluent below 0.05 mg/Nm³. In another article on the Internet (Schilling), it described the process used at the largest crematoria in Switzerland (and Europe), where each corpse is tested at the Nordheim crematorium, and those with fillings were sent to the oven with the mercury control equipment, which is said to remove 99% of the material.

An article by van Velzen, et. al., (2002) provides a review of generic control technologies for mercury emissions from solid waste incineration, and these may also be suitable for mercury emission control from crematoria.

Finally, OSPAR (2003b) calls for the use of Best Available Techniques (BAT) for controlling mercury emissions from crematoria by its contracting parties and briefly describes both four types of control technology: (1) co-flow filters, using an absorbent for mercury, with capture by a cloth filter, (2), a solid-bed filter, using absorbents such as cokes or zeolites, (3) traditional gas scrubbing techniques, and (4) honeycomb catalytic absorbers, using precious metal (gold/platinum) following particulate removal. Efficiencies are said to be up to 99.9%. Its previous document (OSPAR, 203a) includes more information, including a chart of known installations and also describes the use of selenium and ceramic reactors.

In the US, there are no known mercury control systems in use at crematoria. In a draft document by Craft for the California Air Pollution Control Officers Association, five potential systems are evaluated:

- co-flow filter
- gas scrubbers
- honeycomb catalytic adsorber
- sodium bicarbonate and activated carbon control system
- solid-bed filter, using absorbents such as cokes or zeolites

These system include the four described in the OSPAR (2003b) document, adding the system of sodium bicarbonate along with activated carbon.

Alternative Technologies to Cremation

Three alternative technologies/methods are presently under use or development for the management of human corpses. Burial – whether traditional, "nature, or at sea – is the most well known, while deep freezing and alkaline hydrolysis are much newer.

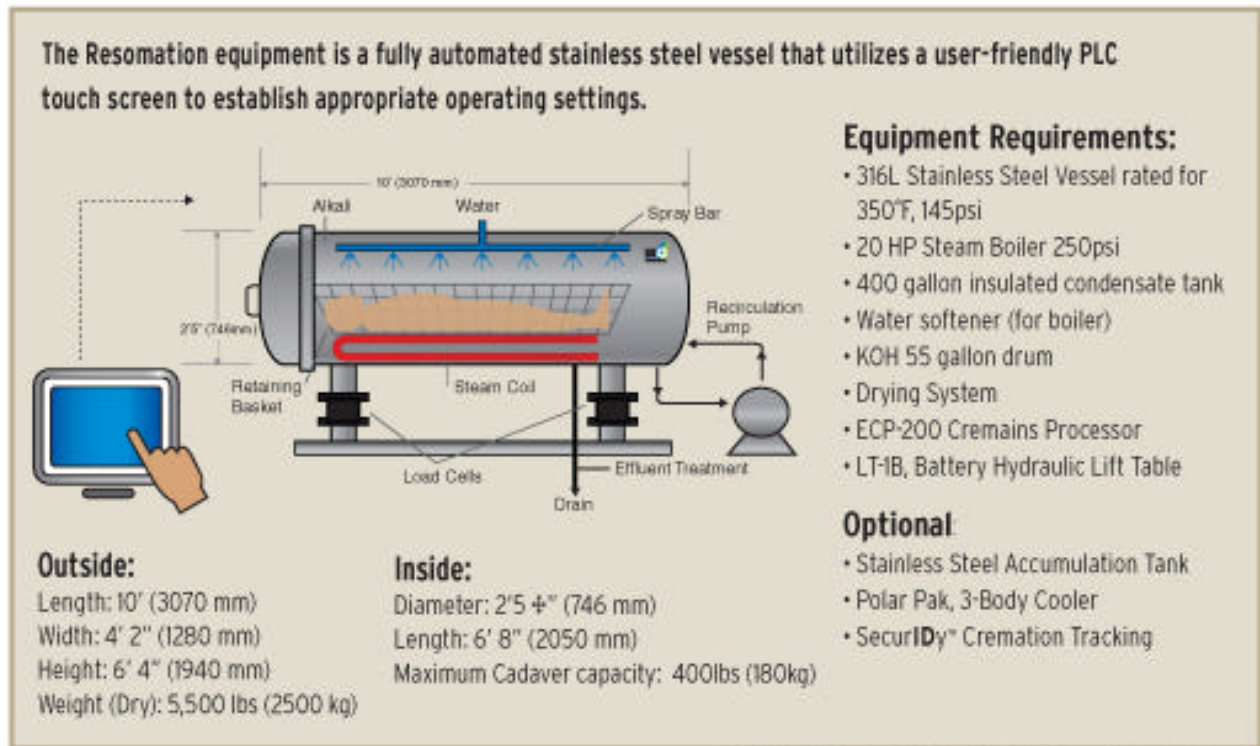
For a number of years, a freeze-dry technology using liquid nitrogen has been explored that would not involve any combustion and therefore could result in virtually no emissions of mercury to the air. Developed in Sweden by the biologist Susanne Wiigh-Masak, in an article in a July 18, 2003 newspaper article (von Wachenfeldt), it noted that the inventor of this process had discussed this technique with clergymen, and found support for this method of handling the deceased. A web page has been established by the inventor's firm, Promessa, to describe and promote this process, which has been labeled "Promession". A web page of the cremation industry, Cremation Options, included an article about this approach in January 2010, with the title, "Cremation and A Cold Disposition". And a British firm, Cryomation, has announced on its web page that its technology is ready to be installed. The firm notes that one of the advantages of their process is the reduction of mercury emissions, stating that "30% of ALL global Mercury emissions can be attributed to cremation".

The web page FuneralSite.com was accessed in March 2012, where it says that the process is not available in the United States.

Alkaline hydrolysis is a much newer idea for the processing of human corpses, and has attracted a great deal of attention in the funeral industry – a Google search in March 2012 of the words "cremation", "alternative", "alkaline" and "hydrolysis" turned up 37,000 results, including a listing in Wikipedia.

Often known as "Resomation", it uses a mixture of water and potassium hydroxide, which heated to a high temperature at a high pressure to dissolve the soft tissues. In August, 2011, Bowdler reports that it was legal in seven states.

One of the suppliers of this equipment is Matthews Cremation Division, which also makes traditional cremation equipment. On its web page, it notes that this process has no mercury emissions and no air emissions and needs no abatement. The firm's process is shown in the following diagram.



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Obviously it is not possible to review all of the world's literature related to mercury and cremations. One of the main sources of the literature has been from references found on the Internet, including searches in the following languages and with the terms listed below. The reviewer welcomes other references of relevant literature.

Danish	kviksølv krematorier	last done October 2003
English	mercury cremation	last done October 2003
German	quecksilber kremation	last done October, 2003
German	quecksilber krematorien	last done October 2003
Italian	cremazione mercurio	last done November 2004
Norwegian	kvikksølv krematorier	last done March 2012

Spanish	cremación mercurio	last done March 2012
Swedish	kvicksilver krematorier	last done February 2010
Swedish	kvicksilver krematoria	last done February 2010

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BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular
Meeting Date: 04/01/2014

6. C.

Agenda Item:

Are farm animals allowed with private stables approved as an conditional use?



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular
Meeting Date: 04/01/2014

6. D.

Agenda Item:

Continue review from March 18th Planning Board Workshop of Chapter 2.

Attachments

Ch 2 Compliance Review Process Draft 1A

Working Copy

Chapter 2 DEVELOPMENT AND COMPLIANCE REVIEW

Article 1 General Provisions

- Sec. 2-1.1 Purpose of chapter.
- Sec. 2-1.2 Purpose of article.
- Sec. 2-1.3 General compliance review provisions.
- Sec. 2-1.4 General provisions of compliance review.

Article 2 Verifications and Confirmations

- Sec. 2-2.1 Purpose of article.
- Sec. 2-2.2 Permitted land use.
- Sec. 2-2.3 Lot conformance.
- Sec. 2-2.4 Street names and addresses.
- Sec. 2-2.5 Alcoholic beverage zoning.
- Sec. 2-2.6 Land Development Code (LDC) interpretation.
- Sec. 2-2.7 Use compatibility.

Article 3 Land Disturbance Activities

- Sec. 2-3.1 Purpose of article.
- Sec. 2-3.2 General land disturbance.
- Sec. 2-3.3 Pre-construction site work.
- Sec. 2-3.4 Construction in county right-of-way.
- Sec. 2-3.5 Residential driveways.
- Sec. 2-3.6 Removal of protected trees.
- Sec. 2-3.7 Sand and aggregate on barrier islands.

Article 4 Site Development

- Sec. 2-4.1 Purpose of article.
- Sec. 2-4.2 Site development review.
- Sec. 2-4.3 Minor site development.
- Sec. 2-4.4 Major site development.

1	Article 5	Subdivision
2	Sec. 2-5.1	Purpose of article.
3	Sec. 2-5.2	Subdivision review and platting.
4	Sec. 2-5.3	Minor subdivisions.
5	Sec. 2-5.4	Master plans.
6	Sec. 2-5.5	Preliminary plats and construction plans.
7	Sec. 2-5.6	Final plats.
8	Sec. 2-5.7	Plat vacation.
9		
10	Article 6	Special Conditions and Circumstances
11	Sec. 2-6.1	Purpose of article.
12	Sec. 2-6.2	Review by quasi-judicial hearing.
13	Sec. 2-6.3	Applicant-initiated Zoning map amendment (rezoning)
14	Sec. 2-6.4	Variance of LDC standards.
15	Sec. 2-6.5	Conditional uses.
16	Sec. 2-6.6	Extensions of review, approval, and use periods.
17	Sec. 2-6.7	Medical hardship temporary use of manufactured homes.
18	Sec. 2-6.8	vested rights.
19	Sec. 2-6.9	Planned unit developments.
20	Sec. 2-6.10	Statutory development agreements.
21		
22	Article 7	LDC and Comprehensive Plan Amendment
23	Sec. 2-7.1	Purpose of article.
24	Sec. 2-7.2	LDC zoning map and text amendments.
25	Sec. 2-7.3	Comprehensive Plan Future Land Use and text amendments.
26		
27		
28	Article 8	Manual and Procedures
29		
30	Sec. 2-8.1	Purpose of article
31	Sec. 2-8.2	Generally
32	Sec. 2-8.3	Criteria for inclusion
33		
34		

1 **Article 1 General Provisions**

2 **Sec. 2-1.1 Purpose of chapter.**

3 The purpose of this chapter is to establish county review requirements necessary to
4 effectively document compliance with the LDC and authorize the use and development
5 of land accordingly. The administrative authorities described in Chapter 1 evaluate LDC
6 compliance of land uses and development activities. More specifically, this chapter is
7 intended to: [2.01.00]

8 (1) Identify county and applicant responsibilities in LDC development and
9 compliance review.

10 (2) Provide public notice requirements.

11 (3) Establish criteria for the evaluation of variances, conditional uses, vested rights,
12 LDC and Comprehensive Plan amendments, and other discretionary review
13 processes.

14 (4) Provide a mechanism for appeals of in county land use and development
15 decisions.

16 **Sec. 2-1.2 Purpose of article.**

17 The purpose of this article is to establish general provisions that apply broadly to all
18 LDC development and compliance review within the chapter. The compliance review
19 applicable to specific land uses and development activities is prescribed in the
20 remaining articles of this chapter.

21 **Sec. 2-1.3 General compliance review provisions.**

22 (a) **Prior county approval required.** No land use or development activity regulated by
23 the LDC is allowed prior to obtaining all applicable county approvals according to the
24 provisions of the LDC. No county administrative authority may approve uses,
25 activities, or other actions that are not found to comply fully with the requirements of
26 the LDC. Additionally, any time the LDC or other regulations require authorizations
27 by the Planning Board, Board of Adjustment (BOA), Board of County Commissioners
28 (BCC), or other local authorities prior to final county approval of an application, those
29 authorizations shall be evidenced in advance of final approval and not deferred in a
30 condition of that approval. [2.02.00, 2.02.02, 4.01.00]

31

32 **(b) Non-county approvals.**

33 (1) **Generally.** State, federal, and other non-county entities, including homeowners
34 associations, may also regulate, govern, or otherwise influence the use or
35 development of land. It is solely the responsibility of each landowner, regardless
36 of LDC compliance review, to determine whether other agencies or entities have
37 jurisdiction or responsibilities in the use of their property or activities upon it and
38 to adequately communicate with them. Although the county may approve a land-
39 use application, that approval does not constitute, advocate, or assure approval

1 by any other entity, nor does the approval of another entity relieve a person of
2 the need to obtain appropriate county approval. [2.02.03 and 7.15.16.]

3 **(2) State and federal permits.** As prescribed by Florida Statutes, the county may
4 not require as a condition of a development permit that an applicant obtain a
5 permit or approval from any state or federal agency unless the agency has
6 issued a final agency action that denies the federal or state permit before the
7 county action on the local development permit.

8 **(c) Applicable review.** The Planning Official shall confirm the correct processes and
9 direct applicants to the appropriate reviews prescribed by the LDC.

10 **(d) Concurrent review.** To assist applicants in coordinating and expediting all county
11 review, land uses and development activities shall be reviewed for compliance with
12 other applicable county land development regulations during LDC compliance
13 review. Those other regulations include accessibility requirements, fire safety
14 regulations, and applicable health and safety policies.

15 **(e) Single-family lots.** Any existing lot of record may have a single-family dwelling
16 permitted on it regardless of how the lot was created, the condition or legal status of
17 the access, or the minimum lot area or width required by the applicable zoning
18 district. [4.01.02.C, 4.01.03.C, 6.04.08]

19 **(f) Comprehensive Plan limits.** No permit may be issued for any development if it
20 would cause any requirement in the Comprehensive Plan to be violated. [4.01.02.F]

21 **(g) Authority to determine LDC meaning.** The Planning Official shall, upon request or
22 his/her own initiative, review the meaning and intent of LDC provisions as applied by
23 county review personnel and, with due regard to the stated purposes and
24 requirements of the LDC, clarify or revise that meaning as needed. Where
25 additional technical or specialized knowledge is necessary to make an accurate
26 interpretation, the Planning Official shall rely on the recommendations of those
27 personnel having such knowledge.

28 **(h) Building code compliance.** Although the LDC establishes setback, height, floor
29 area ratio, and other land use regulations for structures and prescribes development
30 standards for the sites they occupy, the review and approval of construction plans
31 for structures shall be according to Part I, Escambia County building code. The
32 construction, erection, alteration, modification, repair, equipment, use and
33 occupancy, location, maintenance, removal, and demolition of any building,
34 structure, or facility or any appurtenances connected to such buildings, structures, or
35 facilities shall be in compliance with the Florida Building Code. Site development
36 plan approval is required to confirm LDC compliance, but separate review and
37 approval is required to confirm building code compliance. [2.02.00, 4.03.05 & 06]

38 **(i) Split jurisdiction.** When a land use or development activity is proposed within the
39 jurisdictional boundaries of the county and another governing body, such as the City
40 of Pensacola, Santa Rosa Island Authority, and Town of Century, an application for
41 the use or activity must be submitted as required by both jurisdictions. Each
42 governing body has exclusive jurisdiction to approve the use or activity within its

1 boundaries unless the governing bodies having the jurisdictions agree that
2 application to and compliance review by only one is mutually acceptable.

3 **Sec. 2-1.4 General provisions of compliance review.**

4 **(a) Generally.** The LDC establishes compliance review provisions to authorize land
5 uses and development activities that demonstrate compliance with applicable LDC
6 requirements. The procedures vary with the complexity of issues evaluated, but
7 each requires: (1) an application for county approval, (2) an opportunity for public
8 participation, (3) an evaluation of LDC compliance, (4) a final compliance
9 determination, and (5) an opportunity to appeal that determination. The general
10 requirements established in this section shall be combined with the specific
11 requirements prescribed in the remaining articles of this chapter to obtain
12 compliance review appropriate for the uses or activities proposed.

13 **(b) Application.** Anyone requesting approval of a land use or development activity
14 regulated by the LDC must initiate the appropriate compliance review action
15 prescribed in this chapter by submission of a complete application for review
16 according to the adopted procedures for the application. Those procedures and all
17 necessary application forms, checklists, and schedules shall be made conveniently
18 available to the public by the reviewing authority. Guidance to assist applicants in
19 meeting application requirements shall also be provided and obtained from the
20 appropriate governing body. [2.02.01, 2.05.01, 2.08.02.C, 2.13.02.A, 4.02.02,
21 4.02.04.B, 4.02.05.A, 4.06.04.A, 7.15.09]

22 **1) Pre-application inquiries.** Prior to application for approval through a LDC
23 compliance review, representatives of the reviewing authority shall be available
24 to discuss with applicants any of the processes, regulations, and standards
25 related to development objectives. Anyone unfamiliar with LDC requirements is
26 strongly encouraged to consult the LDC and make sufficient inquiries to the
27 county before submitting an application to avoid delays or penalties. As
28 identified in this chapter, a meeting with review personnel is required for certain
29 development review activities but are encouraged for all..

30 Applicants for any land use or development activity on Pensacola Beach property
31 for which a pre-application meeting is not required shall nevertheless consult with
32 staff of the SRIA to review for any lease conditions that may affect the proposed
33 use or activity.

34 **2) Authority to apply.** An applicant for compliance review shall be the owner of
35 the subject land or be appropriately authorized by the landowner to submit an
36 application. Where a proposed use or activity involves multiple parcels, common
37 ownership or similar unified authorization shall be documented. For Pensacola
38 Beach leaseholds the applicant shall be the lessee or authorized by the same.
39 Authority to apply may be confirmed through public records or other means
40 established and appropriate for the specific approval requested. For all
41 applications it remains solely the responsibility of the applicant to obtain valid
42 authorization of the landowner. [2.13.02.A.2, 4.06.04.A]

1 **3) Fees.** Where authorized by the BCC, payment of fees will be required at the
2 time of application or at the time the requested approval or other service is
3 provided, according to the adopted procedures of the reviewing authorities.
4 Authorized fees include those for compliance review and related services and
5 those specific to an approved use or activity. [2.13.02.A.3, 2.09.05, 2.11.02,
6 4.06.04.B, 4.02.09, 6.04.15, 7.15.10]

7 **(c) Final determination.** The final determination on an application typically follows the
8 applicant’s final response to review comments or the conclusion of any required
9 public hearing testimony. The time necessary for an application to conclude with a
10 final determination varies with the reviewing authority and compliance review..
11 [2.13.02]

12 **(1) Approval.** Confirmation that a requested land use or development activity
13 complies with all applicable LDC provisions is recognized through the issuance of
14 a written document of final approval. At a minimum, the document shall identify
15 the subject site, the action approved, the approving authority, the date and period
16 of approval, and any site-specific conditions of the approval. Approval authorizes
17 the applicant, subject to the continuing obligation of the approval terms and
18 conditions, to commence the proposed use or activity. Use or activity other than
19 that approved, or failure to comply with approval terms and conditions, is a
20 violation of the LDC and is subject to enforcement and the penalties prescribed.
21 [4.06.13]

22 **(2) Approval conditions.** The LDC prescribes both general and specific conditions
23 of approval. It may authorize other reasonable conditions considered necessary
24 to address impacts of approvals and carry out the purposes of the LDC.
25 However, after final county approval, no new conditions can be imposed and no
26 existing conditions can be removed except by the established appeal provisions.
27 Additionally, except as required by Florida Statutes for requested zoning changes
28 necessary to properly enact a proposed comprehensive plan amendment, no use
29 or activity may be approved conditional to a proposed change in either the future
30 land-use category or zoning district. The following conditions apply to all
31 approvals: [2.13.02.F.3.c]

- 32 **a. Substantial conformance.** The implementation of an approval shall
33 be in substantial conformance with the terms and conditions of the
34 approval.
- 35 **b. Compliance inspections.** All approved development is subject to
36 county inspections for compliance with the conditions of its approval,
37 including any approved plan. All engineering designs shall require “as
38 built” certification by a Florida registered professional engineer prior to
39 final inspection.
- 40 **c. Other approvals.** All applicable state and federal permits shall be
41 obtained before commencement of the approved development.

42 **(3) Denial.** For each application denied by the reviewing authority, the county shall
43 inform the applicant in writing of the basis of the denial. Unless modified or

1 overturned on appeal, a denial closes the original application. Any subsequent
2 review for approval requires a new application and may require a waiting period
3 prior to any reapplication for materially the same requested approval.

4 **(4) Risk in proceeding.** The decisions of approving authorities in the LDC
5 compliance review are final unless overturned through a valid appeal process.
6 The county shall issue authorizations for uses and activities according to the
7 decisions of these authorities, the applicant, bears all risk in proceeding with an
8 approved use or activity while the approval remains subject to appeal. [2.04.02]

9 **(5) Modification of approvals.** It is unlawful to modify, amend, or otherwise deviate
10 from an approval without first obtaining written authorization from the approving
11 authority. And, unless specifically established in the LDC or provided through a
12 successful appeal, modification of an approval, including its terms and
13 conditions, requires a new application for review. Approved uses or activities
14 modified without authorization are subject to the penalties and increased fees
15 specified by the BCC. No certificate of occupancy or similar acceptance of site
16 conditions by the county shall be issued for any unauthorized land use or
17 development activity. Modifications to approvals may be requested by the
18 applicant as prescribed in this chapter, but requests for modifications to certified
19 engineering designs shall only be accepted from the engineer of record and
20 require approval by the County Engineer. [2.13.02.F]

21 **(d) Appeal.** Any LDC compliance review applicant, or other aggrieved party as defined
22 by Florida law, may appeal the decision of an administrative official or board in their
23 administration of the LDC as prescribed in this chapter. Decisions subject to appeal
24 include formal interpretations of LDC provisions by the Planning Official and the final
25 approvals, conditions of approval, or denials of development applications. However,
26 recommendations of administrative officials or boards in any matter are not subject
27 to appeal. Avenues of appeal are as follows: [2.13.02.F, 13.18.00]

28 **(1) County officials.** A decision of a county official in his administration of the LDC
29 may be appealed by application to the Board of Adjustment (BOA) for review
30 within 15 days after the date of the official's decision according to the provisions
31 for appeal of administrative decisions as prescribed in Article 6. Appeal of
32 decisions made by the Building Official in his administration of the building code
33 shall be according to the provisions of the Escambia County Code of Ordinances,
34 Part I.

35 **(2) Board of Adjustment.** If the final determination of the BOA is denial, no new
36 application for the same use on the same parcel can be accepted for review until
37 at least 180 days from the date of the denial. [2.05.07] A final determination of
38 the BOA may be appealed by petitioning the circuit court for judicial review within
39 30 days after the date of the board's decision, and providing a copy of the petition
40 to the clerk of the board. Appeal is limited to an applicant or to an adversely
41 affected person who appeared before the BOA in the quasi-judicial hearing and
42 asserted a position on the merits of the application. [2.04.01.C, 2.05.07.A]

43 **(3) Santa Rosa Island Authority.** Review of a Santa Rosa Island Authority (SRIA)
44 Board decision may be undertaken by the Board of County Commissioners

1 (BCC) as provided for in the Laws of Florida (ch. 79-457) or appeal may be made
2 directly to the circuit court. A decision of a SRIA official made in his
3 administration of the LDC may be appealed to the BOA in the same manner
4 prescribed for appeal of a decision of a county official. [13.18.02]

5 **(4) Planning Board.** The recommendations of the Planning Board are the local
6 planning agency's advice to the BCC on county growth management issues and
7 are therefore not subject to appeal.

8 **(5) Board of County Commissioners.** A decision of the BCC may be appealed by
9 petitioning the circuit court for judicial review within 30 days after the date of the
10 board's decision. [2.05.07.A]

11

1 **Article 2 Verifications and Confirmations**

2 **Sec. 2-2.1 Purpose of article.**

3 The purpose of this article is to establish the review criteria necessary to verify or
4 confirm certain conditions affecting the authorization of land uses and development
5 activities regulated by the LDC. These verification and confirmation procedures are
6 defined by the general provisions of Article 1 and the specific provisions of this article.
7 They do, however, provide necessary documentation for the processes that grant such
8 authorizations. More specifically, this article includes review to verify permitted land use
9 and lot conformance, name streets and assign addresses, confirm alcoholic beverage
10 zoning compliance, confirm statutory vesting, interpret LDC meaning, and confirm land-
11 use compatibility.

12 **Sec. 2-2.2 Permitted land use.**

13 **(a) Generally.** Verification of permitted land use is required to authorize any use or
14 development of land regulated by the LDC. The procedure to verify land use is
15 established to document the site-specific conformance of existing uses or potential
16 new uses. Verification does not grant authorization to proceed with a land use or
17 development activity, but is only a measure of the potential for a use or activity under
18 the provisions of the LDC.

19
20 **(b) Verification of allowable or permitted uses.** Application for permitted land-use
21 verification shall be submitted for review to the offices of the Planning Official. The
22 applicant shall provide the required information.

23 **Sec. 2-2.3 Lot conformance.**

24 **(a) Generally.** Verification of lot conformance is required to authorize the use and
25 development of existing lots when they cannot be verified as valid lots of record.
26 The provisions to verify conformance is established here to document that an
27 individual lot created and conveyed without prior documented compliance review
28 and authorization is, nevertheless, a physically conforming lot. This provision,
29 however, is not a substitute for proper LDC compliance review and approval of the
30 subdivision of land, and it is not an alternative means to create or establish a lot of
31 record. Additionally, lot conformance verification is limited to lots that are used
32 solely as the homestead of the owner-applicant who is not the owner of the parent
33 parcel from which the lot was divided.

34 **(b) Verification for lot conformance.** Application for lot conformance verification shall
35 be submitted for review to the offices of the Planning Official.

36 **Sec. 2-2.4 Street names and addresses.**

37 Street naming and address assignment is required to authorize the use and
38 development of land. The application shall be submitted for review to the offices for
39 the county Geographic Information System (GIS). The assigning of street names
40 and addresses are to provide and document proper site identification necessary for
41 the approval of land-use applications and the subsequent provision of emergency

1 response, postal delivery, utility connection, and other essential services. However,
2 the verification or assignment of an address or the approval of a street name neither
3 provides nor assures any land-use or development activity approval, vested right, or
4 capacity allocation.

5 **Sec. 2-2.5 Alcoholic beverage zoning.**

6 Confirmation of alcoholic beverage zoning compliance is required by the State of Florida
7 for licensing the sale or on-premise consumption of alcoholic beverages. Application for
8 alcoholic beverage zoning compliance confirmation shall be submitted for review to the
9 offices of the Planning Official. Any subsequently licensed sales shall comply with
10 relevant provisions of the Escambia County Code of Ordinances. [7.14.00]

11 **Sec. 2-2.6 LDC interpretation.**

12 **(a) Generally.** Interpretation of LDC meaning by the Planning Official is required
13 when formal documentation of the meaning of a provision is needed prior to or
14 without a final determination on another compliance review application. The
15 interpretation of LDC provisions are established primarily to create appealable
16 decisions of the Planning Official regarding land development regulations without
17 regard to development review applications. An interpretation is not intended as a
18 substitute to seeking an understanding of the LDC through pre-application
19 meetings and the ordinary process of compliance review by authorized county
20 personnel. The applicant shall provide any fees and information required by the
21 adopted interpretation procedures which will include specific conditions, prior
22 meaning and the insufficiency or error of the prior meaning provided.

23 **(b) Interpretation process.**

24 **Application.** Application for interpretation of a LDC provision shall be submitted
25 for review to the offices of the Planning Official. The applicant shall provide any
26 authorized fees and the information required by the adopted interpretation
27 procedures. That information shall include the following:

- 28 **a. Conditions.** A description of the specific conditions to which the
29 interpretation will apply.
- 30 **b. Prior meaning.** The meaning of the provision previously provided by
31 authorized county review personnel.
- 32 **c. Insufficiency or error.** A description of how the prior meaning provided is
33 thought to be insufficient or in error.

34 **Sec. 2-2.7 Use compatibility.**

35 **(a) Generally.** A compatibility analysis to confirm that a proposed land use or
36 development activity will be compatible with adjacent uses or conditions is required
37 to allow some authorizations of site development or rezoning as prescribed in the
38 LDC. The requirements to evaluate compatibility is established here to document
39 whether a proposed use or activity, or uses permitted by a rezoning, will be
40 compatible where proposed. The confirmation process may be a requirement of site

1 development compliance review or rezoning criteria, but it does not substitute for
2 compliance review, and confirmation of compatibility does not assure development
3 plan or rezoning approval.

4 **(b) Confirmation for compatibility.** Application for land-use compatibility confirmation
5 shall be submitted for review to the offices of the Planning Official.

6 **Article 3 Land Disturbance Activities**

7 **Sec. 2-3.1 Purpose of this article.**

8 The purpose of this article is to establish the review necessary to confirm LDC
9 compliance and authorize site-specific land disturbance activities that are not evaluated
10 separately by the other review procedures of this chapter. These land disturbance
11 review are defined by the general provisions of Article 1 and the specific provisions of
12 this article. They provide appropriate evaluations of activities that have the potential for
13 producing adverse off-site impacts, especially regarding storm water, if not properly
14 planned and managed. More specifically, this article includes review for demolition of
15 structures, work in county rights-of-way, removal of protected trees, and sand and
16 aggregate use on barrier islands. Borrow pits and other site development, not limited to
17 land disturbance activity, require compliance review according to the provisions of
18 Article 4. [2.13.02, 4.06.00]

20 **Sec. 2-3.2 General land disturbance.**

21 **(a) Generally.** A general land disturbance permit is required prior to beginning any
22 activity involving the clearing, cutting, excavating, filling, or grading of land, or any
23 other activity that alters land topography or vegetative cover and is not authorized by
24 the other land disturbance permits of this article. The purpose for authorizing
25 general land disturbance is to assure that such activities, especially those with the
26 potential to significantly change stormwater surface runoff patterns, comply with the
27 stormwater management standards found in Chapter 5 of the LDC and in the
28 Engineering Design Standards Manual (EDSM). Also, such activities must not result
29 in adverse impacts on adjoining properties, surface waters, environmentally
30 sensitive lands, roadways, or drainage systems.

31 **(b) Permit for land disturbance.** Application for a general land disturbance permit
32 shall be submitted for compliance review to the offices of the Planning Official.

33 **Sec. 2-3.3 Pre-construction site work.**

34 **(a) Generally.** Except for single-family and two-family development, a pre-construction
35 site work permit is required prior to beginning any land disturbance activity regulated
36 by the LDC and proposed by an approved site development plan if the building
37 permit has not been issued or no building permit is required.

38 **(b) Permit for pre-construction site work.** Application for a pre-construction site work
39 permit shall be submitted for compliance review to the offices of the Building Official.

1 **Sec. 2-3.4 Construction in county right-of-way.**

2 Unless construction in a county right-of-way is authorized by a residential driveway
3 permit or other county approval, a county right-of-way work permit is required prior to
4 disturbing the paved portion, or any area beneath the paved portion, of any county
5 right-of-way; or prior to installing underground facilities in a county right-of-way; or
6 prior to work, other than maintenance, on a driveway connection within a county
7 right-of-way. A permit is not required for work or improvements included within
8 approved subdivision infrastructure construction plans or site development plans, or
9 for any exempt activities identified by the procedure for making road cuts, within
10 *Local Public Improvements*, Escambia County Code of Ordinances.

11 **Sec. 2-3.5 Residential driveways.**

12 A residential driveway permit is required prior to construction of any driveway
13 connection from the lot of a single-family or two-family dwelling to any county street,
14 paved or unpaved, unless the connection is to a street with curb and gutter and is
15 constructed during the valid period of the building permit for the dwelling. A
16 driveway permit is also required prior to any work, other than maintenance, on an
17 existing residential driveway connection to a county street. Application for a
18 residential driveway permit shall be submitted for compliance review to the offices of
19 the Planning Officials.

20 **2-3.6 Removal of protected trees.**

21 A tree removal permit is required prior to removing or otherwise causing unnatural
22 decline by irreparable injury to any tree protected by the provisions of the LDC
23 unless that activity is authorized through site development or other compliance
24 review provisions of this chapter. The process to authorize the removal of a
25 protected tree is established in the ESM.

26

27 **Sec. 2-3.7 Sand and aggregate on barrier islands. [12.05.01.A, 12.05.06]**

28 A sand and aggregate use permit is required prior to placement on Santa Rosa Island
29 or Perdido Key of any sand, aggregate, or other construction or landscaping materials
30 regulated by the LDC, regardless of any other land disturbance permits issued or other
31 approvals granted through LDC compliance review. The process to authorize the
32 placement of these regulated materials is established, in the EDSM, to prevent the
33 importation, use, and relocation of red clay and other prohibited materials that tend to
34 discolor, darken, or stain the natural white sands of those barrier islands.

35

36 **Article 4 Site Development**

37 **Sec. 2-4.1 Purpose of article.**

38 The purpose of this article is to establish the provisions necessary to confirm LDC
39 compliance and authorize forms of site-specific development that propose more than

1 land disturbance activities but do not include the subdivision of land. These site
2 development review provisions are defined by the general provisions of Article 1 and the
3 specific provisions of this article. They evaluate a wide range of land uses and
4 development activities. More specifically, this article includes major and minor review
5 provisions for the establishment or change of uses and for the construction of structures
6 and supporting infrastructure, whether principal or accessory, residential or non-
7 residential, permanent or temporary. However, site development plan approval is not a
8 permit to construct any structure that is regulated by the Florida Building Code.

9 **[2.13.02, 4.06.00]** If all the applicable regulations concerning the proposed project for a
10 major or minor development are met, a Development Order shall be issued, with or
11 without conditions, by the approving authority which shall be a continuing obligation to
12 comply with the specifications of the plan and the terms and conditions of that approval.

13 **Sec. 2-4.2 Site development review.**

14 **(a) Approval required.** Any site development regulated by the LDC requires county
15 review and approval of a major or minor site development plan, according to the
16 provisions of this article, unless the development is evaluated by other compliance
17 review processes of this chapter or is specifically identified in the LDC as exempt
18 from these processes. And, if site development is anticipated to occur in phases
19 beyond the valid period of an individual site plan approval, review and approval of a
20 master plan may be advisable to secure certain development conditions prior to the
21 separate review and approval of multiple phase plans.

22 **(b) Timing of building plan review.** Although it may be advisable, it is not necessary
23 for an applicant to delay the building construction plan compliance review until the
24 site development plan is reviewed and approved. However, once the building code
25 compliance review begins, the applicant bears all risk in the possibility of a
26 modification to the building construction plans required by a modification in the site
27 development plans and the expense for review of revised and resubmitted
28 construction plans.

29 **(c) Documentation by site plan.** Site development compliance review requires the
30 submission of a site plan to provide standardized documentation of compliance with
31 county land development regulations. The form and content of a site plan shall be
32 appropriate to the documentation necessary for the proposed site changes. Once
33 approved, the site plan also documents how completed site changes comply with
34 approved changes. The wide range of site plan content identified in this section is an
35 indication of the types of documentation that may be required for compliance review.
36 In general, as much information as is reasonably necessary to document LDC
37 compliance shall be required on a site development plan, increasing with the
38 complexity of site uses and improvements to be evaluated. However, the minimum
39 information required for any specific compliance review process shall be according
40 to the adopted procedures.

41
42 **(1) Existing conditions.** The compliance review of a land-use or development
43 activity must consider what is already on and around the site and any
44 jurisdictional constraints. Consequently, a site development plan shall document

1 existing conditions that will likely affect or be affected by the use or activity, even
2 conditions for which no change is anticipated. .

3 **(2) Proposed changes.** A site development plan shall document the temporary or
4 permanent construction or placement of site improvements and other proposed
5 changes to existing conditions. For a development constructed in phases, the
6 plan shall document the sufficiency of each phase to comply with the LDC,
7 without regard to uncompleted changes of the remaining phases.

8 **(3) Supporting information.** The effective documentation of existing conditions
9 and proposed changes typically requires other supporting site information, along
10 with a supporting checklist.

11 **Sec. 2-4.3 Minor site development.**

12 **(a) Generally.** Minor site plan approval is required to authorize those land uses or
13 development activities categorized as a “minor” site development in this section.
14 The process to approve a minor site development is established to evaluate uses
15 and activities that typically produce fewer and/or less complex LDC compliance
16 conditions than major development. As a result, compliance usually requires less
17 documentation and fewer resources to confirm. Minor review primarily verifies that
18 the use is permitted, the lot conforms, structures are appropriately placed, site
19 access is adequate, public facilities are provided, and no adverse off-site impacts
20 are created.

21 **(b) Categories of minor development.** Minor site development is limited to the
22 following categories:

23 **(1) Single-family and two-family residential.** Residential site development in
24 which any combination of single-family and two-family dwellings results in no
25 more than four dwelling units on a lot. The category includes all uses and
26 structures customarily accessory to such dwellings, including fences, enclosures,
27 swimming pools, carports, and portable storage containers, and includes the
28 conversion of a non-residential building to a one- or two-family dwelling.

29 **[4.06.01]**

30 **(2) Non-residential change of use.** Change of use in which the site development
31 changes any non-residential use of a non-residential structure or site to another
32 non-residential use, provided that any additional trip generation is minor and
33 modifications are limited to those of the minor non-residential and minor multi-
34 family category in this section. For these purposes, minor trip generation
35 corresponds to a less than a 25 percent increase in the minimum parking
36 required by the applicable unmodified base parking ratios in Chapter 5 and
37 EDSM. **[4.06.02.C]**

38 **(3) Temporary non-residential.** Temporary establishment of a non-residential use
39 or structure, including portable storage containers, portable shelters, mobile
40 vending units, amusement structures, temporary constructions, sales offices, and
41 other temporary uses and structures prescribed in Chapter 4. **[4.06.02.E]**

1 **(4) Minor non-residential and multi-family.** Minor additions and modifications and
2 accessory uses and structures for existing non-residential or multi-family
3 development if the net increase in site impervious cover from all sources is less
4 than 1000 square feet. Repeated additions of impervious surface constructed
5 since the adoption of the LDC shall be combined for the application of this limit.
6 Accessory uses include fences and signs.

7 **(c) Approval process.**

8 Checklists from the appropriate department will be provided so the applicant will
9 have quick and ready access to the requirements of this article.

10 **Sec. 2-4.4 Major site development.**

11 **(a) Generally.** Major site plan approval is required to authorize those land uses or
12 development activities categorized as a “major” site development in this section.
13 The process to approve a major site development is established to evaluate uses
14 and activities that typically produce greater and/or more complex LDC compliance
15 conditions than minor development. As a result, compliance usually requires more
16 documentation and greater resources to confirm.

17 **(b) Categories of major review.** Major site development is limited to the following
18 categories:

19 **(1) Multi-family residential.** Residential site development in which there are five or
20 more dwelling units in any combination on a lot. The category also includes uses
21 and structures customarily accessory to multi-family developments, such as
22 fences, swimming pools, carports, mail kiosks, maintenance sheds, and
23 clubhouses when they are not eligible for review as minor site developments.
24 The conversion of a non-residential building into a multi-family dwelling is also
25 included in this category.

26 **(2) Residential change of use.** Change of use in which the site development
27 changes any residential use of a structure to any non-residential use, in whole or
28 part. The category applies to any principal or accessory residential structure but
29 does not apply to home occupations or home-based businesses as defined by
30 the LDC.

31 **(3) Major non-residential.** New principal and accessory uses and structures not
32 reviewed by any other non-residential review category.

33 **(4) Master plans.** Master plans for phased site development. The plans of this
34 category are intended to afford the developer with a modest level of confirmation,
35 prior to further commitment of development resources, so that the development
36 is properly planned according to the regulations and standards of the LDC. The
37 plan helps to ensure integration with the surrounding land uses and development
38 and the sufficiency of the supporting infrastructure at the completion of each
39 phase.

40 **(5) PUDs.** Planned unit development (PUD) submitted under the PUD provisions of
41 Article 6.

1 If all the applicable regulations concerning the proposed project for a PUD are
2 met, a Development Order shall be issued, with or without conditions, by the
3 approving authority which shall be a continuing obligation to comply with the
4 specifications of the plan and the terms and conditions of that approval.

5 **(c) Approval process.**

6 Checklists from the appropriate department will be provided so the applicant will
7 have quick and ready access to the requirements of this article.

8

9

1 **Article 5 Subdivision**

2 **Sec. 2-5.1 Purpose of article.**

3 The purpose of this article is to establish the review provisions necessary to confirm
4 LDC compliance and authorize the subdivision of land. These subdivision review
5 requirements are defined by the general provisions of Article 1 and the specific
6 provisions of this article. They evaluate subdivisions to avoid the creation of lots with
7 unnecessary constraints on their subsequent development, including inadequate
8 access, buildable areas, potable water supply, sewage disposal, and fire protection.
9 More specifically, this article includes review processes for minor subdivisions, master
10 plans, preliminary plats, infrastructure construction plans, final recorded plats, and plat
11 vacation. Subsequent development on individual lots created by a subdivision is
12 evaluated and authorized through the applicable compliance review processes
13 established in the other articles of this chapter.

14 **Sec. 2-5.2 Subdivision review and platting.**

15 **(a) Approval required.** The division of a parcel of land into three or more lots requires
16 county review and approval, unless the subdivision is specifically identified in the
17 LDC as exempt. Prior to recording any final plat, review and approval of a
18 preliminary plat with an infrastructure construction plan is required if infrastructure
19 improvements are proposed. And, if subdivision construction and platting are to
20 occur in phases, review and approval of a master plan are required prior to a
21 separate review and approval of the individual phases. [4.02.04, 4.06.01] [4.01.00,
22 4.02.01]

23 **(b) Exemptions from subdivision review.** Exemptions from the subdivision
24 compliance review of this article accommodate limited special conditions in the
25 division of land.

26 **(1) Boundary line changes.** Conveyances of land that are executed solely to
27 increase the size of adjoining parcels or to resolve boundary line disputes but
28 which do not create additional parcels separate and apart from the existing
29 parcels are not subject to the review of this article unless proposed through a
30 subdivision replat. [4.01.03.F]

31 **(2) Family conveyance.** The subdivision of land for family conveyance, according
32 to the land division standards of Chapter 5, does not need to obtain approval
33 through the review of this article. [4.01.02.E, 4.01.03.D]

34 **(3) Individual conforming lot.** An individual lot verified as a conforming lot,
35 according to the provisions of Chapter 2, does not need to obtain approval
36 through the subdivision review of this article.

37 **(c) Replatting land.** The proposed replatting of all or part of the land of a recorded plat
38 shall follow the same review process as the initial subdivision platting. [4.05.00.A]

39
40

1 **Sec. 2-5.3 Minor subdivisions. [4.01.05]**

2 **(a) Generally.** Minor subdivision approval is a limited option for the subdivision of land
3 where the final plat is not recorded in the public records of the county and, therefore,
4 not subject to the platting requirements of Florida statutes. One of the requirements
5 is that the supporting infrastructure required by the LDC is already in place. More
6 specifically, a minor subdivision shall fulfill all of the following criteria:

7 **(1) Number of lots.** If any subdivision lots are less than four acres, the net increase
8 in the number of individual lots is limited to five.

9 **(2) Existing street frontage.** All subdivision lots front on an existing public or
10 private street, paved or unpaved, providing the minimum right-of-way prescribed
11 in Chapter 5.

12 **(3) No new streets.** No new street (or any extension of an existing street) is
13 proposed or required.

14 **(4) No dedications.** There is no dedication of public improvements. This does not
15 preclude such acquisitions as additional right-of-way for an existing street to
16 provide the minimum width prescribed by the LDC.

17 **(5) Lot grading plans.** No stormwater management plan is required according to
18 the provisions of Chapter 5, but a lot grading plan is provided for each lot.

19 **(6) Effective period.** Approved minor subdivisions shall be effective and remain
20 valid for period of 1 year from the date of approval. The minor subdivision plat
21 shall expire and be void if each of the newly created lots are not recorded by
22 deed or other legal instrument in the official records of Escambia County within
23 the valid period of approval.

24 **(b) Approval process.**

25 Checklists from the appropriate department will be provided so the applicant will
26 have quick and ready access to the requirements of this article.

27 **Sec. 2-5.4 Master plans.**

28 **(a) Generally.** Master plan approval is required for any phased subdivision of land.
29 The requirements to approve a master plan is established to ensure integration of
30 the subdivision with surrounding development and the sufficiency of supporting
31 infrastructure at the completion of each phase. A master plan is intended to afford
32 the developer with a modest level of confirmation, prior to further commitment of
33 resources, so that the subdivision is properly planned according to the LDC. Master
34 plan approval vests the approved land uses and density, but it does not reserve
35 development standards, guarantee buildable density, or assure approval of any
36 implementing plats or construction plans. Additionally, each implementing phase
37 requires submission of a preliminary plat, construction plan, and final plat.

38 **(b) Approval process.**

39 Checklists from the appropriate department will be provided so the applicant will
40 have quick and ready access to the requirements of this article.

1 **Sec. 2-5.5 Preliminary plats and construction plans.**

2 **(a) Generally.** Preliminary plat and construction plan approval is required to map the
3 proposed subdivision of land and document the design of infrastructure to
4 adequately serve the created lots. The requirements to approve a preliminary plat
5 with its construction plan are established to ensure that both the division of land and
6 provision of services are consistent with the land-use regulations and design
7 standards of the LDC. The approval allows the construction of the subdivision
8 infrastructure to proceed, but it does not allow development on the individual
9 subdivision lots prior to the recording of a final plat, except for temporary uses as
10 specifically provided in Chapter 4.

11 **(b) Approval process.**

12 Checklists from the appropriate department will be provided so the applicant will
13 have quick and ready access to the requirements of this article.

14 **Sec.2-5.6 Final plats.**

15 **(a) Generally.** Final plat approval is required to map the proposed subdivision of land
16 in compliance with the platting requirements of Florida Statutes, such that, upon its
17 recording, all land shown on the plat and that is a part of the subdivision is identified
18 and may be conveyed by reference to the plat, including the dedication of rights-of-
19 way and easements. The approval of a final plat is established to allow the
20 recording of the plat in the public records when its content and form are consistent
21 with state and county requirements and with any applicable conditions of its
22 approved preliminary plat and infrastructure construction plan.

23 **(b) Approval process**

24 Checklists from the appropriate department will be provided so the applicant will
25 have quick and ready access to the requirements of this article.

26 **Sec. 2-5.7 Plat vacation.**

27 **(a) Generally.** Plat vacation approval is required to vacate a subdivision plat in
28 whole or part after the plat has been recorded in the public records of the county.
29 The approval to vacate a final plat is established to accommodate a replat or a
30 return to acreage for the subject land, according to Florida Statutes (Chapter
31 177).

32 **(b) Application for the final plat** An application shall be submitted for compliance
33 review to the office of the Planning Official. For subdivisions requiring preliminary
34 plat and construction plan approval, applications shall be submitted within two
35 years from the date of that approval, or otherwise allowed by an approved
36 extension.

37 **(c) Approval process.**

38 Checklists from the appropriate department will be provided so the applicant will
39 have quick and ready access to the requirements of this article.

1 **Article 6 Special Conditions and Circumstances**

2 **Sec. 2-6.1 Purpose of article.**

3 The purpose of this article is to establish the review provisions necessary to consider
4 and authorize limited development alternatives under conditions and circumstances not
5 evaluated by the other provisions of this chapter. The review for special conditions and
6 circumstances are defined by the general provisions of Article 1 and the specific
7 provisions of this article. The processes are predominantly discretionary and quasi-
8 judicial, as per Florida Statutes and any other applicable regulations. They provide
9 opportunities beyond those of other LDC review processes for applicants to
10 demonstrate that sufficient conditions exist (or may be created) to support the requested
11 special approvals.

12 **Sec. 2-6.2 Review by quasi-judicial hearing. Generally.** Many of the
13 processes established in this article require a compliance review through a quasi-
14 judicial public hearing to evaluate the presence and significance of special
15 conditions or circumstances. The decisions must be supported by a record of
16 findings evaluated and adopted at the hearing. The findings are determined through
17 the investigation of facts, weighing of evidence, and drawing of conclusions. Quasi-
18 judicial hearings are required to make the final determinations on applications for
19 appeals of administrative decisions, substantial hardship variances, conditional
20 uses, non-legislative zoning map amendments (rezoning), and other reviews as
21 prescribed within this article.

22 **Basic proceedings.** Each quasi-judicial hearing required by the LDC shall be
23 conducted according to all applicable requirements of the State of Florida for public
24 hearings and according to all requirements of this article for the specific purpose of
25 the hearing.

26 **Sec. 2-6.3 Applicant-initiated Zoning map amendment (Rezoning application)**

27 **(a) Generally.** All provisions of the Land Development Code are established, modified,
28 or repealed by ordinance of the Board of County Commissioners (BCC). Zoning
29 map amendments may be proposed by persons other than the county according to
30 the ordinance enactment procedures prescribed by Florida Statutes and the
31 provisions of this section. These map amendment provisions are established for the
32 county to authorize appropriate changes to its land development regulations.

33 **[2.08.00, 2.08.03]**

34 **(b) Application.** An application for a rezoning shall be submitted to the clerk of the
35 reviewing board at least 30 business days prior to the scheduled board meeting. A
36 pre-application meeting of the applicant with the staff for the board is recommended
37 to discuss the process and review county and applicant responsibilities.

38 **(c) Public participation.** The clerk of the reviewing board shall ensure public notice is
39 consistent with Florida Statutes and the Comprehensive Plan.

40 **(d) Compliance review.** The reviewing board shall conduct a quasi-judicial public
41 hearing as noticed to consider the requested rezoning according to the provisions of
42 this article. At the conclusion of the hearing, based on the record of evidence, the

1 reviewing board shall adopt a recommendation to the BCC for rezoning approval,
2 denial, or if possible and acceptable to the applicant, approval of a district with less
3 intensive uses than the requested zoning. [2.08.02.C.4]

4 **(e) Approval conditions.** The applicant has the burden of presenting competent
5 substantial evidence to the reviewing board that establishes each of the following
6 conditions: [2.08.02.D.6 & 7]

7 **(1) Consistent with Comprehensive Plan.** The proposed rezoning is consistent
8 with the goals, objectives, and policies of the Comprehensive Plan and not in
9 conflict with any of its provisions. [2.08.02.D.6.a, and 7]

10 **(2) Consistent with LDC.** The proposed rezoning is consistent with the stated
11 purposes and intent of the LDC and not in conflict with any of its provisions.
12 [2.08.02.D.6.b, and 7]

13 **(3) Compatibility.** All land uses, development activities, and conditions allowed by
14 the proposed zoning are compatible with the surrounding conforming uses,
15 activities, and conditions and able to coexist in relative proximity to them in a
16 stable fashion over time such that no use, activity, or condition is unduly
17 negatively impacted by another. The appropriateness of the rezoning is not
18 limited to any specific use that may be proposed but is evident for all permitted
19 uses of the requested zoning. This condition shall not apply to any conditional
20 uses of the proposed district or compatibility with nonconforming or unapproved
21 uses, activities, or conditions. [2.08.02.D.6.c]

22 **(4) Changed conditions.** The area to which the proposed rezoning would apply
23 has changed, or is changing, to such a degree that it is in the public interest to
24 encourage new uses, density, or intensity in the area through rezoning.
25 [2.08.02.D.6.d]

26 **(5) Development patterns.** The proposed rezoning would contribute to or result in
27 a logical and orderly development pattern. [2.08.02.D.6.f]

28 **(6) Effect on natural environment.** The proposed rezoning would not increase the
29 probability of any significant adverse impacts on the natural environment.
30 [2.08.02.D.6.e]

31 **(f)** The planning board shall recommend approval of the rezoning request to the board
32 of county commissioners, unless the planning board determines that maintaining the
33 current zoning designations shall prevent the following:

34 **(1) Premature or sprawl.** The land uses and development activities allowed by the
35 proposed rezoning are not premature, and the rezoning otherwise would not likely
36 create or contribute to an urban sprawl pattern of development more than the
37 current zoning. [2.08.02.D.7.a]

38 **(2) Isolated district.** The proposed rezoning would not create or contribute to an
39 isolated zoning district that is neither related to the adjacent and nearby zoning
40 districts nor an appropriate transition between them. [2.08.02.D.7.b]

- 1 **(3) Intrusion of non-residential uses.** The proposed rezoning would not allow an
2 intrusion of commercial or industrial uses into a platted residential subdivision or
3 other established residential area more than the current zoning. [2.08.02.D.7.c]
- 4 **(4) Property value impacts.** The land uses, development activities, and conditions
5 allowed by the proposed rezoning would not likely result in significant adverse
6 impacts upon the property values of adjacent properties or those in the immediate
7 area more than the types of use, activities, and conditions permitted by the current
8 zoning. [2.08.02.D.7.d]
- 9 **(5) Quality of life impacts.** The land uses, development activities, and conditions
10 allowed by the proposed rezoning would not likely adversely impact the character of
11 existing development or quality of life in the general area or neighborhood by
12 creating excessive traffic, noise, lights, vibration, fumes, odors, dust, physical
13 activities, or other detrimental effects or nuisances more than the types of uses,
14 activities, and conditions permitted by the current zoning. [2.08.02.D.7.e]

15 **Sec. 2-6.4 Variance of LDC standards.** [2.05.03, 6.08.00, 8.07.06, 11.01.03]

16 **(a) Generally.** For any standard specifically identified in the LDC as eligible, a variance
17 may be requested according to the provisions of this section where a landowner
18 asserts that the strict application of the standard creates an unnecessary difficulty on
19 a site. A variance allows site use in a manner that is not otherwise allowed by the
20 dimensional or physical requirements of the LDC, but it cannot authorize uses that
21 are prohibited by zoning or remedy general hardship conditions that extend to other
22 sites. And since the granting of a variance also affects the integrity of the adjusted
23 standard and may infringe on the safety, welfare, or other rights of neighboring
24 property owners, no applicant is automatically entitled to a variance.

25 Minor variances of 20% or less that are of mutual benefit to the public and the
26 applicant are evaluated by the Planning Official. All other variances shall be
27 evaluated as substantial hardships through quasi-judicial public hearing review by
28 the Board of Adjustment (BOA) or by the SRIA for Pensacola Beach properties. .

29 **(1) Limits on variances.** Variances are available and may be granted only for the
30 LDC standards that specifically provide the option and only as allowed by the
31 provisions of the LDC. No variances are available to any provisions of chapters
32 1, 2, or 6. Additionally, variances cannot be granted to any provisions that
33 establish the allowable uses or densities in a zoning district or to any conditions
34 of approval imposed by an approving authority.

35 **(b) General variance conditions.** All variances shall satisfy the following conditions:

- 36 **(1)** Special conditions and circumstances exist which are peculiar to the land,
37 structure or building and which are not applicable to other lands, structures or
38 buildings in the same zoning district.
- 39 **(2)** The special conditions and circumstances do not result from the actions of the
40 applicant.

- 1 (3) Granting the variance requested will not confer on the applicant any special
2 privilege that is denied by this land development code to other lands, buildings or
3 structures in the same zoning district.
- 4 (4) Literal interpretation of the provisions of the land development code would
5 deprive the applicant of rights commonly enjoyed by other properties in the same
6 zoning district under the terms of the land development code and would create
7 an unnecessary and undue hardship on the applicant.
- 8 (5) The variance granted is the minimum variance that will make possible the
9 reasonable use of the land, building or structure.
- 10 (6) The granting of the variance will be in harmony with the general intent and
11 purpose of the land development code and that such variance will not be
12 injurious to the area or otherwise detrimental to the public welfare.

13

14 **(d) Substantial hardship variance provisions.** A substantial hardship variance may
15 be requested to consider limited relief for a hardship arising from conditions peculiar
16 to a specific property. The process to approve a substantial hardship variance is
17 established here for the BOA and SRIA to consider whether there is a deficiency in
18 real property that creates a substantial undue hardship for the property owner by
19 preventing development of the property in compliance with a LDC standard and
20 whether a requested adjustment in the standard should compensate for that
21 deficiency.

22 **(1) Application.** An application for substantial hardship variance approval shall be
23 submitted for compliance review to the clerk of the reviewing board within the
24 deadline stated in the application. A pre-application meeting with staff is
25 recommended.

26 **(2) Public participation.** Prior to any hearing to consider a substantial hardship
27 variance, the clerk of the reviewing board shall ensure public notice consistent
28 with Florida Statutes.

29 **(3) Compliance review.** The reviewing board shall conduct a quasi-judicial public
30 hearing as noticed to consider the requested substantial hardship variance
31 according to the provisions of this article.

32 **a. Exceptional conditions.** There are exceptional conditions or circumstances
33 that are unique to the land in question, not ordinarily found on other lands in
34 the vicinity and not a result of the owner's intentional action. Unique
35 conditions or circumstances include exceptional narrowness, shallowness,
36 shape, or topographic conditions of the land or the presence of
37 environmentally sensitive lands in or around the land. [2.05.02.B]

38 **b. Substantial hardship.** Under the unique land conditions or circumstances
39 prompting the variance request, the strict application of LDC standards
40 causes an exceptional practical difficulty or undue physical hardship to the
41 owner that effectively prohibits a permissible principal use or denies rights

1 and privileges legally enjoyed by owners of other properties in the vicinity or
2 within the same zoning district.

3 **(4) Final determination.**

4 **a. Action of board.** If the reviewing board finds from the established record of
5 the hearing that there is a compelling demonstration by the applicant of
6 competent substantial evidence proving the required conditions, the board
7 shall grant a variance. However, a variance may only be granted to the
8 extent supported by the evidence presented.

9 **b. Period of valid approval.** If not otherwise reduced as a condition of
10 approval, a variance is valid for two years from the date of approval. If within
11 that period the variance is not part of an approved site development
12 application or one continuing in good faith as determined by the Planning
13 Official and no application for its extension has been submitted according to
14 the provisions of this article, the variance approval expires and is void. Once
15 the variance is part of an approved site development plan, however, the
16 variance will remain valid through the approved plan. [2.05.01.D]

17 **c. Other conditions of approval.** In granting a variance, the reviewing board
18 shall have the authority to attach any conditions directly related to the
19 variance as the board may find necessary for satisfaction of the variance
20 conditions and preservation of the intent of the subject standard. [MO 107.3]

21 **Sec. 2-6.5 Conditional uses.**

22 **(a) Generally.** The LDC may conditionally allow other uses in addition to the permitted
23 uses within each zoning district. Conditional use approval allows a use by review
24 where it is not otherwise permitted by right, but it cannot authorize uses that are
25 prohibited. The process to grant conditional uses is established here for the Board
26 of Adjustment (BOA) or the SRIA for Pensacola Beach properties to consider in a
27 quasi-judicial public hearing whether and under what conditions designated
28 conditional uses may be appropriate. [2.05.03, 6.08.00, 8.07.06, 11.01.03]

29 **(b) Limits on conditional uses.** Conditional uses are subject to the following
30 limitations:

31 **(1) Availability.** Conditional uses are available and may be granted only to land for
32 which that option is specifically provided by the applicable zoning district or other
33 provisions of the LDC. [2.05.03]

34 **(2) Invalid reasons.** Nonconforming, unapproved, or unlawful uses, structures, or
35 conditions are not considered special conditions or other valid reasons for
36 granting any conditional use.

37 **(3) Site specific.** A conditional use can only be granted based on a site-specific
38 review of an individual lot of record or development parcel. Conditional uses are
39 not available to subdivisions or other groups of individually developed lots.

40 **(4) Multiple uses.** If more than one conditional use is proposed, the conditions shall
41 be addressed for each use.

1 **(c) Conditional use provisions.**

2 **(1) Application.** Application for conditional use approval shall be submitted for
3 compliance review to the clerk of the reviewing board within the time period
4 stated in the application. A pre-application meeting with staff for the board is
5 recommended. [2.05.01.A, 2.05.03.A]

6 **(2) Public participation.** Prior to any hearing to consider a conditional use, the
7 clerk of the reviewing board shall ensure public notice consistent with Florida
8 Statutes. **Final determination.**

9 **a. Action of board.** If the reviewing board finds from the established record of
10 the hearing that there is a compelling demonstration by the applicant of
11 competent substantial evidence proving the required conditions, the board
12 shall grant a conditional use but only to the extent supported by the evidence
13 provided.

14 **b. Period of valid approval.** A conditional use approval is valid for a period of
15 four years from the date of approval. If within that period the conditional use
16 is not part of an approved site development application or one continuing in
17 good faith review as determined by the Planning Official, the conditional use
18 approval expires and is void. No extension of the initial approval is available.
19 However, once the conditional use is part of an approved site development
20 plan, the conditional use approval will remain valid through the approved plan.
21 [2.05.01.D]

22 **c. Other conditions of approval.** In granting a conditional use, the reviewing
23 board shall have the authority to attach any conditions directly related to the
24 use as the board may find necessary for satisfaction of the conditional use
25 conditions and preservation of the intent of the applicable zoning district.
26 Such conditions include setbacks, height, impervious cover, total floor area,
27 building orientation, screening, buffering, site signage and lighting, and hours
28 of operation.

29 **Sec. 2-6.6 Extensions of review, approval, and use periods.**

30 **(a) Generally.** The LDC requires good faith efforts in adhering to its established
31 periods, but extension of an eligible LDC time limit may be requested according to
32 the provisions of this section whereby a landowner asserts that the limit does not
33 anticipate legitimate delays in compliance. However, no applicant is automatically
34 entitled to any extension. Short-term (6 month) extensions are evaluated by the
35 Planning Official, and longer extensions (one year) shall be evaluated through a
36 quasi-judicial public hearing review by the Board of Adjustment (BOA). These
37 extension processes are established for the county to allow additional time for
38 concluding the compliance review, developing an approved use, and continuing or
39 reestablishing some uses.

40 **(b) Limits on extensions.** Extensions to LDC periods are subject to the following
41 limitations:

1 (1) **Availability.** Extensions are available and may be granted only for LDC periods
2 that specifically provide that option, only if a complete application for the
3 extension was submitted prior to the expiration of the period for which the
4 extension is requested, and only as otherwise allowed by the provisions of the
5 LDC.

6 (2) **Approving authority.** Extensions to any period not required by the LDC but
7 imposed as a condition of approval by an approving authority cannot be granted
8 by another approving authority.

9 (3) **Individual and multiple limits.** An extension can only be granted based on a
10 specific review of an individual period. If an extension of more than one period is
11 requested, the extension criteria shall be evaluated for each limit.

12
13 **Sec. 2-6.7 Medical hardship temporary use of manufactured homes.**

14 (a) **Generally.** Temporary placement of a manufactured (mobile) home or park trailer
15 may be requested according to the provisions of this section when a landowner
16 asserts that existing medical conditions require in-home care and an accessory
17 dwelling to reasonably provide it. The manufactured home may be placed within any
18 mainland zoning district to remedy a medical hardship according to the temporary
19 use provisions of Chapter 4, regardless of the density limits of the applicable zoning.
20 The requirements to grant the temporary use of a manufactured home or park trailer
21 as an accessory dwelling to provide in-home medical care is established for the
22 Board of Adjustment (BOA) to consider in a quasi-judicial hearing whether conditions
23 warrant such use. [2.05.06, 6.04.10]

24 (b) **Medical hardship temporary use**

25 (1) **Application.** An application for approval of the medical hardship temporary use
26 of a manufactured home or park trailer shall be submitted for compliance review
27 to the clerk of the BOA within the time frame provided in the application. A pre-
28 application meeting with staff for the board is recommended. The applicant shall
29 provide any authorized fees and the information required by the adopted medical
30 hardship temporary use procedures. That information shall include a general site
31 plan showing the proposed location of the manufactured home in relation to other
32 site improvements and conditions and other documentation satisfying the
33 medical hardship temporary use conditions established in this section.
34 [2.05.01.A, 2.05.06, 2.05.06.G]

35 (2) **Public participation.** Prior to any hearing to consider the medical hardship
36 temporary use of a manufactured home or park trailer, the clerk of the BOA shall
37 ensure public notice consistent with Florida Statutes.

38 (3) **Compliance review.** The BOA shall conduct a quasi-judicial public hearing as
39 noticed to consider the requested medical hardship temporary use of a
40 manufactured home or park trailer according to the provisions of this article. The
41 applicant has the burden of presenting competent substantial evidence to the
42 board that establishes each of the following conditions: [2.05.06]

- 1 a. **Certified need.** A Florida-licensed physician certifies in writing the medical
2 need, specifying the extent of the need for in-home medical care and the
3 approximate length of time for such in-home medical care. [2.05.06.A]
- 4 b. **Minimum necessary.** Conditions and circumstances make it difficult or
5 impossible for the recipient and provider of medical care to reside in the same
6 dwelling and the temporary accessory dwelling is the minimum necessary to
7 provide relief of that medical hardship. [2.05.06.I]
- 8 c. **Adequate public services.** The manufactured home or park trailer will have
9 adequate water, sewer, solid waste removal, and electric services available.
10 [2.05.06.F]
- 11 d. **Compatibility.** The temporary use will not produce adverse impacts on the
12 uses of surrounding properties. [2.05.06.J]
- 13 e. **Standard conditions.** The temporary use can comply with the applicable
14 standards of Chapter 4.

15
16 **(4) Final determination.**

- 17 a. **Action of board.** If the BOA determines from the established record of the
18 hearing that there is a compelling demonstration by the applicant of
19 competent substantial evidence proving the required conditions, the board
20 shall grant the temporary use of a manufactured home.
- 21 b. **Period of valid approval.** Approval of the medical hardship temporary use
22 of a manufactured home or park trailer is valid for a period of one year from
23 the date of approval. If within that period the temporary use is not part of an
24 approved site development application or one continuing on good-faith review
25 as determined by the Planning Official, the temporary use approval is void.
26 Once the temporary use is part of an approved site development plan,
27 however, the use approval will remain valid through the approved plan.
- 28 c. **Period of use.** The medical hardship temporary use of a manufactured
29 home or park trailer is initially limited to two years from the date the certificate
30 of occupancy for the home is issued. An extension to the period of use may
31 be granted for a continuing medical need according to the extension
32 provisions of this article. However, regardless of any extensions granted,
33 whenever the medical hardship ends, the approval of the temporary
34 placement and use of the manufactured home are void.
- 35 d. **Other conditions of approval.** In granting temporary use of a manufactured
36 home or park trailer, the BOA shall have the authority to attach any conditions
37 directly related to the use as the board may find necessary for protection of
38 the general public, satisfaction of the temporary use criteria, and preservation
39 of the intent of the applicable zoning district. These conditions are in addition
40 to any use-specific standards prescribed by Chapter 4 for the temporary
41 placement of a manufactured home.
- 42

1 **Sec. 2-6.8 Vested rights.**

2 **(a) Generally.** It is the intent of this section to provide a mechanism for the granting of
3 an equitable vested right according to the provisions of this section when a
4 landowner asserts that sufficient development activity, once lawful under applicable
5 land-use regulations but now contrary to their terms, has occurred so that the
6 landowner is entitled to a development right. [2.11.01, 2.11.06.A.1]

7
8 **(b) Application.** Application for vested rights approval shall be submitted to the clerk of
9 the Planning Board no later than 12 months following any act or omission on the part
10 of the county that the landowner discovers and asserts as the basis for a vested
11 right, or no later than 12 months following written county notification to the landowner of
12 the need to apply for a determination, whichever occurs sooner.

13
14 **(c) Public Participation.** Prior to any hearing to consider a vested right, the clerk of the
15 Planning Board shall ensure public notice consistent with Florida Statutes.

16
17 **(d) Compliance review.** The reviewing board shall conduct a quasi-judicial public
18 hearing to consider the requested vested right according to the provisions of this
19 article. The reviewing board shall adopt a recommendation to the BCC for vested
20 right approval, approval with conditions, or denial based on the hearing record of
21 evidence.

22
23 **(e) Criteria for vested rights determination.** An owner shall be entitled to a
24 determination of vested rights only if through substantial competent evidence it can
25 be established that the proposed use of the property meets the concurrency
26 provisions of article 5 and in addition one of the following criteria has been met:

27
28 **(1)** The proposed use was authorized pursuant to a county development order, or
29 equivalent, issued on or before the effective date of this Code, or a pertinent
30 amendment thereto, and the development has commenced and is continuing in
31 good faith. In a claim based upon this criterion, the owner must produce evidence
32 of actions and accomplishments that substantiate timely and lawful progression
33 towards the completion of the intentions and plans documented in the original
34 order, or equivalent. In a claim based upon this criterion, the right to which the
35 owner may be vested is a continuation of the original order, or equivalent.

36
37 **(2)** The owner is determined to have acquired rights due to good faith reliance on an
38 act of commission or omission of the county which has caused the owner to
39 make such a substantial change in position or to incur such extensive obligations
40 and expenses that it would be highly inequitable and unjust to destroy the rights
41 acquired. In a claim based upon this criterion, the owner must document, and the
42 county must verify, the obligations and expenses that are in jeopardy. The owner
43 must produce evidence of actions and accomplishments that substantiate timely
44 and lawful progression towards the completion of the intentions and plans that
45 have been jeopardized. Evidence including, but not limited to, that which

1 demonstrates that such activity has not progressed in such a manner may be
2 sufficient to negate a finding of good faith on the part of the owner and therefore
3 invalidate the claim to vested rights.
4

- 5 **(f) Limitation on vested rights.** A determination of vested rights shall expire and be
6 null and void unless construction of improvements, if any, are commenced pursuant
7 to a development order within 18 months after the issuance of the determination of
8 vested rights.
9

10 **Sec. 2-6.9 Planned unit developments.**

11 **(a) Generally.** Specific height, area, yard, size, and use requirements that may be
12 different in any or all respects from those required by the applicable zoning district
13 may be proposed through a planned unit development (PUD). A PUD proposing
14 one or more such modifications to accomplish a better development for the county,
15 developer, and users of the development may be approved within any zoning district
16 or future land-use category. However, the PUD does not alter the density limitations
17 of the applicable zoning or any provisions of the applicable future land use. The
18 requirements to approve a planned unit development (PUD) are established for the
19 Planning Board to consider in a quasi-judicial public hearing whether conditions
20 warrant the proposed modifications and make recommendations regarding the
21 proposal to the Board of County Commissioners (BCC) and for the BCC to consider
22 and act on those recommendations. [6.06.06]

23 **(b) Application.** An application for PUD approval shall be submitted to the clerk of the
24 reviewing board within the time frame provided in the application. A pre-application
25 meeting with staff is recommended.

26 **(c) Public participation.** Prior to any hearing to consider a PUD, the clerk of the
27 Planning Board shall ensure public notice consistent with Florida Statutes.

28 **(d) Compliance review.** The reviewing board shall conduct a quasi-judicial public
29 hearing as noticed to consider whether conditions warrant the proposed
30 modifications and make recommendations regarding the proposal to the Board of
31 County Commissioners (BCC) and for the BCC to consider and act on those
32 recommendations. [6.06.06]

33 **(e) Criteria for PUD approval.** The applicant has the burden of presenting competent
34 substantial evidence to the board that establishes each of the following conditions
35 for the PUD:

36 **(1) Planned community.** The development has characteristics of a planned
37 community.

38 **(2) Creative Planning.** The development demonstrates flexible and creative
39 concepts of site planning.

40 **(3) Natural amenities.** Natural amenities of the land are preserved through scenic
41 and functional open space.

- 1 **(4) Desirable environment.** A more desirable environment in which to live or work
2 is created than would be possible through the strict application of the minimum
3 requirements of the LDC.
- 4 **(5) Efficient land use.** The plan provides for an efficient use of land resulting in
5 smaller networks of streets and utilities. If street rights-of-way are proposed to
6 be less than standard width, easements will provide adequate space to install
7 and maintain utilities.
- 8 **(6) Compatibility.** The development will provide stable conditions and character
9 compatible with surrounding areas.
- 10 **(7) Consistent with Comprehensive Plan.** The plan is not in conflict with the
11 provisions of the applicable future land use category, or any other provisions of
12 the Comprehensive Plan.
- 13 **(8) Consistent with LDC.** The plan is not in conflict with any provisions of the LDC
14 not eligible for modification through the PUD process

15 **Sec. 2-6.10 Statutory development agreements.**

16 At the request of an applicant or the county, a voluntary development agreement may
17 be entered into that would vest certain conditions agreed to by both parties according to
18 the requirements of Florida Statutes. The form of the development agreement shall be
19 approved through the County Attorney's Office. The Planning Board shall conduct the
20 first of two public hearings required by law. The BCC shall conduct the second public
21 hearing, with final adoption of the development agreement requiring a majority vote of
22 the BCC. [\[4.02.02, 5.12.04\]](#)

23
24
25

1 **Article 7 LDC and Comprehensive Plan Amendment**

2 **Sec. 2-7.1 Purpose of article.**

3 The purpose of this article is to establish the review necessary to consider and
4 authorize both text and map amendments to the Land Development Code (LDC) and
5 Comprehensive Plan. These LDC and Comprehensive Plan amendment review are
6 defined by the general provisions of Article 1 and the specific provisions of this article.
7 The reviews are predominantly discretionary and provide opportunities to modify county
8 land development goals, objectives, policies, and regulations within the limits prescribed
9 by Florida Statutes. More specifically, this article includes review for amendment of the
10 LDC zoning map (rezoning), the Comprehensive Plan future land use map (FLUM), and
11 text amendments to the provisions of both the LDC and Comprehensive Plan.

12 **Sec. 2-7.2 LDC zoning map and text amendments.**

13 **(a) Generally.** All provisions of the Land Development Code are established, modified,
14 or repealed by ordinance of the Board of County Commissioners (BCC). Zoning
15 map and text amendments may be proposed by the county or others according to
16 the ordinance enactment procedures prescribed by Florida Statutes and the
17 provisions of this section. Since any LDC amendment is a change to implementing
18 the land-use regulations of the county and can modify the requirements for
19 subsequent authorizations of land uses and development activities, significant
20 opportunities for public participation are provided. These map and text amendment
21 processes are established for the county to authorize appropriate changes to its land
22 development regulations. [2.08.00, 2.08.03]

23 **(b) County-initiated zoning map amendment (rezoning) provisions.** Large-scale
24 comprehensive changes to the county zoning district map functionally set policy and
25 are enacted through legislative procedures. Zoning map amendments (rezonings)
26 that affect a limited number of identifiable parties and interests and are determined
27 based on the application of facts to adopted policy are quasi-judicial. The
28 requirements to approve quasi-judicial rezoning is established for the Planning
29 Board, or the SRIA for Pensacola Beach properties, to make recommendations to
30 the BCC regarding whether requested amendments to the Official Zoning Map of the
31 county are necessary and appropriate and for the BCC to consider and act on those
32 recommendations. The rezoning does not change the text of a zoning district or any
33 other provisions of the LDC.

34 **(1) Application.** An application for a rezoning map amendment shall be submitted
35 for compliance review to the clerk of the reviewing board at least 30 business
36 days prior to the scheduled board meeting. A pre-application meeting with the
37 staff for the board is recommended to discuss the process and review county and
38 applicant responsibilities.

39 **(2) Public participation.** Prior to any hearing to consider a rezoning, the clerk of
40 the reviewing board shall ensure public notice consistent with Florida Statutes
41 and the Comprehensive Plan.

1 **(3) Compliance review.** The reviewing board shall conduct a quasi-judicial public
2 hearing as noticed to consider the requested rezoning according to the
3 provisions of this article. At the conclusion of the hearing, based on the record of
4 evidence, the reviewing board shall adopt a recommendation to the BCC for
5 rezoning approval, denial, or if possible and acceptable to the applicant, approval
6 of a district with less intensive uses than the requested zoning. [2.08.02.C.4]

7 **(4) Final determination.** The BCC at its scheduled hearing shall adopt, modify, or
8 reject the recommendation of the reviewing board or return the rezoning case to
9 the board with instructions for additional facts or clarification. The staff of the
10 recommending board shall inform the board of all formal actions taken by the
11 BCC on the rezoning request. [2.08.02.E.3]

12 **a. No new testimony.** The BCC shall not hear new testimony in its
13 consideration of the reviewing board's hearing record and recommendation.
14 Only a person of record in the proceedings of the reviewing board will be
15 afforded the right to address the BCC, and only to speak to the correctness of
16 the findings of fact or conclusions of law as based on the record. [2.08.02.E.1]

17 **b. Rejection and modification.** Findings of fact or findings regarding legitimate
18 public purpose may not be rejected or modified by the BCC unless they are
19 clearly erroneous or unsupported by the record. When rejecting or modifying
20 conclusions of law, the BCC must state with particularity its reasons for
21 rejecting or modifying the conclusions of the reviewing board and must make
22 a finding that the conclusion of law it substituted is equally or more
23 reasonable than the conclusion it rejected or modified. However, the BCC
24 may not approve rezoning to a district that allows a more intensive use (as
25 measured by density and/or permitted uses) than the district requested by the
26 applicant or given public hearing notice. [2.08.02.E.1]

27 **c. Return to reviewing board.** A remanded case requires the Planning Board,
28 or SRIA as applicable, to hold a second quasi-judicial public hearing for the
29 purpose of hearing testimony and receiving evidence relevant to the
30 additional facts and clarification requested by the BCC. The hearing shall be
31 at the next available scheduled meeting of the reviewing board. Public notice
32 shall be the same as provided for the initial hearing and include those
33 interested persons who appeared at the initial hearing. Within 15 days of the
34 hearing on remand, the reviewing board shall submit a supplemental
35 recommendation for BCC review at the next available scheduled meeting of
36 the BCC. [2.08.02.E.2]

37 **d. Return to BCC.** When the supplemental recommendation is considered by
38 the BCC, the entire record relating to both the initial and supplemental
39 hearings of the reviewing board shall be presented. All persons who were
40 furnished a copy of the original recommendation shall be furnished a copy of
41 the supplemental recommendation. Public notice shall be the same as
42 provided for the initial BCC hearing and include those persons who testified or
43 gave evidence at either hearing of the reviewing board. [2.08.02.E.2]

1 e. **Approval.** If the BCC approves a rezoning, it shall amend the Official Zoning
2 Map of Escambia County to reflect its final decision according to the
3 ordinance procedures prescribed by Florida Statutes.

4 f. **Denial.** If the final determination of the BCC is denial of the rezoning, no new
5 application for identical action on the same parcel shall be accepted for
6 consideration within a period of 180 days from the date of the denial.

7 [2.08.02.F.2]

8 (5) **Appeal.** Actions by the BCC adopting, rejecting, or modifying the recommended
9 rezoning of the reviewing board are final. Any party seeking judicial review of the
10 final determination shall do so according to the general provisions of Article 1.
11 Additionally, written notice of the filing of any such petition for judicial review shall
12 be promptly provided by the petitioner through the county to each owner of real
13 property with any portion within a 500-foot radius of the rezoning subject
14 property. [2.08.02.F.1]

15 (c) **LDC Text amendment provisions.** Changes to the text of the LDC set policy and
16 are legislative in nature. The requirements to approve a text amendment are
17 established for the Planning Board to make recommendations to the BCC regarding
18 whether requested changes to LDC text are necessary and appropriate and for the
19 BCC to consider and act on those recommendations. The text amendment process
20 does not amend the content of zoning district maps, technical standards, and other
21 maps or documents adopted by reference within the LDC. [2.08.04]

22 (1) **Application.** Where a text amendment is requested by petition to the Planning
23 Board, application shall be submitted for compliance review to the clerk of the
24 Planning Board at least 30 business days prior to the scheduled board meeting.
25 A pre-application meeting of the petitioner with staff for the board is
26 recommended to discuss the process and review county and petitioner
27 responsibilities.

28 (2) **Public participation.** Prior to any meeting to consider a text amendment, the
29 clerk of the Planning Board shall ensure public notice consistent with Florida
30 Statutes and the Comprehensive Plan.

31 (3) **Compliance review.** The Planning Board shall consider a requested text
32 amendment during the noticed meeting of the board and determine any
33 subsequent action. If the text is to be evaluated as an amending ordinance, the
34 board shall conduct a public hearing. At the conclusion of the hearing the
35 Planning Board shall adopt a recommendation to the BCC for adoption, adoption
36 with modification, or rejection of the amendment.

37 a. **Planning Official's evaluation.** For any amending ordinance, or as may be
38 requested by the Planning Board for any other text amendment proposal, the
39 Planning Official shall review and evaluate the proposal according to the
40 required amendment conditions. The evaluation shall be provided to the
41 Planning Board for consideration with the proposed text amendment.

42 b. **Recommendation to BCC.** For any amending ordinance, the clerk of the
43 Planning Board shall forward the board's recommendation to the BCC for

1 consideration in a public hearing at the next available scheduled meeting of
2 the BCC. The clerk of the Planning Board shall ensure public notice of the
3 BCC hearing consistent with Florida Statutes and the notice required for
4 hearings of the Planning Board.

5 **(4) Final determination.** The BCC shall consider the amending ordinance at a
6 public hearing as noticed and adopt, modify, or reject the recommendation of the
7 Planning Board. At its discretion, the BCC may return the amending ordinance to
8 the board with instructions for modifications. If the amending ordinance is
9 returned for modifications, the Planning Board shall hold another public hearing
10 for the purpose of considering any revisions. The hearing shall be at a
11 scheduled meeting of the Planning Board, with public notice the same as that
12 provided for the initial hearing. Within the time requested by the BCC, the
13 Planning Board shall resubmit the amending ordinance with any revisions it may
14 propose for BCC consideration. The clerk of the Planning Board shall again
15 ensure proper public notice of the hearing at the next available scheduled
16 meeting of the BCC. In the hearing, the BCC shall again consider the amending
17 ordinance for adoption, modification, or rejection.

18 **(d) Consistency with Comprehensive Plan.** A challenge by a “substantially affected
19 person” (as defined by the state) of any land development regulation within the LDC
20 on the basis that it is inconsistent with the Comprehensive Plan shall be made
21 according to the administrative review provisions of Florida Statutes.

22 **Sec. 2-7.3 Comprehensive Plan future land use and text amendments.**

23 **(a) Generally.** All provisions of the Comprehensive Plan are established, modified, or
24 repealed by ordinance of the Board of County Commissioners (BCC). Future land
25 use map (FLUM) and text amendments may be proposed by the county or others
26 according to ordinance enactment and plan amendment procedures prescribed by
27 Florida Statutes and the provisions of this section. Since any Comprehensive Plan
28 amendment is a change in the foundational growth management plan guiding county
29 economic growth, land development, resource protection, and the provision of public
30 services and facilities, significant opportunities for public participation are provided.
31 **[2.09.00]**

32 **(b) Applicant expenses and responsibilities.** Any person requesting consideration of
33 an amendment to the Comprehensive Plan shall be responsible for all costs and
34 supporting information associated with preparation of the request that may be
35 required by the county or the state. **[2.09.05]**

36 **(c) State review.** A Comprehensive Plan amendment adopted by the BCC shall follow
37 the applicable state statute. An amendment qualifies as a small scale if it is less
38 than ten acres in size or a large scale if it is greater than ten acres in size.

39 **(d) Amendment requirements.** Amendments to both the text and the future land-use
40 map of the Comprehensive Plan functionally set policy and are legislative in nature.
41 The requirements to approve a comprehensive plan amendment are established for
42 the Planning Board to make final recommendations to the BCC regarding whether

1 requested amendments to the Comprehensive Plan of the county are necessary and
2 appropriate and for the BCC to consider and act on those recommendations.

3 **(1) Application.** An application for a Comprehensive Plan amendment approval
4 shall be submitted for compliance review to the clerk of the Planning Board at
5 least 30 business days prior to the scheduled board meeting. A pre-application
6 meeting of the applicant with staff for the board is recommended to discuss the
7 process and review county and applicant responsibilities.

8 **(2) Public participation.** Prior to any hearing to consider a comprehensive plan
9 amendment, the clerk of the Planning Board shall ensure public notice consistent
10 with Florida Statutes and the Comprehensive Plan.

11 **(3) Compliance review.** The Planning Board shall consider a requested
12 Comprehensive Plan amendment during the noticed meeting of the board and
13 determine any subsequent actions. At the conclusion of the hearing, the
14 Planning Board shall adopt a recommendation to the BCC for adoption, adoption
15 with modification, or rejection of the amendment.

16 **a. General amendment conditions.** All amendments to the Comprehensive
17 Plan shall demonstrate the following general conditions, allowing that where
18 an amendment is imposed by a state or federal requirement it need only
19 demonstrate the conditions to the greatest extent practicable under that
20 requirement:

21 **1. Need and benefit.** There is an identified land-use need particular to the
22 scope and function of the Comprehensive Plan for which an amendment is
23 clearly warranted.

24 **2. Professional practices.** The proposed amendment applies
25 contemporary planning principles, engineering standards, and other
26 professional practices to provide an effective and efficient remedy for the
27 identified land-use problem or need.

28 **b. FLUM amendment conditions.** In addition to the general amendment
29 conditions, a future land-use map amendment shall be based upon analyses
30 by Florida Statute.

31 **c. Comprehensive Plan text amendment.** A comprehensive plan text
32 amendment shall demonstrate any applicable governing regulations.

33 **d. Planning Official's report.** For any amending ordinance, or as may be
34 requested by the Planning Board for any other amendment proposal, the
35 Planning Official shall review and evaluate the proposal according to the
36 required amendment conditions. The evaluation shall be provided to the
37 Planning Board for consideration with the proposed text amendment.

38 **e. Recommendation to BCC.** For any amending ordinance, the clerk of the
39 Planning Board shall forward the board's recommendation to the BCC for
40 consideration in a public hearing at the next available scheduled meeting of
41 the BCC. The clerk of the Planning Board shall ensure public notice of all

1 BCC hearings regarding the amendment consistent with Florida Statutes and
2 the notice required for hearings of the Planning Board.

3
4 **(4) Final determination.** Requirements for a final determination on a proposed
5 Comprehensive Plan amendment shall be as prescribed by Florida Statutes and
6 summarized in the following actions:

7 **a. Initial action of BCC.** The BCC shall consider the amending ordinance at its
8 noticed public hearing and accept, modify, or reject the recommendation of
9 the Planning Board. The initial hearing of the BCC shall be for transmittal if
10 the amendment is following the expedited state review or state coordinated
11 review process. If the amendment qualifies as small in scale, the initial
12 hearing shall be the adoption hearing for the ordinance.

13 **b. Initial transmittal.** As may be approved by the BCC at the initial public
14 hearing, and as prescribed for the expedited state review and state
15 coordinated review processes, the county shall transmit the amendment and
16 appropriate supporting data and analysis to state and other reviewing
17 agencies for comment.

18 **c. Response of BCC.** After county receipt of reviewing agency comments, the
19 BCC shall hold a second noticed public hearing within the time prescribed by
20 statute to consider adoption of the ordinance. At the hearing, the BCC shall
21 adopt, modify, or reject the amending ordinance. Failure to hold a second
22 hearing in a timely manner shall be considered withdrawal of the amendment.

23 **d. Adoption transmittal.** As may be approved by the BCC at a public hearing,
24 and as prescribed for the applicable state review process, the county shall
25 transmit the adopted amendment and appropriate supporting data and
26 analysis to state and any other reviewing agencies that provided timely
27 comment. An adopted amendment becomes effective no sooner than 31
28 days after adoption and, if subject to a timely challenge, it does not become
29 effective until the state issues a final order determining compliance.

30 **e. Landowner dispute resolution.** If the county denies a landowner's request
31 for an amendment to the comprehensive plan that is applicable to the owner's
32 land, the county must afford the owner an opportunity for informal mediation
33 or other alternative dispute resolution. The costs of the mediation or other
34 alternative dispute resolution shall be borne equally by the county and the
35 owner. If the owner requests mediation, the time for bringing a judicial action
36 is tolled until the completion of the mediation or 120 days, whichever is
37 earlier.

1 **Article 8 Manual and Procedures**

2 **Sec. 2-8.1 Purpose of article.**

3 The County has established and adopted procedures, standards and guidelines to work
4 in conjunction with the LDC in the form of supplemental manuals. The intent and
5 purpose of this section is to provide procedures and general standards for use in the
6 development and management of the supplemental manuals.

7 The supplemental manuals, which are to be used during review of development activity
8 and other applications requiring County review, will provide detailed site-specific
9 regulations and technical requirements. All applications for development approval shall
10 comply with these applicable procedures standards provided in the supplemental
11 manuals as related to the LDC and as may be required by other federal, state, or local
12 regulations.

13 Decisions regarding the application of design and environmental standards are the
14 responsibility of the Engineering or Environmental Official (or his or her designee).

15
16 **Sec. 2-8.2 Generally.**

17 The LDC support documents can be known collectively as the Land Development
18 Manual (LDM) and will be located in the LDC as an attachment. To date, the County
19 has established the following documents to be used to supplement the LDC and be
20 provided as part of the LDM:

- 21 Engineering Design Standards Manual (EDSM)
- 22 Environmental Standards Manual (ESM)

23
24
25
26 These manuals outline the steps and processes or standards to be followed at each
27 stage of the development process. By providing submittal checklists, standard notes,
28 sheet layout specifications, and technical specifications, these manuals are intended to
29 be used in conjunction with the LDC and cover all aspects of development planning,
30 design, and construction.

31
32 **Sec. 2-8.3 Criteria for Inclusion.**

33 These manuals are not intended to replace the LDC but are meant to allow for flexibility,
34 streamlining, and efficiency within the site plan review process. The information
35 provided in the manuals, including checklists, applications, technical guidelines, and
36 standards, must meet one of the following criteria to qualify for inclusion:

- 37
- 38 a. Provides specific and general design requirements
- 39 b. Provides process configurations, general equipment/material
- 40 requirements, or subjective design choices
- 41 c. Provides design criteria that, in all cases, meet or exceed
- 42 mandatory regulatory or industry design requirements

- d. Provides background information related to a design requirement or guideline
- e. Provides a sample calculation
- f. Details specific information (application form title, application submittal timelines, documentation requirements, etc.) regarding development applications

Sec. 2-8.4 Engineering Design Standards Manual.

The Engineering Design Standards Manual (EDSM) establishes the standards meant to provide minimum technical guidelines and standards for the design and construction of any facilities located within Escambia County. The County Engineer shall be responsible for the administration, oversight, and development of the manual. In addition to the County Engineer, an Engineering Professional Advisory Committee shall be established to review and revise the manual. Details regarding the committee's structure and responsibilities have been provided in the EDSM.

Sec. 2-8.5 Environmental Standards Manual.

The Environmental Standards Manual (ESM) establishes the standards meant to provide minimum environmental guidelines and standards for the design and construction of any facilities located within Escambia County. The Environmental Director shall be responsible for the administration, oversight, and development of the manual. In addition to the Director, an Environmental Professional Advisory Committee shall be established to review and revise the manual. Details regarding the committee's structure and responsibilities have been provided in the ESM.

Se Sec 2-8.6

Sec. 2-8.7 Amendments or changes ESM and EDSM.

On occasion, it becomes necessary to clarify or correct specific terms, requirements, and standards within the ESM and EDSM. When it is determined that the changes are only minor in nature, the following minor corrections and changes shall be authorized by the County Engineer or Environmental Director or his or her designee. The minor changes are as follows:

- Change to clarify definitions and concepts
- Modifications to technical specifications and engineering standards or requirements based on local, state, and federal guidelines or prevailing professional standards
- Endorsement of new technology and techniques

The said manuals will be reviewed annually and updated accordingly based on new standards, technology, or procedural changes by the PAC. Furthermore, additions, deletions, or revisions to Design Standards may be made by the County Engineer/Environmental Manager or designee as necessary when required for compliance with mandatory regional, state, or federal regulations. By meeting the

1 above criteria in section 2-8.3, the information, requirements, and guidelines provided in
2 the manual do not require formal board action (including but not limited to the BCC,
3 BOA, or Planning Board).

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