

747-127AX-22

Bill No. CS/HB 1667

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Baxley offered the following:

Amendment to Amendment (833235) (with title amendment)

On page 23, between lines 16 & 17,

insert:

Section 16. Sections 16-45 of this act may be cited as the "Funeral and Cemetery Services Industry Regulatory Unification Act."

Section 17. All of the records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of chapter 497, Florida Statutes, shall be transferred by a type two transfer as defined in s. 20.06(2), Florida Statutes, from the Department of Banking and Finance to the Department of Business and Professional Regulation.

Section 18. The transfer of regulatory authority over chapter 497, Florida Statutes, provided by this act shall not affect the validity of any judicial or administrative proceeding pending as of September 30, 2002, and the Department of Business and Professional Regulation shall be

1 substituted for the Department of Banking and Finance as a
2 party in interest.

3 Section 19. Notwithstanding the transfer of regulatory
4 authority over chapter 497, Florida Statutes, provided by this
5 act, all licenses and registrations issued pursuant to chapter
6 497, Florida Statutes, which are valid on September 30, 2001,
7 shall remain in effect subject to the provisions of chapter
8 497, Florida Statutes.

9 Section 20. (1) The terms of all current members of
10 the Board of Funeral Directors and Embalmers and of the Board
11 of Funeral and Cemetery Services shall expire on October 1,
12 2002. Members shall be appointed to the new Board of Funeral
13 Directors and Cemeteries pursuant to s. 470.003, Florida
14 Statutes, to terms beginning on October 1, 2002, and staggered
15 as follows, notwithstanding s. 470.003(3), Florida Statutes:

16 (a) Three members shall be appointed for terms of 2
17 years each, one of whom must be a funeral director member, one
18 of whom must be a cemetery owner or operator member, and one
19 of whom must be a consumer member.

20 (b) Three members shall be appointed for terms of 3
21 years each, one of whom must be a funeral director member, one
22 of whom must be a cemetery owner or operator member, and one
23 of whom must be a consumer member.

24 (c) Three members shall be appointed for terms of 4
25 years each, one of whom must be a funeral director member, one
26 of whom must be a cemetery owner or operator member, and one
27 of whom must be the monument dealer member.

28
29 As the terms of these members expire, the Governor shall
30 appoint their successors for terms of 4 years in accordance
31 with s. 470.003(3), Florida Statutes.

1 (2) This section shall take effect upon this act
2 becoming a law.

3 Section 21. Paragraph (a) of subsection (4) of section
4 20.165, Florida Statutes, is amended to read:

5 20.165 Department of Business and Professional
6 Regulation.--There is created a Department of Business and
7 Professional Regulation.

8 (4)(a) The following boards are established within the
9 Division of Professions:

- 10 1. Board of Architecture and Interior Design, created
11 under part I of chapter 481.
- 12 2. Florida Board of Auctioneers, created under part VI
13 of chapter 468.
- 14 3. Barbers' Board, created under chapter 476.
- 15 4. Florida Building Code Administrators and Inspectors
16 Board, created under part XII of chapter 468.
- 17 5. Construction Industry Licensing Board, created
18 under part I of chapter 489.
- 19 6. Board of Cosmetology, created under chapter 477.
- 20 7. Electrical Contractors' Licensing Board, created
21 under part II of chapter 489.
- 22 8. Board of Employee Leasing Companies, created under
23 part XI of chapter 468.
- 24 9. Board of Funeral Directors and Cemeteries
25 ~~Embalmers~~, created under chapter 470.
- 26 10. Board of Landscape Architecture, created under
27 part II of chapter 481.
- 28 11. Board of Pilot Commissioners, created under
29 chapter 310.
- 30 12. Board of Professional Engineers, created under
31 chapter 471.

1 13. Board of Professional Geologists, created under
2 chapter 492.

3 14. Board of Professional Surveyors and Mappers,
4 created under chapter 472.

5 15. Board of Veterinary Medicine, created under
6 chapter 474.

7 Section 22. Section 215.321, Florida Statutes, is
8 amended to read:

9 215.321 Regulatory Trust Fund.--All funds received
10 pursuant to ss. 494.001-494.0077, ~~chapter 497~~,chapter 516,
11 chapter 520, or part I of chapter 559 shall be deposited into
12 the Regulatory Trust Fund.

13 Section 23. Subsection (1) of section 455.2226,
14 Florida Statutes, is amended to read:

15 455.2226 Funeral directors and embalmers; instruction
16 on human immunodeficiency virus and acquired immune deficiency
17 syndrome.--

18 (1) The Board of Funeral Directors and Cemeteries
19 ~~Embalmers~~ shall require each person licensed or certified
20 under chapter 470 to complete a continuing educational course,
21 approved by the board, on human immunodeficiency virus and
22 acquired immune deficiency syndrome as part of biennial
23 relicensure or recertification. The course shall consist of
24 education on the modes of transmission, infection control
25 procedures, clinical management, and prevention of human
26 immunodeficiency virus and acquired immune deficiency
27 syndrome. Such course shall include information on current
28 Florida law on acquired immune deficiency syndrome and its
29 impact on testing, confidentiality of test results, and
30 treatment of patients.

31 Section 24. Subsection (2) of section 470.002, Florida

1 Statutes, is amended to read:

2 470.002 Definitions.--As used in this chapter:

3 (2) "Board" means the Board of Funeral Directors and
4 Cemeteries ~~Embalmers~~.

5 Section 25. Section 470.003, Florida Statutes, is
6 amended to read:

7 470.003 Board of Funeral Directors and Cemeteries
8 ~~Embalmers~~; membership; appointment; terms; headquarters.--

9 (1) The Board of Funeral Directors and Cemeteries
10 ~~Embalmers~~ is created within the Department of Business and
11 Professional Regulation and shall consist of nine ~~seven~~
12 members appointed by the Governor and confirmed by the Senate.

13 (2) Three ~~Five~~ members of the board must be funeral
14 directors licensed under this chapter, ~~no more than two of~~
15 ~~whom may be associated with a cemetery company through~~
16 ~~ownership interests or through employment with a company which~~
17 ~~has an ownership interest in a cemetery.~~ Three members must
18 be owners or operators of a cemetery licensed under chapter
19 497. ~~The remaining~~ Two members must be residents of the state
20 who have never been licensed as funeral directors or embalmers
21 and who are in no way connected with a cemetery, the death
22 care industry, or the practice of embalming, funeral
23 directing, or direct disposition. One member must be a
24 monument dealer affiliated with a monument establishment
25 registered under chapter 497. At least one consumer member of
26 the board must be 60 years of age or older. No licensee on
27 the board may be associated by employment or ownership with a
28 funeral establishment or cemetery which is owned partly or
29 wholly by a person, business, corporation, or other entity
30 which is associated with another licensee on the board.

31 (3) The Governor shall appoint members for terms of 4

1 years, and such members shall serve until their successors are
2 appointed.

3 (4) The board may be contacted through the
4 headquarters of the department in the City of Tallahassee.

5 (5)~~(4)~~ All provisions of chapter 455 and s. 20.165
6 relating to activities of regulatory boards shall apply.

7 Section 26. Paragraph (d) of subsection (2) of section
8 470.017, Florida Statutes, is amended to read:

9 470.017 Registration as a direct disposer.--

10 (2) Any person who desires to be registered as a
11 direct disposer shall file an application with the department
12 on a form furnished by the department. The department shall
13 register each applicant who has remitted a registration fee
14 set by the department, not to exceed \$200; has completed the
15 application form and remitted a nonrefundable application fee
16 set by the department, not to exceed \$50; and meets the
17 following requirements:

18 (d) Has received a passing grade in the following a
19 college credit courses, as provided by rule of the board:
20 ~~course in Florida mortuary law, ethics,~~
21 microbiology-infectious diseases, thanatology, and accounting.

22 Section 27. Subsection (2) of section 470.018, Florida
23 Statutes, is amended to read:

24 470.018 Renewal of registration of direct disposer.--

25 (2) The department shall adopt rules establishing a
26 procedure for the biennial renewal of registrations. The
27 board shall prescribe by rule continuing education
28 requirements of up to 6 ~~3~~ classroom hours and may by rule
29 establish criteria for accepting alternative nonclassroom
30 continuing education on an hour-for-hour basis, in addition to
31 a board-approved course on communicable diseases that includes

1 the course on human immunodeficiency virus and acquired immune
2 deficiency syndrome required by s. 455.2226, for the renewal
3 of a registration.

4 Section 28. Section 470.0295, Florida Statutes, is
5 amended to read:

6 470.0295 Disinterment; transportation; authorization
7 and notification.--

8 (1) The disinterment and reinterment of human remains
9 shall require the physical presence of a licensed funeral
10 director, ~~unless the reinterment is to be made in the same~~
11 ~~cemetery.~~

12 (2) In order to ensure that any disinterment or
13 transportation of a dead human body is conducted in a manner
14 that properly protects the public health, safety, and welfare,
15 the board may adopt rules to regulate the disinterment and
16 transportation of human remains.

17 (3)(a) The funeral director shall obtain written
18 authorization from a legally authorized person or a court of
19 competent jurisdiction and must obtain a disinterment permit
20 from the local registrar of vital statistics prior to the
21 disinterment and reinterment of a dead human body.

22 (b) The department in consultation with the Department
23 of Health, shall adopt rules governing the issuance of
24 disinterment permits.

25 (c) Any person who violates this subsection commits a
26 misdemeanor of the first degree, punishable as provided in s.
27 775.082 or s. 775.083.

28 (4) Notification must be provided to the board and
29 department as provided in s. 470.029.

30 (5) The removal of human remains from a designated
31 temporary storage area to a place of permanent burial within a

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1 cemetery shall not be considered a disinterment or
2 reinterment.

3 Section 29. Section 470.0355, Florida Statutes, is
4 amended to read:

5 470.0355 Identification of human remains.--

6 (1) The licensee or registrant in charge of the final
7 disposition of dead human remains shall, prior to final
8 disposition of such dead human remains, affix on the ankle or
9 wrist of the deceased, and affix on or otherwise attach to ~~or~~
10 ~~in~~ the casket and outer burial container or any alternative
11 container or cremation container, proper identification of the
12 dead human remains. The identification or tag shall be
13 encased in or consist of durable and long-lasting material
14 containing the name, date of birth, and date of death, ~~and~~
15 ~~social security number~~ of the deceased, if available. If the
16 dead human remains are cremated, proper identification shall
17 be placed in the container or urn containing the remains.

18 (2) Any licensee or registrant responsible for removal
19 of dead human remains to any establishment, facility, or
20 location shall ensure that the remains are identified by a tag
21 or other means of identification that is affixed to the ankle
22 or wrist of the deceased at the time the remains are removed
23 from the place of death or other location. The tag or other
24 identification shall not be removed from the human remains,
25 except to relocate the tag or other identification from the
26 ankle to the wrist or from the wrist to the ankle. The tag or
27 other identification must accompany the remains until final
28 disposition. When cremation is the final disposition, the tag
29 or other identification may be removed just prior to cremation
30 and in that event shall be maintained within the permanent
31 file.

1 (3) Any licensee or registrant may rely on the
2 representation of a legally authorized person to establish the
3 identity of dead human remains.

4 (4) The board shall adopt rules pursuant to ss.
5 120.536(1) and 120.54 necessary to implement the requirements
6 and operating procedures for the identification of human
7 remains set forth in this section.

8 (5) The department may file an action for civil
9 penalties of up to \$10,000 against any person who violates
10 this section or any rule adopted hereunder. A licensee is
11 entitled to a hearing pursuant to chapter 120 to contest the
12 penalty.

13 (6) In addition to any other remedies provided under
14 law, a party who is injured by a violation of this part may
15 file a civil action for recovery of actual and punitive
16 damages, including costs and attorney's fees. This part does
17 not limit any right or remedy provided under law.

18 (7) A person who violates this section commits a
19 felony of the third degree, punishable as provided in s.
20 775.082 or s. 775.083.

21 Section 30. Subsections (4) and (16) of section
22 497.005, Florida Statutes, are amended to read:

23 497.005 Definitions.--As used in this chapter:

24 (4) "Board" means the Board of Funeral Directors and
25 Cemeteries created under s. 470.003 Cemetery Services.

26 (16) "Department" means the Department of Business and
27 Professional Regulation Banking and Finance.

28 Section 31. Subsection (3) of section 497.103, Florida
29 Statutes, is amended to read:

30 497.103 Rulemaking authority of board and
31 department.--

1 (3) The board shall adopt and enforce rules governing
 2 the operation of cemeteries in this state and arrange for the
 3 preparation, publication, and dissemination to the public of
 4 these rules and other information and material relevant to the
 5 operation of cemeteries. Such rules shall include
 6 establishing reasonable times for access to all cemeteries,
 7 including the time of day and days of the week for access to
 8 install monuments and markers.

9 Section 32. Section 497.105, Florida Statutes, is
 10 amended to read:

11 497.105 ~~Department of Banking and Finance~~ Powers and
 12 duties of department.--The department ~~of Banking and Finance~~
 13 shall:

14 (1) Adopt rules establishing procedures for the
 15 renewal of licenses, registrations, and certificates of
 16 authority.

17 (2) Appoint the executive director of the board ~~of~~
 18 ~~Funeral and Cemetery Services~~, subject to the approval of the
 19 board.

20 (3) With the advice of the board, submit a biennial
 21 budget to the Legislature at a time and in the manner provided
 22 by law.

23 (4) Develop a training program for persons newly
 24 appointed to membership on the board. The program shall
 25 familiarize such persons with the substantive and procedural
 26 laws and rules which relate to the regulation under this
 27 chapter and with the structure of the department.

28 (5) Adopt rules pursuant to ss. 120.536(1) and 120.54
 29 to implement the provisions of this chapter conferring duties
 30 upon it.

31 (6) Establish by rule procedures by which the

1 department shall use the expert or technical advice of the
2 board, for the purposes of investigation, inspection, audit,
3 evaluation of applications, other duties of the department, or
4 any other areas the department may deem appropriate.

5 (7) Require all proceedings of the board or panels
6 thereof within the department and all formal or informal
7 proceedings conducted by the department, an administrative law
8 judge, or a hearing officer with respect to licensing,
9 registration, certification, or discipline to be
10 electronically recorded in a manner sufficient to ensure the
11 accurate transcription of all matters so recorded.

12 (8) Select only those investigators approved by the
13 board. Such investigators shall report to and work in
14 coordination with the executive director of the board and are
15 responsible for all inspections and investigations other than
16 financial examinations.

17 Section 33. Section 497.117, Florida Statutes, is
18 amended to read:

19 497.117 Legal and investigative services.--

20 (1) The Department of Legal Affairs shall provide
21 legal services to the board ~~within the Department of Banking~~
22 ~~and Finance~~, but the primary responsibility of the Department
23 of Legal Affairs shall be to represent the interests of the
24 citizens of the state by vigorously counseling the board with
25 respect to its obligations under the laws of the state.
26 Subject to the prior approval of the Attorney General, the
27 board may retain independent legal counsel to provide legal
28 advice to the board on a specific matter. Fees and costs of
29 such counsel shall be paid from the Professional Regulation
30 Regulatory Trust Fund of the department ~~of Banking and~~
31 ~~Finance~~.

1 (2) The Department of Business and Professional
 2 Regulation ~~Banking and Finance~~ may employ or utilize the legal
 3 services of outside counsel and the investigative services of
 4 outside personnel. However, no attorney employed or utilized
 5 by the department shall prosecute a matter or provide legal
 6 services to the board with respect to the same matter.

7 Section 34. Subsections (2) and (3) of section
 8 497.201, Florida Statutes, are amended to read:

9 497.201 Cemetery companies; license; application;
 10 fee.--

11 (2) The department may require any person desiring to
 12 establish a cemetery company who applies for a license to
 13 provide any information reasonably necessary to make a
 14 determination of the applicant's eligibility for licensure.
 15 Any person desiring to establish a cemetery company shall
 16 first:

17 (a) File an application, which states the exact
 18 location of the proposed cemetery, which site shall contain
 19 not less than 15 ~~30~~ contiguous acres; provide a financial
 20 statement signed by all officers of the company which attest
 21 to a net worth of at least \$50,000, which net worth must be
 22 continuously maintained as a condition of licensure; and pay
 23 an application fee of \$5,000;

24 (b) Create a legal entity; and

25 (c) Demonstrate to the satisfaction of the board that
 26 the applicant possesses the ability, experience, financial
 27 stability, and integrity to operate a cemetery.

28 (3) If the board finds that the applicant meets the
 29 criteria established in subsection (2), the department shall
 30 notify the applicant that a license will be issued when:

31 (a) The establishment of a care and maintenance trust

1 fund containing not less than \$50,000 has been certified by a
2 trust company operating pursuant to chapter 660, a state or
3 national bank holding trust powers, or a savings and loan
4 association holding trust powers as provided in s. 497.423.

5 (b) The applicant has filed with the department
6 development plans which are sufficient to ensure the
7 department that the cemetery will provide adequate service to
8 the community and which have been approved by the appropriate
9 local governmental agency regulating zoning in the area of the
10 proposed cemetery.

11 (c) The applicant holds an unencumbered fee simple
12 title to at least 30 contiguous acres of land.

13 (d) The applicant has designated as general manager a
14 person who has integrity, 3 years of cemetery management
15 experience as defined by board rule, and the ability to
16 operate a cemetery.

17 (e) The applicant has fully developed not less than 2
18 acres for use as burial space, such development to include a
19 paved road from a public roadway to the developed section.

20 (f) The applicant has recorded, in the public records
21 of the county in which the land is located, a notice which
22 contains the following language:

23
24 NOTICE

25
26 The property described herein shall not be sold, conveyed,
27 leased, mortgaged, or encumbered without the prior written
28 approval of the Department of Business and Professional
29 Regulation ~~Banking and Finance~~, as provided in the Florida
30 Funeral and Cemetery Services Act.

1 Such notice shall be clearly printed in boldfaced type of not
2 less than 10 points and may be included on the face of the
3 deed of conveyance to the licensee or may be contained in a
4 separate recorded instrument which contains a description of
5 the property.

6 Section 35. Paragraph (x) of subsection (1) of section
7 497.233, Florida Statutes, is amended to read:

8 497.233 Disciplinary proceedings.--

9 (1) The following acts constitute grounds for which
10 the disciplinary actions in subsection (2) may be taken:

11 (x) Sale of an irrevocable preneed contract to a
12 person who is not an applicant for or recipient of
13 Supplemental Security Income, Aid to Families with Dependent
14 Children, or Medicaid pursuant to s. 497.419(8)(7).

15 Section 36. Section 497.253, Florida Statutes, is
16 amended to read:

17 497.253 Minimum acreage; sale or disposition of
18 cemetery lands.--

19 (1) Each licensee shall set aside a minimum of 15 ~~30~~
20 contiguous acres of land for use by the licensee as a cemetery
21 and shall not sell, mortgage, lease, or encumber that property
22 without prior written approval of the department.

23 (2) Any lands owned by a licensee and dedicated for
24 use by it as a cemetery, which are contiguous, adjoining, or
25 adjacent to the minimum of 15 ~~30~~ contiguous acres described in
26 subsection (1), may be sold, conveyed, or disposed of by the
27 licensee, after obtaining written approval of the department
28 pursuant to subsection (3), for use by the new owner for other
29 purposes than as a cemetery. All of the human remains which
30 have been previously interred therein shall first have been
31 removed from the lands proposed to be sold, conveyed, or

1 disposed of; however, the provisions of ss. 470.0295 and
2 497.515(7) must be complied with prior to any disinterment of
3 human remains. Any and all titles, interests, or burial rights
4 which may have been sold or contracted to be sold in lands
5 which are the subject of the sale shall be conveyed to and
6 revested in the licensee prior to consummation of any such
7 sale, conveyance, or disposition.

8 (3)(a) If the property to be sold, conveyed, or
9 disposed of under subsection (2) has been or is being used for
10 the permanent interment of human remains, the applicant for
11 approval of such sale, conveyance, or disposition shall cause
12 to be published, at least once a week for 4 consecutive weeks,
13 a notice meeting the standards of publication set forth in s.
14 125.66(4)(b)2. The notice shall describe the property in
15 question and the proposed noncemetery use and shall advise
16 substantially affected persons that they may file a written
17 request for a hearing pursuant to chapter 120, within 14 days
18 after the date of last publication of the notice, with the
19 department if they object to granting the applicant's request
20 to sell, convey, or dispose of the subject property for
21 noncemetery uses.

22 (b) If the property in question has never been used
23 for the permanent interment of human remains, no notice or
24 hearing is required.

25 (c) If the property in question has been used for the
26 permanent interment of human remains, the department shall
27 approve the application, in writing, if it finds that it would
28 not be contrary to the public interest. In determining whether
29 to approve the application, the department shall consider any
30 evidence presented concerning the following:

31 1. The historical significance of the subject

1 property, if any.

2 2. The archaeological significance of the subject
3 property, if any.

4 3. The public purpose, if any, to be served by the
5 proposed use of the subject property.

6 4. The impact of the proposed change in use of the
7 subject property upon the reasonable expectations of the
8 families of the deceased regarding whether the cemetery
9 property was to remain as a cemetery in perpetuity.

10 5. Whether any living relatives of the deceased
11 actively oppose the relocation of their deceased's remains and
12 the conversion of the subject property to noncemetery uses.

13 6. The elapsed time since the last interment in the
14 subject property.

15 7. Any other factor enumerated in this chapter that
16 the department considers relevant to the public interest.

17 (d) Any deed, mortgage, or other conveyance by a
18 cemetery company or other owner pursuant to paragraphs
19 ~~subsections~~ (a) and (c) above must contain a disclosure in the
20 following or substantially similar form:

21
22 NOTICE: The property described herein was formerly used and
23 dedicated as a cemetery. Conveyance of this property and its
24 use for noncemetery purposes was authorized by the Florida
25 Department of Business and Professional Regulation ~~Banking and~~
26 ~~Finance~~ by Order No., dated

27
28 (e) The department shall adopt such rules as are
29 necessary to carry out the provisions of this section.

30 (4) A licensee may convey and transfer to a
31 municipality or county its real and personal property,

1 together with moneys deposited in trust funds pursuant to this
2 chapter, provided the municipality or county will accept
3 responsibility for maintenance thereof and prior written
4 approval of the department is obtained.

5 (5) The provisions of subsections (1) and (2) relating
6 to a requirement for minimum acreage ~~do shall~~ not apply to any
7 cemetery company licensed by the department on or before July
8 1, 2002 ~~2001~~, which owns a total of less than 30 acres of
9 land; however, no cemetery company shall dispose of any land
10 without the prior written consent of the department.

11 Section 37. Subsection (3) of section 497.305, Florida
12 Statutes, is amended to read:

13 497.305 Cemetery companies; authorized functions.--

14 (3) A cemetery company may adopt bylaws establishing
15 minimum standards for burial merchandise or the installation
16 thereof. However, a cemetery company may not restrict access
17 to any cemetery by any person needing access to install a
18 monument or marker on behalf of a registered monument
19 establishment, provided such access is within the reasonable
20 times for access established by the board by rule.

21 Section 38. Subsection (2) of section 497.325, Florida
22 Statutes, is amended to read:

23 497.325 Illegal tying arrangements.--

24 (2)(a) Noncemetery licensed persons and firms shall
25 have the right to sell monuments and to perform or provide on
26 cemetery property foundation, preparation, and installation
27 services for monuments. However, a cemetery company or any
28 other entity owning and operating a cemetery may establish
29 reasonable rules regarding the style and size of a monument or
30 its foundation, provided such rules are applicable to all
31 monuments from whatever source obtained and are enforced

1 uniformly as to all monuments. Such rules shall be
2 conspicuously posted and readily accessible to inspection and
3 copy by interested persons.

4 (b) No person who is authorized to sell grave space
5 and no cemetery company or other entity owning and operating a
6 cemetery may:

7 1. Require the payment of a setting or service charge,
8 by whatever name known, from third party installers for the
9 placement of a monument;

10 2. Refuse to provide care or maintenance for any
11 portion of a gravesite on which a monument has been placed; or

12 3. Waive liability with respect to damage caused by
13 cemetery employees or agents to a monument after installation,

14
15 where the monument or installation service is not purchased
16 from the person authorized to sell grave space or the cemetery
17 company or other legal entity providing grave space or from or
18 through any other person or corporation designated by the
19 person authorized to sell grave space or the cemetery company
20 or other legal entity providing grave space. No cemetery
21 company or other entity owning and operating a cemetery may be
22 held liable for the improper installation of a monument where
23 the monument is not installed by the cemetery company or its
24 agents or by such other entity or its agents.

25 Section 39. Subsection (6) of section 497.333, Florida
26 Statutes, is amended to read:

27 497.333 Disclosure of information to public.--A
28 licensee offering to provide burial rights, merchandise, or
29 services to the public shall:

30 (6) Provide to the customer, upon the purchase of any
31 burial right, merchandise, or service, a written contract, the

1 form of which has been approved by the board.

2 (a) The written contract shall be completed as to all
3 essential provisions prior to the signing of the contract by
4 the customer.

5 (b) The written contract shall provide an itemization
6 of the amounts charged for all services, merchandise, and
7 fees, which itemization shall be clearly and conspicuously
8 segregated from everything else on the written contract.

9 (c) A description of the merchandise covered by the
10 contract to include, when applicable, model, manufacturer, and
11 other relevant specifications.

12 (d) A complete description of any grave space to be
13 used for the interment of human remains.

14 Section 40. Subsection (5) of section 497.361, Florida
15 Statutes, is repealed:

16 497.361 Registration of monument establishments.--

17 ~~(5) Monuments shall be delivered as established by~~
18 ~~this chapter and installed no later than 120 days after the~~
19 ~~date of sale. The establishment may request two 30-day~~
20 ~~extensions. Extensions may be granted by the executive~~
21 ~~director.~~

22 Section 41. Present subsections (6) through (10) of
23 section 497.419, Florida Statutes, are renumbered as
24 subsections (7) through (11), respectively, and a new
25 subsection (6) is added to said section to read:

26 497.419 Cancellation of, or default on, preneed
27 contracts.--

28 (6) Failure to install a monument within 180 days
29 after interment shall be considered a breach of contract
30 unless the certificateholder has a written agreement to extend
31 the installation date. The purchaser shall be entitled to a

1 refund of all money paid for the merchandise. Such refund
 2 shall be made within 30 days after receipt by the
 3 certificateholder of the contract purchaser's written request
 4 for a refund. Nothing in this subsection shall preclude the
 5 purchase and installation of a new monument from any other
 6 registered monument dealer.

7 Section 42. Subsection (9) of section 497.429, Florida
 8 Statutes, is amended to read:

9 497.429 Alternative preneed contracts.--

10 (9) The contract may provide that the
 11 certificateholder may cancel the contract, but only in the
 12 event that the purchaser is more than 90 days in default of
 13 the terms of the contract; and, unless subject to the
 14 provisions of s. 497.419(7)~~(6)~~, must provide that the
 15 purchaser, or her or his representative, has the right, at any
 16 time prior to the performance of the contract, to cancel the
 17 preneed contract and revest title to all the funds paid on the
 18 preneed contract, except for applicable liquidated damages,
 19 and the certificateholder's rights in the net income of the
 20 trust.

21 Section 43. Section 497.442, Florida Statutes, is
 22 created to read:

23 497.442 Preneed sale of undeveloped cemetery
 24 property.--The preneed sale of undeveloped cemetery property
 25 prior to the filing of a site plan for board approval is
 26 prohibited. Each site plan for undeveloped cemetery property
 27 submitted to the board for approval must be completed by a
 28 professional surveyor and mapper licensed under chapter 472.

29 Section 44. Sections 497.101, 497.107, and 497.109,
 30 Florida Statutes, are repealed.

31 Section 45. Within 10 days after the interment of a

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1 body in this state, the funeral director handling the
 2 interment shall file with the local registrar an addendum to
 3 the death certificate which provides the address of the
 4 cemetery and specific location within the cemetery where the
 5 body is buried.

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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 25, line 26, of the amendment after the
 11 semicolon

12

13 insert:

14 providing a short title; providing for transfer
 15 of all records, personnel, property, and
 16 unexpended balances of appropriations,
 17 allocations, or other funds for the
 18 administration of ch. 497, F.S., relating to
 19 funeral and cemetery services, from the
 20 Department of Banking and Finance to the
 21 Department of Business and Professional
 22 Regulation; ending the terms of current members
 23 of the Board of Funeral Directors and Embalmers
 24 and of the Board of Funeral and Cemetery
 25 Services; providing for appointment and
 26 staggering of terms of members of the new Board
 27 of Funeral Directors and Cemeteries; preserving
 28 the validity of judicial and administrative
 29 proceedings pending at the time of such
 30 transfer and the validity of licenses and
 31 registrations in effect at the time of such

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1 transfer; amending ss. 20.165, 455.2226,
2 470.002, 470.003, 497.005, 497.105, 497.117,
3 497.201, and 497.253, F.S.; revising
4 terminology and references, to conform;
5 providing for payment of fees and costs of
6 legal counsel to be paid from the Professional
7 Regulation Trust Fund, to conform; reducing the
8 number of contiguous acres required for a
9 cemetery; providing for application; amending
10 s. 215.321, F.S., relating to the Regulatory
11 Trust Fund, to remove deposit therein of funds
12 received pursuant to ch. 497, F.S.; amending s.
13 470.017, F.S.; increasing college credit course
14 requirements for registration as a direct
15 disposer; amending s. 470.018, F.S.; increasing
16 continuing education requirements for renewal
17 of registration as a direct disposer; amending
18 s. 470.0295, F.S.; eliminating an exception to
19 the requirement that a licensed funeral
20 director be present during the disinterment and
21 reinterment of human remains; requiring a
22 permit prior to the disinterment of human
23 remains; amending s. 470.0355, F.S.; revising
24 requirements for the identification of human
25 remains; providing rulemaking authority;
26 providing penalties and providing for civil
27 actions; amending s. 497.103, F.S.; requiring
28 the board to establish by rule reasonable times
29 for access to cemeteries; amending s. 497.305,
30 F.S.; prohibiting cemetery companies from
31 restricting cemetery access to authorized

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1 installers of monuments and markers during the
2 access times established by board rule;
3 amending s. 497.325, F.S.; clarifying
4 applicability of certain illegal tying
5 arrangements to all entities owning and
6 operating a cemetery; amending s. 497.333,
7 F.S.; requiring each written contract provided
8 to a customer to include a complete description
9 of any grave space to be used for the interment
10 of human remains; repealing s. 497.361(5),
11 F.S., relating to requirements for delivery and
12 deadlines for installation of monuments;
13 amending s. 497.419, F.S.; providing that
14 failure to install a monument within a
15 specified period after interment constitutes
16 breach of contract; authorizing extension of
17 such period by written agreement; amending ss.
18 497.233 and 497.429, F.S.; conforming cross
19 references; creating s. 497.442, F.S.;
20 prohibiting the preneed sale of undeveloped
21 cemetery property prior to the filing of a site
22 plan for board approval; requiring site plans
23 for undeveloped cemetery property to be
24 completed by a professional surveyor and
25 mapper; providing penalties; repealing s.
26 497.101, F.S., relating to the Board of Funeral
27 and Cemetery Services, to conform; repealing s.
28 497.107, F.S., relating to the headquarters of
29 the board, to conform; repealing s. 497.109,
30 F.S., relating to organization and meetings of
31 the board, to conform; requiring death

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1 certificates to include the location where the
2 body is buried;
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