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A bill to be entitled
 An act relating to funeral and cemetery services;
 providing a popular name; providing for transfer of all
 records, personnel, property, and unexpended balances of
 appropriations, allocations, or other funds for the
 administration of ch. 497, F.S., relating to funeral and
 cemetery services, from the Department of Banking and
 Finance to the Department of Business and Professional
 Regulation; preserving the validity of judicial and
 administrative proceedings pending at the time of such
 transfer and the validity of licenses and registrations in
 effect at the time of such transfer; terminating the Board
 of Funeral Directors and Embalmers and the Board of
 Funeral and Cemetery Services; creating the Board of
 Funeral Directors and Cemeteries and providing for
 appointment, qualifications, and staggering of terms of
 members; amending ss. 20.165, 455.2226, 470.002, 497.005,
 497.105, 497.115, 497.117, and 497.131, F.S.; revising
 terminology and references, to conform; amending s.
 215.321, F.S., relating to the Regulatory Trust Fund, to
 remove deposit therein of funds received pursuant to ch.
 497, F.S.; amending s. 470.003, F.S.; revising board
 membership and qualifications; providing for board
 headquarters; revising terminology, to conform; amending
 s. 470.005, F.S.; authorizing the board to adopt rules
 relating to supervision of direct disposers by funeral
 directors; amending s. 470.017, F.S.; increasing college
 credit course requirements for registration as a direct
 disposer; amending s. 470.018, F.S.; increasing continuing
 education requirements for renewal of registration as a



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31 direct disposer; amending s. 470.0295, F.S.; eliminating
 32 an exception to the requirement that a licensed funeral
 33 director be present during the disinterment and
 34 reinterment of human remains; requiring a permit prior to
 35 the disinterment of human remains; providing rulemaking
 36 authority; providing a penalty; removing an exception to
 37 being considered a disinterment or reinterment; amending
 38 s. 470.0355, F.S.; revising requirements for the
 39 identification of human remains; providing rulemaking
 40 authority; providing for civil and criminal penalties;
 41 providing for recovery of actual and punitive damages;
 42 amending s. 497.002, F.S.; providing legislative intent
 43 with respect to department and board oversight and
 44 enforcement; amending s. 497.103, F.S.; requiring the
 45 board to adopt by rule minimum requirements for various
 46 aspects of the funeral and cemetery industry; requiring
 47 the board to establish by rule reasonable times for access
 48 to cemeteries; amending ss. 497.201 and 497.253, F.S.;
 49 reducing the number of contiguous acres required for a
 50 cemetery; exempting certain cemeteries; requiring
 51 applicants for cemetery company licensure to file a
 52 complete proposed site plan; requiring licensees to file a
 53 complete site plan within a specified time; revising
 54 terminology, to conform; amending s. 497.301, F.S.;
 55 requiring consumer information relating to funeral and
 56 cemetery services to be provided through the toll-free
 57 telephone hotline; requiring the department or the board
 58 to develop materials and consumer information relating to
 59 regulation of the death care industry and to disseminate
 60 consumer complaint resolution information; amending s.



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61 497.325, F.S.; clarifying applicability of certain illegal
62 tying arrangements to all entities owning and operating a
63 cemetery; amending s. 497.333, F.S.; requiring each
64 customer of burial rights, merchandise, or services to be
65 provided a current copy of the bylaws of the licensee
66 offering such services and a map of the cemetery and
67 physical description of the burial right purchased;
68 requiring each written contract provided to a customer to
69 provide complete descriptions of any burial right to be
70 used for the interment of human remains and any monument,
71 marker, or memorialization to be placed at the grave site;
72 repealing s. 497.361(5), F.S., relating to requirements
73 for delivery and deadlines for installation of monuments;
74 amending s. 497.419, F.S.; providing that failure to
75 install a monument within a specified period after
76 interment constitutes breach of contract; authorizing
77 extension of such period by written agreement; amending
78 ss. 497.233 and 497.429, F.S.; conforming cross
79 references; amending s. 497.439, F.S.; requiring
80 applicants for registration as a preneed sales agent to
81 have a criminal background check, complete a board-
82 approved course in funeral and cemetery law, rules, and
83 ethics, and pass an examination; providing continuing
84 education requirements for renewal of a registration;
85 creating s. 497.442, F.S.; prohibiting the preneed sale of
86 undeveloped cemetery property prior to the filing of a
87 site plan for board approval; requiring site plans for
88 undeveloped cemetery property to be completed by a
89 professional surveyor and mapper; providing penalties;
90 repealing s. 497.101, F.S., relating to the Board of



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91 Funeral and Cemetery Services, to conform; repealing s.
 92 497.107, F.S., relating to the headquarters of the board,
 93 to conform; repealing s. 497.109, F.S., relating to
 94 organization and meetings of the board, to conform;
 95 amending s. 382.008, F.S.; requiring a funeral director to
 96 file an addendum to the death certificate to include the
 97 cemetery address and location within the cemetery where
 98 the body is buried; providing effective dates.

99

100 Be It Enacted by the Legislature of the State of Florida:

101

102 Section 1. This act shall be known by the popular name
 103 "The Funeral and Cemetery Services Industry Regulatory
 104 Unification Act."

105 Section 2. All of the records, personnel, property, and
 106 unexpended balances of appropriations, allocations, or other
 107 funds for the administration of chapter 497, Florida Statutes,
 108 shall be transferred by a type two transfer as defined in s.
 109 20.06(2), Florida Statutes, from the Department of Banking and
 110 Finance to the Department of Business and Professional
 111 Regulation.

112 Section 3. The transfer of regulatory authority over
 113 chapter 497, Florida Statutes, provided by this act shall not
 114 affect the validity of any judicial or administrative proceeding
 115 pending as of September 30, 2003, and the Department of Business
 116 and Professional Regulation shall be substituted for the
 117 Department of Banking and Finance as a party in interest.

118 Section 4. Notwithstanding the transfer of regulatory
 119 authority over chapter 497, Florida Statutes, provided by this
 120 act, all licenses and registrations issued pursuant to chapter



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121 497, Florida Statutes, which are valid on September 30, 2002,
 122 shall remain in effect subject to the provisions of chapter 497,
 123 Florida Statutes.

124 Section 5. (1) (a) Notwithstanding s. 470.003, Florida
 125 Statutes, the initial Board of Funeral Directors and Cemeteries
 126 within the Department of Business and Professional Regulation
 127 created pursuant to s. 470.003, Florida Statutes, shall consist
 128 of 13 members as set forth in this section.

129 (b) The initial appointments shall draw, where possible,
 130 from persons presently serving on the Board of Funeral Directors
 131 and Embalmers and the Board of Funeral and Cemetery Services.
 132 Members drawn from these two boards shall serve as appointed to
 133 the new board for the remainder of their originally assigned
 134 terms. As these terms lapse, these appointments shall be
 135 eliminated from the new board until the membership is reflective
 136 of the appointments made pursuant to s. 470.003, Florida
 137 Statutes. All subsequent appointments shall be made pursuant to
 138 s. 470.003, Florida Statutes.

139 (2) The initial appointments made to the board pursuant to
 140 this section shall be as follows:

141 (a) Five members must be funeral directors licensed under
 142 chapter 470, Florida Statutes, no more than two of whom may be
 143 associated with a cemetery company through ownership interests
 144 or through employment with a company licensed under chapter 497,
 145 Florida Statutes.

146 (b) Four members must be owners or operators of a cemetery
 147 licensed under chapter 497, Florida Statutes.

148 (c) One member who must be a monument dealer affiliated
 149 with a monument establishment registered under chapter 497,
 150 Florida Statutes.



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151 (d) Three members must be residents of the state who have
 152 never been licensed as funeral directors or embalmers and who
 153 are in no way connected with a cemetery, the death care
 154 industry, or the practice of embalming, funeral directing, or
 155 direct disposition.

156 (3) This section shall take effect upon this act becoming
 157 a law.

158 Section 6. Paragraph (a) of subsection (4) of section
 159 20.165, Florida Statutes, is amended to read:

160 20.165 Department of Business and Professional
 161 Regulation.--There is created a Department of Business and
 162 Professional Regulation.

163 (4) (a) The following boards are established within the
 164 Division of Professions:

165 1. Board of Architecture and Interior Design, created
 166 under part I of chapter 481.

167 2. Florida Board of Auctioneers, created under part VI of
 168 chapter 468.

169 3. Barbers' Board, created under chapter 476.

170 4. Florida Building Code Administrators and Inspectors
 171 Board, created under part XII of chapter 468.

172 5. Construction Industry Licensing Board, created under
 173 part I of chapter 489.

174 6. Board of Cosmetology, created under chapter 477.

175 7. Electrical Contractors' Licensing Board, created under
 176 part II of chapter 489.

177 8. Board of Employee Leasing Companies, created under part
 178 XI of chapter 468.

179 9. Board of Funeral Directors and Cemeteries ~~Embalmers,~~
 180 created under chapter 470.



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181 10. Board of Landscape Architecture, created under part II
182 of chapter 481.

183 11. Board of Pilot Commissioners, created under chapter
184 310.

185 12. Board of Professional Engineers, created under chapter
186 471.

187 13. Board of Professional Geologists, created under
188 chapter 492.

189 14. Board of Professional Surveyors and Mappers, created
190 under chapter 472.

191 15. Board of Veterinary Medicine, created under chapter
192 474.

193 Section 7. Section 215.321, Florida Statutes, is amended
194 to read:

195 215.321 Regulatory Trust Fund.--All funds received
196 pursuant to ss. 494.001-494.0077, ~~chapter 497~~, chapter 516,
197 chapter 520, or part I of chapter 559 shall be deposited into
198 the Regulatory Trust Fund.

199 Section 8. Subsection (1) of section 455.2226, Florida
200 Statutes, is amended to read:

201 455.2226 Funeral directors and embalmers; instruction on
202 HIV and AIDS.--

203 (1) The Board of Funeral Directors and Cemeteries
204 ~~Embalmers~~ shall require each person licensed or certified under
205 chapter 470 to complete a continuing educational course,
206 approved by the board, on human immunodeficiency virus and
207 acquired immune deficiency syndrome as part of biennial
208 relicensure or recertification. The course shall consist of
209 education on the modes of transmission, infection control
210 procedures, clinical management, and prevention of human



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211 immunodeficiency virus and acquired immune deficiency syndrome.
 212 Such course shall include information on current Florida law on
 213 acquired immune deficiency syndrome and its impact on testing,
 214 confidentiality of test results, and treatment of patients.

215 Section 9. Subsection (2) of section 470.002, Florida
 216 Statutes, is amended to read:

217 470.002 Definitions.--As used in this chapter:

218 (2) "Board" means the Board of Funeral Directors and
 219 Cemeteries ~~Embalmers~~.

220 Section 10. Section 470.003, Florida Statutes, is amended
 221 to read:

222 470.003 Board of Funeral Directors and Cemeteries
 223 ~~Embalmers~~; membership; appointment; terms; headquarters.--

224 (1) The Board of Funeral Directors and Cemeteries
 225 ~~Embalmers~~ is created within the Department of Business and
 226 Professional Regulation and shall consist of nine ~~seven~~ members
 227 appointed by the Governor and confirmed by the Senate.

228 (2) Four ~~Five~~ members of the board must be funeral
 229 directors licensed under this chapter, no more than two of whom
 230 may be associated with a cemetery company through ownership
 231 interests or through employment with a company which has an
 232 ownership interest in a cemetery. Two members must be owners or
 233 operators of a cemetery licensed under chapter 497. ~~The~~
 234 ~~remaining~~ Two members must be residents of the state who have
 235 never been licensed as funeral directors or embalmers and who
 236 are in no way connected with a cemetery, the death care
 237 industry, or the practice of embalming, funeral directing, or
 238 direct disposition. One member must be a monument dealer
 239 affiliated with a monument establishment registered under
 240 chapter 497. At least one consumer member of the board must be



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241 60 years of age or older. No licensee on the board may be
 242 associated by employment or ownership with a funeral
 243 establishment or cemetery which is owned partly or wholly by a
 244 person, business, corporation, or other entity which is
 245 associated with another licensee on the board.

246 (3) The Governor shall appoint members for terms of 4
 247 years, and such members shall serve until their successors are
 248 appointed.

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

251 ~~(5)-(4)~~ All provisions of chapter 455 and s. 20.165
 252 relating to activities of regulatory boards shall apply.

253 Section 11. Subsection (3) of section 470.005, Florida
 254 Statutes, is amended to read:

255 470.005 Rulemaking authority of board and department.--

256 (3) The board shall adopt rules which establish
 257 requirements for inspection of direct disposal establishments,
 258 funeral establishments, and cinerator facilities and the records
 259 directly relating to the regulated activities of the licensee to
 260 ensure compliance with the provisions of this chapter and rules
 261 adopted hereunder. The board may adopt rules which require the
 262 direct or indirect supervision of direct disposers by funeral
 263 directors. Such rules shall include, but not be limited to,
 264 requirements to inspect for compliance with federal and state
 265 laws relating to the receiving, handling, storage, and disposal
 266 of biohazardous and hazardous waste.

267 Section 12. Paragraph (d) of subsection (2) of section
 268 470.017, Florida Statutes, is amended to read:

269 470.017 Registration as a direct disposer.--



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270 (2) Any person who desires to be registered as a direct
 271 disposer shall file an application with the department on a form
 272 furnished by the department. The department shall register each
 273 applicant who has remitted a registration fee set by the
 274 department, not to exceed \$200; has completed the application
 275 form and remitted a nonrefundable application fee set by the
 276 department, not to exceed \$50; and meets the following
 277 requirements:

278 (d) Has received a passing grade in the following a
 279 college credit courses, as provided by rule of the board: ~~course~~
 280 ~~in~~ Florida mortuary law, ethics, microbiology/infectious
 281 diseases, thanatology, and accounting.

282 Section 13. Subsection (2) of section 470.018, Florida
 283 Statutes, is amended to read:

284 470.018 Renewal of registration of direct disposer.--

285 (2) The department shall adopt rules establishing a
 286 procedure for the biennial renewal of registrations. The board
 287 shall prescribe by rule continuing education requirements of up
 288 to 6 ~~3~~ classroom hours and may by rule establish criteria for
 289 accepting alternative nonclassroom continuing education on an
 290 hour-for-hour basis, in addition to a board-approved course on
 291 communicable diseases that includes the course on human
 292 immunodeficiency virus and acquired immune deficiency syndrome
 293 required by s. 455.2226, for the renewal of a registration.

294 Section 14. Section 470.0295, Florida Statutes, is amended
 295 to read:

296 470.0295 Disinterment; transportation; authorization and
 297 notification.--

298 (1) The disinterment and reinterment of human remains
 299 shall require the physical presence of a licensed funeral



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300 director, ~~unless the reinterment is to be made in the same~~
 301 ~~cemetary.~~

302 (2) In order to ensure that any disinterment or
 303 transportation of a dead human body is conducted in a manner
 304 that properly protects the public health, safety, and welfare,
 305 the board may adopt rules to regulate the disinterment and
 306 transportation of human remains.

307 (3) (a) The funeral director shall obtain written
 308 authorization from a legally authorized person or a court of
 309 competent jurisdiction and must obtain a disinterment permit
 310 from the department prior to the disinterment and reinterment of
 311 a dead human body.

312 (b) The board, in consultation with the Department of
 313 Health, shall adopt rules governing the issuance of disinterment
 314 permits.

315 (c) Any person who violates this subsection commits a
 316 misdemeanor of the first degree, punishable as provided in s.
 317 775.082 or s. 775.083.

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

320 ~~(5) The removal of human remains from a designated~~
 321 ~~temporary storage area to a place of permanent burial within a~~
 322 ~~cemetary shall not be considered a disinterment or reinterment.~~

323 Section 15. Section 470.0355, Florida Statutes, is amended
 324 to read:

325 470.0355 Identification of human remains.--

326 (1) The licensee or registrant in charge of the final
 327 disposition of dead human remains shall, prior to final
 328 disposition of such dead human remains, affix on the ankle or
 329 wrist of the deceased, and affix on or otherwise attach to ~~or in~~



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330 the casket and outer burial container or any alternative
 331 container or cremation container, proper identification of the
 332 dead human remains. The identification or tag shall be encased
 333 in or consist of durable and long-lasting material containing
 334 the name, date of birth, and date of death, ~~and social security~~
 335 ~~number~~ of the deceased, if available. If the dead human remains
 336 are cremated, proper identification shall be placed in the
 337 container or urn containing the remains.

338 (2) Any licensee or registrant responsible for removal of
 339 dead human remains to any establishment, facility, or location
 340 shall ensure that the remains are identified by a tag or other
 341 means of identification that is affixed to the ankle or wrist of
 342 the deceased at the time the remains are removed from the place
 343 of death or other location.

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

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

351 (5) The board may file an action for civil penalties of
 352 \$10,000 against any licensee or registrant who violates this
 353 section or any rule adopted under this section. A licensee or
 354 registrant is entitled to a hearing pursuant to chapter 120 to
 355 contest the fine.

356 (6) In addition to any other remedies provided under law,
 357 a party who is injured by a violation of this section may file a
 358 civil action for recovery of actual and punitive damages,



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359 including attorney's fees and costs. This subsection does not
 360 limit any right or remedy provided under law.

361 (7) A person who violates this section commits a felony of
 362 the third degree, punishable as provided in s. 775.082 or s.
 363 775.083.

364 Section 16. Subsection (1) of section 497.002, Florida
 365 Statutes, is amended to read:

366 497.002 Purpose and intent.--

367 (1) (a) The Legislature recognizes that purchasers of
 368 preneed burial rights, funeral or burial merchandise, or funeral
 369 or burial services may suffer serious economic harm if purchase
 370 money is not set aside for future use as intended by the
 371 purchaser and that the failure to maintain cemetery grounds
 372 properly may cause significant emotional stress. Therefore, it
 373 is necessary in the interest of the public welfare to regulate
 374 certificateholders, licensees, registrants, and cemetery
 375 companies in this state. However, restrictions shall be imposed
 376 only to the extent necessary to protect the public from
 377 significant or discernible harm or damage and not in a manner
 378 which will unreasonably affect the competitive market.

379 (b) The Legislature intends that the department and board
 380 place equal emphasis on regulating cemeteries and sales of
 381 preneed funeral merchandise and services and provide swift and
 382 effective discipline for those persons who violate this chapter,
 383 including, but not limited to, taking enforcement action on all
 384 such violations, including violations revealed in examinations,
 385 inspections, and consumer complaints.

386 Section 17. Subsections (4) and (16) of section 497.005,
 387 Florida Statutes, are amended to read:

388 497.005 Definitions.--As used in this chapter:



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

391 (16) "Department" means the Department of Business and
 392 Professional Regulation ~~Banking and Finance.~~

393 Section 18. Section 497.103, Florida Statutes, is amended
 394 to read:

395 497.103 Rulemaking authority of board and department.--

396 (1) The board has authority to adopt rules pursuant to ss.
 397 120.536(1) and 120.54 to implement provisions of this chapter
 398 conferring duties upon it. The department may adopt rules
 399 pursuant to ss. 120.536(1) and 120.54 to administer provisions
 400 of this chapter conferring duties upon it. The board or the
 401 department may also adopt rules to allow for the electronic
 402 submission of any applications, documents, or fees required by
 403 this chapter. The board or the department may adopt rules to
 404 authorize the board or the department to accept certification of
 405 compliance with certain requirements of this chapter in lieu of
 406 requiring submission of the documents.

407 (2) The board shall adopt rules which establish:

408 (a) Requirements for inspection of cemeteries.

409 (b) Minimum requirements for grave size and spacing.

410 (c) Minimum requirements for the identification of inner
 411 and outer burial containers.

412 (d) Minimum requirements for the supervision and
 413 documentation of interment and disinterment of human remains.

414 (e) Minimum education requirements for cemetery managers
 415 for a board-approved course in funeral and cemetery laws, rules,
 416 and ethics.

417 (f) Minimum education and continuing education
 418 requirements for at need and preneed sales agents, which must



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419 include a board-approved course in funeral and cemetery laws,
420 rules, and ethics.

421 (g) Minimum financial requirements to establish a
422 cemetery, which may include additional trust requirements for
423 cemeteries of less than 30 acres.

424 (h) Requirements for the testing of persons registered as
425 preneed sales agents pursuant to s. 497.439 in the area of
426 funeral and cemetery law, rules, and ethics.

427 (3) The board shall adopt and enforce rules governing the
428 operation of cemeteries in this state and arrange for the
429 preparation, publication, and dissemination to the public of
430 these rules and other information and material relevant to the
431 operation of cemeteries. Such rules shall include establishing
432 reasonable times for access to all cemeteries, including the
433 time of day and days of the week for access to install monuments
434 and markers.

435 (4) The department shall examine the financial affairs of
436 any cemetery company and any preneed sales certificateholder.

437 Section 19. Section 497.105, Florida Statutes, is amended
438 to read:

439 497.105 ~~Department of Banking and Finance;~~ Powers and
440 duties of department.--The department ~~of Banking and Finance~~
441 shall:

442 (1) Adopt rules establishing procedures for the renewal of
443 licenses, registrations, and certificates of authority.

444 (2) Appoint the executive director of the board ~~of Funeral~~
445 ~~and Cemetery Services~~, subject to the approval of the board.

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



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448 (4) Develop a training program for persons newly appointed
 449 to membership on the board. The program shall familiarize such
 450 persons with the substantive and procedural laws and rules which
 451 relate to the regulation under this chapter and with the
 452 structure of the department.

453 (5) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
 454 implement the provisions of this chapter conferring duties upon
 455 it.

456 (6) Establish by rule procedures by which the department
 457 shall use the expert or technical advice of the board, for the
 458 purposes of investigation, inspection, audit, evaluation of
 459 applications, other duties of the department, or any other areas
 460 the department may deem appropriate.

461 (7) Require all proceedings of the board or panels thereof
 462 within the department and all formal or informal proceedings
 463 conducted by the department, an administrative law judge, or a
 464 hearing officer with respect to licensing, registration,
 465 certification, or discipline to be electronically recorded in a
 466 manner sufficient to ensure the accurate transcription of all
 467 matters so recorded.

468 (8) Select only those investigators approved by the board.
 469 Such investigators shall report to and work in coordination
 470 with the executive director of the board and are responsible for
 471 all inspections and investigations other than financial
 472 examinations.

473 Section 20. Section 497.115, Florida Statutes, is amended
 474 to read:

475 497.115 Board rules; final agency action; challenges.--

476 (1) The department ~~Comptroller~~ shall have standing to
 477 challenge any rule or proposed rule of the board pursuant to s.



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478 120.56. In addition to challenges for any invalid exercise of
 479 delegated legislative authority, the administrative law judge,
 480 upon such a challenge by the department ~~Comptroller~~, may declare
 481 all or part of a rule or proposed rule invalid if it:

482 (a) Does not protect the public from any significant and
 483 discernible harm or damages;

484 (b) Unreasonably restricts competition or the availability
 485 of professional services in the state or in a significant part
 486 of the state; or

487 (c) Unnecessarily increases the cost of professional
 488 services without a corresponding or equivalent public benefit.

489
 490 However, there shall not be created a presumption of the
 491 existence of any of the conditions cited in this subsection in
 492 the event that the rule or proposed rule is challenged.

493 (2) In addition, either the department ~~Comptroller~~ or the
 494 board shall be a substantially interested party for purposes of
 495 s. 120.54(7). The board may, as an adversely affected party,
 496 initiate and maintain an action pursuant to s. 120.68
 497 challenging the final agency action.

498 Section 21. Section 497.117, Florida Statutes, is amended
 499 to read:

500 497.117 Legal and investigative services.--

501 ~~(1) The department of Legal Affairs shall provide legal~~
 502 ~~services to the board as provided in s. 455.221 within the~~
 503 ~~Department of Banking and Finance, but the primary~~
 504 ~~responsibility of the Department of Legal Affairs shall be to~~
 505 ~~represent the interests of the citizens of the state by~~
 506 ~~vigorously counseling the board with respect to its obligations~~
 507 ~~under the laws of the state. Subject to the prior approval of~~



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508 ~~the Attorney General, the board may retain independent legal~~
 509 ~~counsel to provide legal advice to the board on a specific~~
 510 ~~matter. Fees and costs of such counsel shall be paid from the~~
 511 ~~Regulatory Trust Fund of the Department of Banking and Finance.~~

512 (2) ~~The department of Banking and Finance~~ may employ or
 513 utilize the legal services of outside counsel and the
 514 investigative services of outside personnel. However, no
 515 attorney employed or utilized by the department shall prosecute
 516 a matter or provide legal services to the board with respect to
 517 the same matter.

518 Section 22. Subsections (1), (4), and (8) of section
 519 497.131, Florida Statutes, are amended to read:

520 497.131 Disciplinary proceedings.--

521 (1) The department shall cause to be investigated any
 522 complaint which is filed before it if the complaint is in
 523 writing, signed by the complainant, and legally sufficient. A
 524 complaint is legally sufficient if it contains ultimate facts
 525 which show that a violation of this chapter, or of any rule
 526 promulgated by the department or board has occurred. In order to
 527 determine legal sufficiency, the department may require
 528 supporting information or documentation. The department may
 529 investigate or continue to investigate, and the department and
 530 the board may take appropriate final action on, a complaint even
 531 though the original complainant withdraws it or otherwise
 532 indicates her or his desire not to cause the complaint to be
 533 investigated or prosecuted to completion. The department may
 534 investigate an anonymous complaint if the complaint is in
 535 writing and is legally sufficient, if the alleged violation of
 536 law or rules is substantial, and if the department has reason to
 537 believe, after preliminary inquiry, that the alleged violations



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538 in the complaint are true. The department may investigate a
539 complaint made by a confidential informant if the complaint is
540 legally sufficient, if the alleged violation of law or rule is
541 substantial, and if the department has reason to believe, after
542 preliminary inquiry, that the allegations of the complainant are
543 true. The department may initiate an investigation if it has
544 reasonable cause to believe that a person has violated a state
545 statute, a rule of the department, or a rule of the board. When
546 an investigation of any person is undertaken, the department
547 shall promptly furnish to the person or her or his attorney a
548 copy of the complaint or document which resulted in the
549 initiation of the investigation. The person may submit a written
550 response to the information contained in such complaint or
551 document within 20 days after service to the person of the
552 complaint or document. The person's written response shall be
553 considered by the probable cause panel. This right to respond
554 shall not prohibit the department from issuing a summary
555 emergency order if necessary to protect the public. However, if
556 the department ~~Comptroller or her or his designee~~ and the chair
557 of the board or the chair of its probable cause panel agree in
558 writing that such notification would be detrimental to the
559 investigation, the department may withhold notification. The
560 department may conduct an investigation without notification to
561 any person if the act under investigation is a criminal offense.

562 (4) The determination as to whether probable cause exists
563 shall be made by majority vote of the probable cause panel of
564 the board. The board shall provide, by rule, that the
565 determination of probable cause shall be made by a panel of its
566 members or by the department. The board may provide, by rule,
567 for multiple probable cause panels composed of at least two



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568 members. The board may provide, by rule, that one or more
569 members of the panel or panels may be a former board member. The
570 length of term or repetition of service of any such former board
571 member on a probable cause panel may vary according to the
572 direction of the board when authorized by board rule. Any
573 probable cause panel must include one of the board's former or
574 present consumer members, if one is available, willing to serve,
575 and is authorized to do so by the board chair. Any probable
576 cause panel must include a present board member. Any probable
577 cause panel must include a former or present professional board
578 member. However, any former professional board member serving on
579 the probable cause panel must hold an active valid license for
580 that profession. All probable cause proceedings conducted
581 pursuant to the provisions of this section are exempt from the
582 provisions of s. 286.011 and s. 24(b), Art. I of the State
583 Constitution. The probable cause panel may make a reasonable
584 request, and upon such request the department shall provide such
585 additional investigative information as is necessary to the
586 determination of probable cause. A request for additional
587 investigative information shall be made within 15 days from the
588 date of receipt by the probable cause panel of the investigative
589 report of the department. The probable cause panel shall make
590 its determination of probable cause within 30 days after receipt
591 by it of the final investigative report of the department. The
592 department ~~Comptroller~~ may grant extensions of the 15-day and
593 the 30-day time limits. If the probable cause panel does not
594 find probable cause within the 30-day time limit, as may be
595 extended, or if the probable cause panel finds no probable
596 cause, the department may determine, within 10 days after the
597 panel fails to determine probable cause or 10 days after the



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598 time limit has elapsed, that probable cause exists. If the
599 probable cause panel finds that probable cause exists, it shall
600 direct the department to file a formal complaint against the
601 licensee. The department shall follow the directions of the
602 probable cause panel regarding the filing of a formal complaint.
603 If directed to do so, the department shall file a formal
604 complaint against the subject of the investigation and prosecute
605 that complaint pursuant to the provisions of chapter 120.
606 However, the department may decide not to prosecute the
607 complaint if it finds that probable cause had been improvidently
608 found by the panel. In such cases, the department shall refer
609 the matter to the board. The board may then file a formal
610 complaint and prosecute the complaint pursuant to the provisions
611 of chapter 120. The department shall also refer to the board any
612 investigation or disciplinary proceeding not before the Division
613 of Administrative Hearings pursuant to chapter 120 or otherwise
614 completed by the department within 1 year after the filing of a
615 complaint. A probable cause panel or the board may retain
616 independent legal counsel, employ investigators, and continue
617 the investigation as it deems necessary; all costs thereof shall
618 be paid from the department's Regulatory Trust Fund. All
619 proceedings of the probable cause panel shall be exempt from the
620 provisions of s. 120.525.

621 (8) Any proceeding for the purpose of summary suspension
622 of a license, or for the restriction of a license, of a licensee
623 pursuant to s. 120.60(6) shall be conducted by the secretary of
624 the department ~~Comptroller~~ or her or his designee, who shall
625 issue the final summary order.

626 Section 23. Subsections (2) and (3) of section 497.201,
627 Florida Statutes, are amended to read:



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628 497.201 Cemetery companies; license; application; fee.--

629 (2) The department may require any person desiring to
 630 establish a cemetery company who applies for a license to
 631 provide any information reasonably necessary to make a
 632 determination of the applicant's eligibility for licensure. Any
 633 person desiring to establish a cemetery company shall first:

634 (a) File an application, which states the exact location
 635 of the proposed cemetery, which site shall contain not less than
 636 15 ~~30~~ contiguous acres; provide a financial statement signed by
 637 all officers of the company which attest to a net worth of at
 638 least \$50,000, which net worth must be continuously maintained
 639 as a condition of licensure; and pay an application fee of
 640 \$5,000;

641 (b) Create a legal entity; and

642 (c) Demonstrate to the satisfaction of the board that the
 643 applicant possesses the ability, experience, financial
 644 stability, and integrity to operate a cemetery.

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

648 (a) The establishment of a care and maintenance trust fund
 649 containing not less than \$50,000 has been certified by a trust
 650 company operating pursuant to chapter 660, a state or national
 651 bank holding trust powers, or a savings and loan association
 652 holding trust powers as provided in s. 497.423.

653 (b) The applicant has filed with the department
 654 development plans which are sufficient to ensure the department
 655 that the cemetery will provide adequate service to the community
 656 and which have been approved by the appropriate local



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657 governmental agency regulating zoning in the area of the
 658 proposed cemetery.

659 (c) The applicant holds an unencumbered fee simple title
 660 to at least 15 ~~30~~ contiguous acres of land.

661 (d) The applicant has designated as general manager a
 662 person who has integrity, 3 years of cemetery management
 663 experience as defined by board rule, and the ability to operate
 664 a cemetery.

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

668 (f) The applicant has filed with the board for approval a
 669 complete proposed site plan of the cemetery. Each site plan must
 670 be completed by a professional surveyor and mapper licensed
 671 under chapter 472. Within 1 year after the effective date of
 672 this act, each cemetery company that has not previously done so
 673 shall file with the board for approval a complete site plan for
 674 the entire cemetery which must be completed by a professional
 675 surveyor and mapper licensed under chapter 472.

676 (g) ~~(f)~~ The applicant has recorded, in the public records
 677 of the county in which the land is located, a notice which
 678 contains the following language:

680 NOTICE

681
 682 The property described herein shall not be sold, conveyed,
 683 leased, mortgaged, or encumbered without the prior written
 684 approval of the Department of Business and Professional
 685 Regulation ~~Banking and Finance~~, as provided in the Florida
 686 Funeral and Cemetery Services Act.



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687
688 Such notice shall be clearly printed in boldfaced type of not
689 less than 10 points and may be included on the face of the deed
690 of conveyance to the licensee or may be contained in a separate
691 recorded instrument which contains a description of the
692 property.

693 Section 24. Paragraph (x) of subsection (1) of section
694 497.233, Florida Statutes, is amended to read:

695 497.233 Disciplinary proceedings.--

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

698 (x) Sale of an irrevocable preneed contract to a person
699 who is not an applicant for or recipient of Supplemental
700 Security Income, Aid to Families with Dependent Children, or
701 Medicaid pursuant to s. 497.419 (8) ~~(7)~~.

702 Section 25. Section 497.253, Florida Statutes, is amended
703 to read:

704 497.253 Minimum acreage; sale or disposition of cemetery
705 lands.--

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

710 (2) Any lands owned by a licensee and dedicated for use by
711 it as a cemetery, which are contiguous, adjoining, or adjacent
712 to the minimum of 15 ~~30~~ contiguous acres described in subsection
713 (1), may be sold, conveyed, or disposed of by the licensee,
714 after obtaining written approval of the department pursuant to
715 subsection (3), for use by the new owner for other purposes than
716 as a cemetery. All of the human remains which have been



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717 previously interred therein shall first have been removed from
718 the lands proposed to be sold, conveyed, or disposed of;
719 however, the provisions of ss. 470.0295 and 497.515(7) must be
720 complied with prior to any disinterment of human remains. Any
721 and all titles, interests, or burial rights which may have been
722 sold or contracted to be sold in lands which are the subject of
723 the sale shall be conveyed to and revested in the licensee prior
724 to consummation of any such sale, conveyance, or disposition.

725 (3) (a) If the property to be sold, conveyed, or disposed
726 of under subsection (2) has been or is being used for the
727 permanent interment of human remains, the applicant for approval
728 of such sale, conveyance, or disposition shall cause to be
729 published, at least once a week for 4 consecutive weeks, a
730 notice meeting the standards of publication set forth in s.
731 125.66(4)(b)2. The notice shall describe the property in
732 question and the proposed noncemetery use and shall advise
733 substantially affected persons that they may file a written
734 request for a hearing pursuant to chapter 120, within 14 days
735 after the date of last publication of the notice, with the
736 department if they object to granting the applicant's request to
737 sell, convey, or dispose of the subject property for noncemetery
738 uses.

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

742 (c) If the property in question has been used for the
743 permanent interment of human remains, the department shall
744 approve the application, in writing, if it finds that it would
745 not be contrary to the public interest. In determining whether



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746 to approve the application, the department shall consider any
 747 evidence presented concerning the following:

748 1. The historical significance of the subject property, if
 749 any.

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

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

754 4. The impact of the proposed change in use of the subject
 755 property upon the reasonable expectations of the families of the
 756 deceased regarding whether the cemetery property was to remain
 757 as a cemetery in perpetuity.

758 5. Whether any living relatives of the deceased actively
 759 oppose the relocation of their deceased's remains and the
 760 conversion of the subject property to noncemetery uses.

761 6. The elapsed time since the last interment in the
 762 subject property.

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

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

769
 770 NOTICE: The property described herein was formerly used and
 771 dedicated as a cemetery. Conveyance of this property and its use
 772 for noncemetery purposes was authorized by the Florida
 773 Department of Business and Professional Regulation ~~Banking and~~
 774 ~~Finance~~ by Order No. _____, dated _____.

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

778 (4) A licensee may convey and transfer to a municipality
779 or county its real and personal property, together with moneys
780 deposited in trust funds pursuant to this chapter, provided the
781 municipality or county will accept responsibility for
782 maintenance thereof and prior written approval of the department
783 is obtained.

784 (5) The provisions of subsections (1) and (2) relating to
785 a requirement for minimum acreage do ~~shall~~ not apply to any
786 cemetery company licensed by the department on or before July 1,
787 2003 ~~2004~~, which owns a total of less than 30 acres of land;
788 however, no cemetery company shall dispose of any land without
789 the prior written consent of the department.

790 Section 26. Section 497.301, Florida Statutes, is amended
791 to read:

792 497.301 Toll-free telephone number for complaints and
793 consumer information; development and dissemination of consumer
794 information.--

795 (1) The department shall establish and operate a toll-free
796 telephone hotline to receive complaints and provide information
797 relating to the regulation under this chapter and other consumer
798 information.

799 (2) The department or the board shall develop materials
800 and consumer information that describe regulation of the entire
801 death care industry and develop and disseminate consumer
802 complaint resolution information.

803 Section 27. Subsection (2) of section 497.325, Florida
804 Statutes, is amended to read:

805 497.325 Illegal tying arrangements.--



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806 (2) (a) Noncemetery licensed persons and firms shall have
 807 the right to sell monuments and to perform or provide on
 808 cemetery property foundation, preparation, and installation
 809 services for monuments. However, a cemetery company or any other
 810 entity owning and operating a cemetery may establish reasonable
 811 rules regarding the style and size of a monument or its
 812 foundation, provided such rules are applicable to all monuments
 813 from whatever source obtained and are enforced uniformly as to
 814 all monuments. Such rules shall be conspicuously posted and
 815 readily accessible to inspection and copy by interested persons.

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

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

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

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

826
 827
 828 where the monument or installation service is not purchased from
 829 the person authorized to sell grave space or the cemetery
 830 company or other legal entity providing grave space or from or
 831 through any other person or corporation designated by the person
 832 authorized to sell grave space or the cemetery company or other
 833 legal entity providing grave space. No cemetery company or
 834 other entity owning and operating a cemetery may be held liable
 835 for the improper installation of a monument where the monument



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836 is not installed by the cemetery company or its agents or by
 837 such other entity or its agents.

838 Section 28. Subsections (5) and (6) of section 497.333,
 839 Florida Statutes, are amended, present subsections (7) and (8)
 840 are renumbered as subsections (8) and (9), and a new subsection
 841 (7) is added to said section, to read:

842 497.333 Disclosure of information to public.--A licensee
 843 offering to provide burial rights, merchandise, or services to
 844 the public shall:

845 (5) Provide to the customer, ~~upon request,~~ a current copy
 846 of the bylaws of the licensee.

847 (6) Provide to the customer, upon the purchase of any
 848 burial right, merchandise, or service, a written contract, the
 849 form of which has been approved by the board.

850 ~~(a)~~ The written contract shall be completed as to all
 851 essential provisions prior to the signing of the contract by the
 852 customer and must-

853 ~~(b)~~ The written contract shall provide:

854 (a) An itemization of the amounts charged for all
 855 services, merchandise, and fees, which itemization shall be
 856 clearly and conspicuously segregated from everything else on the
 857 written contract.

858 (b) ~~(e)~~ A description of the merchandise covered by the
 859 contract to include, when applicable, model, manufacturer, and
 860 other relevant specifications.

861 (c) A complete description of any burial right to be used
 862 for the interment of human remains.

863 (d) A complete description of any monument, marker, or
 864 memorialization to be placed at the grave site.



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865 (7) Provide to the customer a map of the cemetery and the
 866 physical description of the burial right purchased, including
 867 dimensions and other pertinent information.

868 Section 29. Subsection (5) of section 497.361, Florida
 869 Statutes, is repealed:

870 497.361 Registration of monument establishments.--

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

875 Section 30. Present subsections (6) through (10) of
 876 section 497.419, Florida Statutes, are renumbered as subsections
 877 (7) through (11), respectively, and a new subsection(6) is added
 878 to said section to read:

879 497.419 Cancellation of, or default on, preneed
 880 contracts.--

881 (6) Failure to install a monument within 180 days after
 882 interment shall be considered a breach of contract unless the
 883 certificateholder has a written agreement to extend the
 884 installation date. The purchaser shall be entitled to a refund
 885 of all money paid for the merchandise. Such refund shall be made
 886 within 30 days after receipt by the certificateholder of the
 887 contract purchaser's written request for a refund. Nothing in
 888 this subsection shall preclude the purchase and installation of
 889 a new monument from any other registered monument dealer.

890 Section 31. Subsection (9) of section 497.429, Florida
 891 Statutes, is amended to read:

892 497.429 Alternative preneed contracts.--

893 (9) The contract may provide that the certificateholder
 894 may cancel the contract, but only in the event that the



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895 purchaser is more than 90 days in default of the terms of the
 896 contract; and, unless subject to the provisions of s.
 897 497.419(7)~~(6)~~, must provide that the purchaser, or her or his
 898 representative, has the right, at any time prior to the
 899 performance of the contract, to cancel the preneed contract and
 900 revest title to all the funds paid on the preneed contract,
 901 except for applicable liquidated damages, and the
 902 certificateholder's rights in the net income of the trust.

903 Section 32. Section 497.439, Florida Statutes, is amended
 904 to read:

905 497.439 Preneed sales agents.--

906 (1) All individuals who offer preneed contracts to the
 907 public, or who execute preneed contracts on behalf of a
 908 certificateholder, including all individuals who offer, sell, or
 909 sign contracts for the preneed sale of burial rights, shall be
 910 registered with the board as preneed sales agents, pursuant to
 911 this section, unless such individuals are licensed as funeral
 912 directors pursuant to ~~this~~ chapter 470.

913 (2) All preneed sales agents and funeral directors acting
 914 as preneed sales agents must be affiliated with the
 915 certificateholder that they are representing.

916 (3) A certificateholder shall be responsible for the
 917 activities of all preneed sales agents and all funeral directors
 918 acting as preneed sales agents, who are affiliated with the
 919 certificateholder and who perform any type of preneed-related
 920 activity on behalf of the certificateholder. In addition to the
 921 preneed sales agents and funeral directors acting as preneed
 922 sales agents, each certificateholder shall also be subject to
 923 discipline if its preneed sales agents or funeral directors



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924 acting as preneed sales agents violate any provision of this
925 chapter.

926 (4) A preneed sales agent and a funeral director acting as
927 a preneed sales agent shall be authorized to sell, offer, and
928 execute preneed contracts on behalf of all entities owned or
929 operated by its sponsoring certificateholder.

930 (5) An individual may begin functioning as a preneed sales
931 agent as soon as a completed application for registration, as
932 set forth in subsection (7), is approved by the board ~~sent to~~
933 ~~the department.~~

934 (6) The qualifications for a preneed sales agent are as
935 follows:

- 936 (a) The applicant must be at least 18 years of age.
- 937 (b) The applicant must be in good standing with the board.
- 938 (c) The applicant must not have any felony or misdemeanor
939 convictions that relate to any activity regulated by this
940 chapter.

941 (d) The applicant must have a criminal background check
942 and complete a board-approved course in funeral and cemetery
943 law, rules, and ethics and must pass an examination approved by
944 the board and administered by the department with a score as
945 specified in board rule. The applicant may not commence
946 operating as a preneed sales agent until the department has
947 received the results of the criminal background check and the
948 applicant is given permission by the board or department to
949 begin operating as a preneed sales agent.

950 (7) An application for registration as a preneed sales
951 agent shall be submitted to the department with an application
952 fee of \$100 by the certificateholder in a form that has been



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953 prescribed by department rule and approved by the board. Such
954 application shall contain, at a minimum, the following:

955 (a) The name, address, social security number, and date of
956 birth of the applicant and such other information as the board
957 may reasonably require of the applicant.

958 (b) The name, address, and license number of the
959 sponsoring certificateholder.

960 (c) A representation, signed by the applicant, that the
961 applicant meets the requirements set forth in subsection (6).

962 (d) A representation, signed by the certificateholder,
963 that the applicant is authorized to offer, sell, and sign
964 preneed contracts on behalf of the certificateholder, and that
965 the certificateholder has trained the applicant in the
966 provisions of this chapter relating to preneed sales as
967 determined by the board, the provisions of the
968 certificateholder's preneed contract, and the nature of the
969 merchandise, services, or burial rights sold by the
970 certificateholder.

971 (e) A statement indicating whether the applicant has any
972 type of working relationship with any other certificateholder or
973 insurance company.

974 (8) An individual may be registered as a preneed sales
975 agent on behalf of more than one certificateholder, provided
976 that the individual has received the written consent of all such
977 certificateholders.

978 (9) A certificateholder who has registered a preneed sales
979 agent shall notify the department within 30 days after such
980 individual's status as a preneed sales agent has been
981 terminated.



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982 (10) Upon receipt of an application that complies with all
 983 of the requirements of subsection (7), the department shall
 984 register the applicant. The department shall by rule provide for
 985 biennial renewal of registration and a renewal fee of \$150.

986 (11) The board shall prescribe by rule continuing
 987 education requirements of up to 6 classroom hours and may by
 988 rule establish criteria for accepting alternative nonclassroom
 989 continuing education on an hour-for-hour basis for renewal of a
 990 registration.

991 Section 33. Section 497.442, Florida Statutes, is created
 992 to read:

993 497.442 Preneed sale of undeveloped cemetery
 994 property.--The preneed sale of undeveloped cemetery property
 995 prior to the filing of a site plan for board approval is
 996 prohibited. Each site plan for undeveloped cemetery property
 997 submitted to the board for approval must be completed by a
 998 professional surveyor and mapper licensed under chapter 472.

999 Section 34. Sections 497.101, 497.107, and 497.109,
 1000 Florida Statutes, are repealed.

1001 Section 35. Section 382.008, Florida Statutes, is amended
 1002 to read:

1003 382.008 Death and fetal death registration.--

1004 (1) A certificate for each death and fetal death which
 1005 occurs in this state shall be filed on a form prescribed by the
 1006 department with the local registrar of the district in which the
 1007 death occurred within 5 days after such death and prior to final
 1008 disposition, and shall be registered by such registrar if it has
 1009 been completed and filed in accordance with this chapter or
 1010 adopted rules. The certificate shall include the decedent's



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1011 social security number, if available. In addition, each
 1012 certificate of death or fetal death:

1013 (a) If requested by the informant, shall include aliases
 1014 or "also known as" (AKA) names of a decedent in addition to the
 1015 decedent's name of record. Aliases shall be entered on the face
 1016 of the death certificate in the space provided for name if there
 1017 is sufficient space. If there is not sufficient space, aliases
 1018 may be recorded on the back of the certificate and shall be
 1019 considered part of the official record of death;

1020 (b) If the place of death is unknown, shall be registered
 1021 in the registration district in which the dead body or fetus is
 1022 found within 5 days after such occurrence; and

1023 (c) If death occurs in a moving conveyance, shall be
 1024 registered in the registration district in which the dead body
 1025 was first removed from such conveyance.

1026 (2) The funeral director who first assumes custody of a
 1027 dead body or fetus shall file the certificate of death or fetal
 1028 death. In the absence of the funeral director, the physician or
 1029 other person in attendance at or after the death shall file the
 1030 certificate of death or fetal death. The person who files the
 1031 certificate shall obtain personal data from the next of kin or
 1032 the best qualified person or source available. The medical
 1033 certification of cause of death shall be furnished to the
 1034 funeral director, either in person or via certified mail, by the
 1035 physician or medical examiner responsible for furnishing such
 1036 information. For fetal deaths, the physician, midwife, or
 1037 hospital administrator shall provide any medical or health
 1038 information to the funeral director within 72 hours after
 1039 expulsion or extraction.



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1040 (3) Within 72 hours after receipt of a death or fetal
 1041 death certificate from the funeral director, the medical
 1042 certification of cause of death shall be completed and made
 1043 available to the funeral director by the physician in charge of
 1044 the decedent's care for the illness or condition which resulted
 1045 in death, the physician in attendance at the time of death or
 1046 fetal death or immediately before or after such death or fetal
 1047 death, or the medical examiner if the provisions of s. 382.011
 1048 apply. The physician or medical examiner shall certify over his
 1049 or her signature the cause of death to the best of his or her
 1050 knowledge and belief.

1051 (a) The local registrar may grant the funeral director an
 1052 extension of time upon a good and sufficient showing of any of
 1053 the following conditions:

- 1054 1. An autopsy is pending.
- 1055 2. Toxicology, laboratory, or other diagnostic reports
 1056 have not been completed.
- 1057 3. The identity of the decedent is unknown and further
 1058 investigation or identification is required.

1059 (b) If the physician or medical examiner has indicated
 1060 that he or she will sign and complete the medical certification
 1061 of cause of death, but will not be available until after the 5-
 1062 day registration deadline, the local registrar may grant an
 1063 extension of 5 days. If a further extension is required, the
 1064 funeral director must provide written justification to the
 1065 registrar.

1066 (4) If the local registrar has granted an extension of
 1067 time to provide the medical certification of cause of death, the
 1068 funeral director shall file a temporary certificate of death or
 1069 fetal death which shall contain all available information,



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1070 including the fact that the cause of death is pending. The
1071 physician or medical examiner shall provide an estimated date
1072 for completion of the permanent certificate.

1073 (5) Within 10 days after the interment of a body in this
1074 state, the funeral director handling the interment shall file an
1075 addendum to the death certificate which provides the address of
1076 the cemetery and specific location within the cemetery where the
1077 body is interred.

1078 (6)-(5) A permanent certificate of death or fetal death,
1079 containing the cause of death and any other information which
1080 was previously unavailable, shall be registered as a replacement
1081 for the temporary certificate. The permanent certificate may
1082 also include corrected information if the items being corrected
1083 are noted on the back of the certificate and dated and signed by
1084 the funeral director, physician, or medical examiner, as
1085 appropriate.

1086 (7)-(6) The original certificate of death or fetal death
1087 shall contain all the information required by the department for
1088 legal, social, and health research purposes. All information
1089 relating to cause of death in all death and fetal death records
1090 and the parentage, marital status, and medical information
1091 included in all fetal death records of this state are
1092 confidential and exempt from the provisions of s. 119.07(1),
1093 except for health research purposes as approved by the
1094 department; nor may copies of the same be issued except as
1095 provided in s. 382.025.

1096 Section 36. Except as otherwise provided herein, this act
1097 shall take effect October 1, 2003.