

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 495 w/CS Funeral and Cemetery Services
SPONSOR(S): Brown and others
TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 2016

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>State Administration</u>	<u>6 Y, 0 N w/CS</u>	<u>Williamson</u>	<u>Everhart</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill merges the regulation of funeral directors and the regulation over monies collected in pre-need sales of cemetery plots, and places the merged regulation under the Department of Financial Services (DFS). Specifically, the professional licensure responsibilities and the respective regulatory board in the Department of Business and Professional Regulation are transferred to the Department of Financial Services. Under DFS, the funeral director licensure responsibilities are merged with the financial oversight of cemeteries selling pre-need plots. The two boards are merged into the new Board of Funeral, Cemetery and Consumer Services.

Also created is a regulatory scheme for monument establishments. A monument establishment must pay a \$200 registration fee, which is found in current law. However, the renewal fee is increased from \$150 annually to a sliding scale based on sales of preneed contracts. The new, annual renewal fees begin at \$500 and increase incrementally to \$1,250.

Various other changes are detailed in the remainder of this analysis.

The fiscal impact of this PCS was not available. See "FISCAL COMMENTS" section for further details.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0495.sa.doc
DATE: April 23, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

This bill increases the level of government regulation over licensed funeral and cemetery businesses and licensed funeral directors, embalmers, direct disposers, and monument establishments.

This bill increases fees payable by licensed monument establishments.

B. EFFECT OF PROPOSED CHANGES:

Background

Currently, the Department of Business and Professional Regulation (DBPR) regulates the professional aspects of human remains disposal practiced by funeral directors and direct disposers. The Board of Funeral and Cemetery Services, in the Department of Financial Services, regulates the financial interest activities of cemetery owners and operators, funeral directors, and any other person in the death care industry that contracts for the sale of preneed services and merchandise. The regulatory scheme for these activities requires oversight of the participating company’s financial stability and contractual behavior with its clients. Rulemaking authority is shared by DFS and the Board of Funeral and Cemetery Services.

DBPR’s Board of Funeral Directors and Embalmers is the professional regulatory body that oversees the health, safety, and welfare regulations of those involved in the disposal of human remains. The regulatory scheme for these activities requires oversight of the professional’s personal knowledge of proper disposal practices and the latest health and safety developments related to those practices. Continuing education and testing requirements assist the board in verifying the knowledge level of the licensees.

Staffs from the Council on Competitive Commerce, the Banking Committee, and the Business Regulation Committee were directed to monitor 13 meetings held by a group of industry representatives (Legislative Partnership Committee of 2003 or LPPC03) which formed to work towards consensus on a number of funeral and cemetery regulation issues. At the initial meeting of the LPC03, representatives of the Florida Funeral Director’s Association (FFDA), Florida Funeral & Cemetery Alliance (formerly FCA), Florida Morticians Association (FMA), and the Independent Funeral Director’s of Florida met and outlined a proposed purpose and work plan. The Independent Funeral Directors of Florida voted to not formally associate with the partnership at its June 9 board meeting.

After the LPC03 compiled its legislative recommendations into report form, committee staff conducted a meeting to discuss the potential consensus and controversy surrounding these issues.¹ The meeting was attended by representatives from the LPC03, the regulatory agencies, and individuals representing the Board of Funeral Directors & Embalmers, and the Independent Funeral Directors Association. Staff presented each issue and took testimony on whether there was consensus on the issue or whether it

¹ Full report available at www.legislativepartnership.com.

was still subject to controversy between the groups represented. The provisions of this bill, in part, reflect those issues covered by chapters 470 and 497, F.S., which were not objected to by any person in attendance at the staff conducted meeting.

Effect of Bill

This bill merges the Board of Funeral Directors and Embalmers and the Board of Funeral and Cemetery Services to create the Board of Funeral, Cemetery and Consumer Services (board), within DFS (effective January 1, 2004). It establishes the composition, powers, and duties for the board. The board is composed of 10 members with the following composition:

- Two members of the board must be licensed funeral directors, who are associated with a funeral establishment.
- One member of the board must be a licensed funeral director, who is associated with a licensed funeral establishment, and own or operate an approved cinerator facility.
- Two members of the board must be persons whose primary occupation is associated with a licensed cemetery company.
- One member of the board must be a monument dealer licensed under chapter 497, F.S.
- One member must be the State Health Officer or his or her designee.
- Three members of the board must be consumers who are residents of the state, who have never been licensed as funeral directors or embalmers, and who are not connected with a cemetery or cemetery company, the death care industry, the practice of embalming, funeral directing, or direct disposition.²

Board members serve four year terms. They are appointed by the Governor from nominations made by the Chief Financial Officer (CFO). The board members will be compensated \$50 for each day's attendance at official meetings and for each day's participation at the request of the director. The board members are also entitled to reimbursement for expenses incurred in connection with their official duties. The board must meet at least once every six months. Board members are immune from civil liability while acting in good faith in their official capacity. The chair and the vice chair of the board are selected annually by the CFO.

This bill requires the board to enforce and administer the provisions of chapters 470 and 497, F.S., and gives the board the authority to enforce the provisions of chapter 455, F.S., as it relates to chapter 470, F.S. (effective January 1, 2004). The bill bars DFS from adopting any rule or publishing any notice of proposed rule development that affects chapters 455, 470, and 497, F.S., without first presenting the proposed rule or rules to the board for its review and recommendation; however, this does not apply to emergency rules. The board is given rulemaking authority.

This bill also creates the Division of Funeral, Cemetery and Consumer Services (division) within DFS (effective January 1, 2004). The division is responsible for the board's recordkeeping, examination services, legal services, investigative services, and other necessary services. Funds received from settlements may be used by the division to contract for the training of auditors and "the conduct of examinations in order to enhance oversight and enforcement of laws and regulations" governing the activities of licensees. However, no depository trust fund is designated. The director serves as the executive director of the board, and is responsible for: preparation of the board's agenda, presentation of division staff recommendations, division activity reports, and such other duties as may be assigned by the CFO. The director is appointed by and serves at the pleasure of the CFO. The CFO is given rulemaking authority.

² One of the consumer members must be at least 60 years of age or older. One consumer member must be licensed as a certified public accountant.

This bill transfers by a type two transfer the statutory powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Board of Funeral Directors and Embalmers and the Board of Funeral and Cemetery Services to the new board. It also provides that transfer of authority to the board will not affect the validity of any judicial or administrative action pending on December 31, 2003, or the validity of any license in effect on midnight, December 31, 2003, and provides that all licenses in effect at that time will remain in effect.

This bill requires all fees collected under chapters 470 and 497, F.S., to be deposited in the Regulatory Trust Fund for DFS (effective January 1, 2004).

This bill provides definitions for the terms: body parts, closed container, cremated remains, cremation chamber, cremation container, cremation interment container, niche, processing, pulverization, temporary container, and urn. It clarifies the definition of "casket" and "scattering garden," redefines the term "cremation," and adds cremation interment containers to the definition of "funeral merchandise." It clarifies the definition of the term "legally authorized person" to exclude the spouse if the act of domestic violence resulted in, or contributed to, the death of the deceased, and further amends the definition to provide that:

[W]here 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 individual represents that he or she is not aware of any objection of 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.

This bill requires the funeral establishment to rely on the representation of any member of the listed priority classes. The funeral establishment is not authorized to consult with other members of the listed priority classes to confirm the representation.

This bill increases from one to three years the period that an embalmer apprentice may serve in an apprentice capacity. It increases from three to five years the period that an embalmer apprentice may serve in an apprentice capacity while enrolled in and attending a course in mortuary science or funeral service education at any mortuary or funeral service education college or school. This bill also increases from three to six the number of classroom hours of continuing education needed for renewal of a direct disposer registration.

This bill requires that the practice of direct disposal must be performed in a fixed location of at least 625 interior contiguous square feet. The location must maintain or make arrangements of suitable capacity for the refrigeration and storage of dead human bodies that are handled and stored in the establishment. It also establishes requirements for the maintenance and annual inspection of each cinerator used for the cremation of dead human bodies.

This bill requires a funeral establishment to maintain a preparation room equipped with necessary ventilation, drainage, and instruments for embalming dead human bodies. Alternatively, the bill requires that the funeral establishment make arrangements for use of a preparation room as established by board rule.

This bill provides that an operator of a cinerator facility is entitled to rely on the permission of a legally authorized person to cremate more than one human body at one time. It requires the operator of a cinerator facility to establish written procedures for the removal of human remains and bone fragments resulting from cremation. The operator of the facility is not liable for the unintentional or incidental commingling of human remains and bone fragments. A copy of such procedures must be available, upon request, to DFS and legally authorized persons.

This bill permits the cremation of parts of human remains. It does not, however, authorize the cremation of body parts removed from a person or human remains for medical purposes during treatment, surgery, biopsy, or medical research, or that have been donated for medical research.

This bill provides that a funeral home director in charge of a funeral home establishment is responsible for the control and activities of its preneed agents. The person in charge of a direct disposal establishment is responsible for the control and activities of its preneed agents.

This bill changes from the 10th to the 20th day of each month the date that each funeral establishment, direct disposal establishment, cinerator facility, and centralized embalming facility must report to DFS the name of each deceased embalmed or otherwise handled by the establishment or facility.

Excluding preneed contracts, this bill prohibits the guarantee of the price of goods and services at a future date.

This bill requires proper identification of dead human remains in a casket, alternative container, or cremation container. A licensed funeral establishment in charge of funeral arrangements in an unlicensed cemetery is responsible for the identification of human remains (effective October 1, 2003). It requires direct disposal establishments to establish a system for the identification of human remains received, and for tracking the human remains from the time received until the time of delivery to authorized persons. A copy of the identification procedures must be made available, upon request, to DFS and legally authorized persons.

This bill also provides identification requirements for human remains interred, entombed, scattered, or otherwise placed for final rest at licensed cemeteries on or after October 1, 2003. The marker must be a tag or a permanent identifying marker containing the name of the decedent and the date of death, if available. It provides that a licensed cemetery company may rely entirely on the identity stated on the burial transmit permit or on the identification supplied by a person licensed under chapter 470, F.S. A cemetery company is not liable for any differences shown on the burial transmit permit or other identification and the actual identity of the dead human remains delivered to and buried in the cemetery.

The bill requires cemetery companies to include minimum standards for access to install burial merchandise in their bylaws.

This bill provides a minimum size for adult grave spaces of 42 inches in width and 96 inches in length. The standards do not apply to preinstalled vaults in designated areas. Except for cremated remains, the bill requires no less than 12 inches of soil on top of the outer burial container. It also requires that a licensed cemetery must prepare a map documenting establishment of recoverable internal survey reference markers (effective October 1, 2003).³ Adult grave spaces established before October 1, 2003, are not required to meet the standards set forth in this bill.

This bill authorizes companies owning and operating a cemetery company to establish reasonable rules for style and size of a monument or its foundation, sold or serviced by noncemetery licensed persons. It subjects companies owning and operating a cemetery to the prohibitions and requirements relating to the installation, care, and maintenance of monuments. The bill also requires a licensee to provide to each customer a complete description of any monument, marker, or memorialization to be placed at a grave site.

³ The map must show: the number of grave spaces available for sale; the location of each grave space; the number designation assigned each grave space; and the dimensions of a standard adult grave space.

This bill provides that monuments not delivered within 180 days will be considered a breach of contract, unless the monument establishment has a written contract to extend the delivery date.⁴ All contracts with the public must be approved by DFS and must include a complete description of any monument, marker, or related product. It is unclear if DFS has to approve each individual contract or approve a template contract to be used by the establishment. No registration to operate as a monument establishment may be transferable or assignable. It also provides an inspection program by DFS for all monument establishments.

A monument establishment may also be required to register as a preneed agent should such establishment sell monuments on a preneed basis.

The bill requires board approval of any preneed contract written by a monument dealer or establishment (effective January 1, 2004). It is unclear if the board has to approve each individual contract or a template for such contracts.

This bill sets financial requirements applicable to all monument establishments. A licensed monument establishment must maintain a minimum net worth of \$10,000. A monument establishment must submit a recent year-end financial statement with its application for licensure, which must be prepared in accordance with generally accepted accounting principals. The bill establishes annual fees for renewal of monument establishment certificates of authority. Such fees are based on the establishment's sales volume and range from \$500 to \$1,250, depending on the total sales of the establishment.⁵ The bill provides that applicants for a monument establishment certificate of authority that do not meet the financial requirements set forth in the bill, may submit additional evidence, or agree to additional oversight, as a condition to receiving or retaining a certificate of authority.

The bill requires a monument establishment to have a specific street address or location consisting of an office and a display area. The monument establishment's facility must be open to the public during regular business hours, with facilities to design, inscribe, and install monuments and related products. This bill requires licensure for the installation of monuments, markers, and related products.

This bill expands a cemetery's activities that cannot be performed without a certificate of authority. Under the bill, a cemetery must be licensed by the board before it can advertise to sell or make arrangement for services, merchandise, or burial rights on a preneed basis. These provisions, however, do not apply to religious-institution-owned cemeteries. This bill expands the list of merchandise and services that can be sold by such cemeteries to include cremation internment containers, and the opening and closing of cremation internment containers.

This bill exempts from the 30-day refund requirement for cancelled preneed contracts any amounts allocable to any burial rights, merchandise, or service that have been used by the purchaser. The purchaser is entitled to a full refund within 30 days of the purchaser's written request for a refund, after the breach of contract by the preneed certificateholder.

This bill amends the provision relating to the notice required to be filed with the board before surrendering a certificate of authority. It clarifies that the notice provision is intended to protect the contract purchaser. It authorizes the board to perform other procedures it deems necessary upon the surrender of a certificate of authority.

Finally, the bill recognizes the need to conform the Florida Statutes to the provisions of this bill, and directs the Division of Statutory Revision to provide the relevant Legislative committees the assistance needed to enable such committees to draft conforming legislation.

⁴ Under current law, monuments must be delivered within 120 days of the date of sale, but the monument establishment may request two 30-day extensions.

⁵ Under current law, monument establishments must register with a fee of \$200, and are required to renew their registration every two years with a renewal fee of \$150.

C. SECTION DIRECTORY:

Sections 1-16 will take effect January 1, 2004.

Section 1. Amends s. 20.121, F.S., creates the division and the board.

Section 2. Amends s. 20.165, F.S., abolishes the Board of Funeral Directors and Embalmers.

Section 3. Amends s. 455.226, F.S., makes conforming changes.

Section 4. Amends s. 470.002, F.S., revises definitions.

Section 5. Amends s. 497.005, F.S., revises and creates definitions.

Sections 6-9. Makes conforming changes.

Section 10. Repeals s. 470.003, F.S., regarding the membership, appointment, and terms of the Board of Funeral Directors and Embalmers. Repeals s. 497.107, F.S., regarding the headquarters for the Board of Funeral and Cemetery Services. Repeals s. 497.109, F.S., regarding the membership for the Board of Funeral and Cemetery Services.

Section 11. Substantially amends s. 497.101, F.S., establishes the composition, powers, and duties for the board.

Section 12. Creates s. 497.102, F.S., establishes the authority of the board.

Section 13. Creates s. 497.1021, F.S., creates the division within DFS and establishes the division's responsibilities.

Section 14. Creates s. 497.1022, F.S., establishes the director of the division.

Section 15. Transfers the duties of the Secretary of DBPR under chapter 470, F.S., and the duties of the Comptroller under chapter 497, F.S., to the CFO.

Section 16. Provides a type two transfer of the statutory powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Board of Funeral Directors and Embalmers and the Board of Funeral and Cemetery Services to the board.

Section 17. Abolishes the Board of Funeral and Cemetery Services and the Board of Funeral Directors and Embalmers (effective midnight December 31, 2003).

Section 18. Requires deposit of fees collected pursuant to chapters 470 and 497, F.S., in the Regulatory Trust Fund in DFS.

Section 19. Directs the Division of Statutory Revision to provide the relevant Legislative committees with the assistance needed to enable such committees to draft conforming legislation.

Section 20. Amends s. 470.002, F.S., revises and creates definitions.

Section 21. Amends s. 470.0085, F.S., revises requirements for the embalmer apprentice program.

Section 22. Amends s. 470.018, F.S., revises continuing education requirements.

Section 23. Amends s. 470.021, F.S., revises standards of direct disposal establishments.

- Section 24. Amends s. 470.024, F.S., revises licensure requirements of funeral establishments.
- Section 25. Amends s. 470.025, F.S., creates and revises licensure requirements for cinerator facilities.
- Section 26. Amends s. 470.0255, F.S., creates additional procedural requirements for cremation.
- Section 27. Amends s. 470.028, F.S., establishes responsibilities for control and supervision of preneed agents.
- Section 28. Amends s. 470.029, F.S., revises the due date for establishment reports.
- Section 29. Amends s. 470.031, F.S., creates additional prohibitions under this chapter.
- Section 30. Amends s. 470.0355, F.S., creates additional requirements for the identification of human remains.
- Section 31. Amends s. 470.036, F.S., provides for reenactment of disciplinary proceedings.
- Section 32. Amends s. 497.005, F.S., revises and creates definitions.
- Section 33. Amends s. 497.305, F.S., requires cemetery companies to include in its bylaws minimum standards for access to install burial merchandise.
- Section 34. Creates s. 497.306, F.S., creates standards for grave spaces.
- Section 35. Creates s. 497.307, F.S., creates standards for the identification of human remains in licensed cemeteries, which are put to final rest on or after October 1, 2003.
- Section 36. Amends s. 497.325, F.S., authorizes companies that own and operate a cemetery company to establish reasonable rules for style and size of a monument or its foundation sold or serviced by noncemetery licensed persons.
- Section 37. Amends s. 497.333, F.S., requires a licensee under this chapter to provide to each customer a complete description of any monument, marker, or memorialization to be placed at a grave site.
- Section 38. Amends s. 497.361, F.S., provides a timeframe for delivery of monuments.
- Section 39. Creates s. 497.365, F.S., creates regulations for monument establishments.
- Section 40. Creates s. 497.371, F.S., creates guidelines regarding the business location of monument establishments.
- Section 41. Creates s. 497.379, F.S., requires licensure of monument establishments selling preneed contracts.
- Section 42. Creates s. 497.385, F.S., creates registration requirements for persons selling monuments, markers, and related products.
- Section 43. Creates s. 497.391, F.S., requires monument dealers and establishments to receive board approval before writing a preneed contract.

Section 44. Creates s. 497.395, F.S., creates financial requirements for licensed monument establishments.

Section 45. Amends s. 497.405, F.S., includes advertising to sell and arrange for preneed contracts in those activities that are prohibited by a person without a valid certificate of authority to sell preneed contracts.

Section 46. Amends s. 497.419, F.S., clarifies that preneed contract cancellation privileges do not extend to burial rights, merchandise, or services that have already been used by the purchaser. Provides breach of contract language regarding failure to install a monument.

Section 47. Amends s. 497.436, F.S., allows the board to review the trust funds, trust agreements, or evidence of all outstanding preneed contracts of the holder of an inactive or revoked certificate of authority.

Section 48. Provides an effective date of July 1, 2003, unless otherwise expressly provided.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See "FISCAL COMMENTS" section for details.

2. Expenditures:

See "FISCAL COMMENTS" section for details.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill requires payment of fees by monument establishments. Such establishments must pay a \$200 registration fee (fee is found in current law). However, the renewal fee is increased from \$150 annually to a sliding scale based on sales of preneed contracts. The new, annual renewal fees begin at \$500 and increase incrementally to \$1,250.

Funeral establishments, direct disposal establishments, cemetery companies, and operators of cinerators, have to comply with the regulatory requirements that are created by this bill. A monument establishment is required to obtain a certificate of authority, and comply with the requirements set forth in this bill, including satisfying minimum net worth requirements.

Licensed cemetery companies have to obtain the services of a surveyor licensed under chapter 472, F.S., to have a certified land survey of the undeveloped areas to establish the reference markers required by this bill. Depending on the size of the undeveloped area to be surveyed, industry representatives estimate that surveying and placing reference markers the required 200 feet apart will cost from \$500 to \$1000 per survey.

According to DFS, industry will bear the cost of surveying new gardens and providing identification tags on outer burial containers and caskets. Also, DFS has stated that the costs associated with this bill are approximately \$15,000 per acre for a survey and \$8500 for identification tags. Direct disposal establishments must have at least 625 square feet of office space and refrigeration facilities.⁶

D. FISCAL COMMENTS:

According to DFS, this bill will have a substantial fiscal impact on the department. It will create an additional expense for preparation of the transition and establishment of the new board. Transition will require a transfer of the licensing data from DBPR to DFS as well as other files, trust fund balances and data bases. All pending legal cases, inspection and investigation cases will also be transferred. Information must be disseminated to the public. Examination and inspection procedures must also be amended.⁷

This bill provides for compensation of \$50 for each day a board member attends an official meeting and each day the member participates, at the request of the executive director, in any other business involving the board. Additionally, a board member is entitled to reimbursement for expenses incurred in connection with official duties.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not affect municipal or county government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill:

- a. Gives both the board and DFS the same rulemaking authority with regards to the provisions found in chapters 455 and 470, F.S.
- b. Transfers the rules of the Board of Funeral and Cemetery Services of the Department of Banking and Finance to DFS.
- c. Allows the board to determine by rule the period of time an apprentice will be eligible to serve in an apprentice capacity.
- d. Requires DFS to adopt rules establishing a procedure for the biennial renewal of registrations.
- e. Requires the board to prescribe by rule continuing education requirements and to establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.
- f. Allows the board to prescribe rules regarding the change in location of a direct disposal establishment.
- g. Requires the board to adopt rules regarding inspection requirements for direct disposal establishments.
- h. Requires the board to set by rule an annual inspection fee not to exceed \$100, for such establishments.
- i. Allows the board to establish rules regarding preparation rooms.
- j. Requires the board to adopt rules establishing criteria for acceptable cremation and alternative containers.
- k. Requires the board to prescribe by rule the procedures for submitting facility reports.

⁶ Department of Financial Services Legislative Bill Analysis, CS S2016 General Bill by Pruitt, received April 22, 2003.

⁷ *Id.*

- l. Requires the board to describe by rule the materials and locations of the tag or mark used for identification of human remains.
- m. Requires the board to describe by rule the material and the location of such tag or marker.
- n. Requires DFS to adopt rules that provide for biennial renewal of certificates of authority.
- o. Requires DFS to adopt rules to regulate the approval of contracts for memorials and related products, and to require written complaint procedures, mandatory responses to consumer's complaints, disclosure to the public of ownership, the fingerprinting of owners, and appropriate record keeping.

C. DRAFTING ISSUES OR OTHER COMMENTS:

This bill provides that the "Governor may suspend or remove any board member." The Governor may only suspend a board member. The Senate has the authority to remove such member. Also, this bill amends the definition of "Board" and "Department" as found in s. 470.002, F.S., but when the section is once again amended later in the bill, the old definitions remain. In addition, the definition of cremation is amended to include the technical process of using "chemical means" to reduce human remains. However, when cremation is used throughout the rest of the bill, reference is only made to the "mechanical or thermal process" or reducing a dead human body to ashes. These are only a few examples of the numerous glitches found throughout the bill.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 23, 2003, the Committee on State Administration adopted an amendment to HB 495 PCS, and reported HB 495 favorably with CS. The amendment to the proposed committee substitute removed language regarding fetal deaths.