

representative of the deceased; a public health officer; the medical examiner or other public administrator acting under ch. 245, F.S., relating to the disposition of dead bodies; a nursing home or health care institution representative; or a friend or other person not listed who is willing to assume the responsibility.

Section 470.006, F.S., provides requirements for licensure as an embalmer by examination and provides for the issuance of provisional licenses under certain circumstances.

Section 470.0085, F.S., provides requirements relating to embalmer apprentice programs and sets forth the allowable scope of practice for an embalmer apprentice.

Section 470.009, F.S., provides requirements for licensure as a funeral director by examination, including completion of a one-year internship prior to the examination. The examination is administered twice a year.

Section 470.015, F.S., sets forth the requirements for renewal of a funeral director's license, including 12 classroom hours of continuing education, in addition to a board approved course on communicable diseases. Section 470.018, F.S., sets forth similar requirements for renewal of a direct disposer license, except that only 3 hours of continuing education are required in addition to the communicable disease course. Section 455.2226, F.S., requires licensees to take a board-approved course in HIV/AIDS.

Section 470.024, F.S., sets forth the requirements for licensing funeral establishments. The section prohibits the collocation of facilities after January 1, 1993. In addition, the section allows the board to require relicensure of a funeral establishment if it changes ownership.

Section 470.029, F.S., requires funeral and direct disposal establishments to report monthly to the department concerning the final disposition of dead human bodies. No time certain for filing the reports is provided.

Section 470.0294, F.S., sets forth specific rights of legally authorized persons, in addition to common law or other statutory rights, including the right to direct the disposition of human remains when a fetal death certificate is not required.

Section 470.0301, F.S., sets forth the registration requirements for removal services, refrigeration facilities, and centralized embalming facilities. Requirements for registration as a removal service or refrigeration facility include fees for application, licensure, and inspection. No fees are provided for centralized embalming facilities.

Section 470.036, F.S., provides grounds for disciplinary action against licensees and the penalties the board may impose for disciplinary violations.

III. Effect of Proposed Changes:

The bill amends various sections of chapter 470, F.S., relating to the practice of funeral directing, embalming and direct disposing, to clarify requirements and facilitate the administration of the chapter.

Section 1 amends s. 470.002, F.S., to include an attorney-in-fact or health surrogate of the deceased, after a personal representative but before a public health officer in the list of legally authorized persons. A surrogate is defined in s. 765.101, F.S., relating to advance directives, to mean any competent adult designated by a principal to make health care decisions when the principal is incapacitated. *Black's Law Dictionary* defines an attorney-in-fact as a private attorney (or other person) authorized by another to act in that person's place for a particular purpose not of a legal character.

Section 2 amends s. 470.006, F.S., to require embalmers to complete the required one-year internship prior to the issuance of a provisional license.

Section 3 amends s. 470.0085, F.S., relating to embalmer apprenticeships, to allow mortuary science students to continue practicing as apprentices for up to three years. Currently, they may practice as apprentices for no more than one year.

Section 4 amends s. 470.009, F.S., to allow funeral director applicants to take the licensure examination prior to completion of the one-year internship and to require the completion of the internship prior to the issuance of a provisional license.

Sections 5 and 6 amend ss. 470.015 & 470.018, F.S., to clarify that the HIV/AIDS course required in s. 455.2226, F.S., must be part of the board approved course on communicable diseases.

Section 7 amends s. 470.024, F.S., to revise the grandfather date for collocated funeral establishments from January 1, 1993, to October 1, 1993. Facilities licensed as collocated facilities on that date may continue to renew their licenses, but collocation of facilities that were not licensed on that date is prohibited. In addition, the section is amended to allow a funeral establishment to operate a visitation chapel in the county where the funeral establishment is located.

Section 8 amends s. 470.029, F.S., to require reports related to the final disposition of dead human bodies to be filed with the board by the 10th of each month for the preceding month's final dispositions.

Section 9 amends s. 470.0301, F.S., to provide a maximum \$300 fee for application and license renewal for centralized embalming facilities and a maximum \$100 fee for required inspections. These fees are consistent with the fees for other facilities licensed under the chapter.

Section 10 creates s. 470.0315, F.S., to provide requirements for the storage, preservation, and transportation of human remains. Human remains may not be stored anywhere except in a facility licensed or registered under ch. 470, F.S., or a health care facility, medical examiner's facility, morgue, or cemetery holding facility. A body held more than 24 hours after death must be refrigerated or embalmed. Transportation of a dead human body by common carrier requires placement of the body in a container sufficient to prevent fluid seepage or the escape of offensive odors. The body must be accompanied by a burial-transit permit pursuant to ch. 382, F.S, relating to vital statistics. The board is authorized to establish minimal standards for handling dead human bodies by rule, including that all transported or stored human remains must be covered and must be treated with dignity and respect. Violations of the provisions of s. 470.0315, F.S., are first degree misdemeanors. These changes address enforcement barriers encountered after an incident where a funeral director with a revoked license stored bodies in rented storage facilities after his establishment was closed.

Section 11 creates s. 470.0355, F.S., to require licensees to provide a mechanism for identifying all human remains. The identification must be of, or encased in, durable or long-lasting material and must contain the name, date of birth, date of death, and social security number of the deceased. A licensee may rely on the representation of a legally authorized person to identify the remains.

Section 12 amends s. 470.036, F.S., relating to disciplinary actions against licensees, to clarify its applicability to all licensees and registrants under the chapter.

Section 13 provides an effective date of July 1 of the year in which the bill is enacted.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

The bill includes a fee of up to \$300 for application and license renewal for centralized embalming facilities and a fee of up to \$100 to cover the costs inspections. The DBPR estimates that there are currently 4 licensed centralized embalming facilities. According to the DBPR, the fees provided in the bill would generate the following annual revenue:

License Fee	4 x \$300 = \$1,200
Inspection Fee	4 x \$100 = \$ 400
TOTAL	\$1,600

B. Private Sector Impact:

Licensees will benefit from provisions that enable them to take the examination prior to completing the one-year internship and from provisions which combine the HIV/AIDS course and the communicable disease course currently required.

C. Government Sector Impact:

The DBPR states that the fiscal impact of this bill is insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill requires the Board of Funeral Directors and Embalmers to adopt rules relating to fees for centralized embalming facilities in s. 470.0301, F.S., and rules relating to minimal standards for handling dead human bodies in s. 470.0315, F.S. The legislation provides adequate and appropriate standards and guidelines to direct the agency's implementation of the proposed legislation.

VIII. Amendments:

None.