



CHAMBER ACTION

The Committee on State Administration recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to funeral directing, embalming, direct disposition, and cemetery services; amending s. 20.121, F.S.; establishing the Division of Funeral, Cemetery, and Consumer Services and the Board of Funeral, Cemetery, and Consumer Services within the Department of Financial Services; amending s. 20.165, F.S.; abolishing the Board of Funeral Directors and Embalmers within the Department of Business and Professional Regulation; amending s. 455.2226, F.S.; conforming a reference; amending ss. 470.002 and 497.005, F.S.; conforming definitions; amending ss. 497.105, 497.117, 497.201, and 497.253, F.S.; conforming references; repealing ss. 470.003, 497.107, and 497.109, F.S., relating to the Board of Funeral Directors and Embalmers and the Board of Funeral and Cemetery Services, to conform; amending s. 497.101, F.S.; creating the Board of Funeral, Cemetery, and Consumer Services; providing for the appointment of board members; providing terms of office; providing grounds for removal or



29 suspension of a member; providing immunity from liability
30 for members acting in an official capacity; specifying the
31 headquarters for the board; providing for compensation and
32 reimbursement for per diem expenses; creating s. 497.102,
33 F.S.; providing for the authority of the board; creating
34 s. 497.1021, F.S.; providing duties of the Division of
35 Funeral, Cemetery, and Consumer Services; providing powers
36 of enforcement; creating s. 497.1022, F.S.; establishing
37 the office of the director of the division; providing
38 duties to the Chief Financial Officer under chapters 470
39 and 497, F.S.; providing for type two transfer of the
40 Board of Funeral Directors and Embalmers to the Department
41 of Financial Services; providing for validity of judicial
42 and administrative actions; providing for validity of
43 licenses; providing for continuity of rules; abolishing
44 the Board of Funeral and Cemetery Services and the Board
45 of Funeral Directors and Embalmers; providing for deposit
46 of fees; providing for conforming of statutes; amending s.
47 470.002, F.S.; revising and providing definitions;
48 amending s. 470.0085, F.S.; extending the embalmer
49 apprentice period; amending s. 470.018, F.S.; increasing
50 continuing education requirement; amending s. 470.021,
51 F.S.; providing additional requirements to be a direct
52 disposal establishment; providing inspection requirements
53 and criteria; amending s. 470.024, F.S.; revising
54 requirements to be a funeral establishment; amending s.
55 470.025, F.S.; revising cremation requirements for
56 cinerator facilities relating to simultaneous cremations,



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57 | body parts, cremation containers, and the cremation
58 | chamber; providing exemption from liability for
59 | unintentional or incidental commingling of remains under
60 | certain conditions; amending s. 470.0255, F.S.; providing
61 | for cremation of parts of human bodies incidental to final
62 | disposition; amending s. 470.028, F.S.; providing for
63 | control and supervision of preneed agents; amending s.
64 | 470.029, F.S.; extending the filing time for reports of
65 | bodies embalmed or handled; amending s. 470.031, F.S.;
66 | prohibiting any guarantee on the future price of any goods
67 | or services; providing penalties; amending s. 470.0355,
68 | F.S.; revising requirements for identification of human
69 | remains prior to final disposition; providing requirements
70 | for identification of human remains in licensed and
71 | unlicensed cemeteries and by direct disposal
72 | establishments; reenacting s. 470.036, F.S., relating to
73 | disciplinary proceedings, to incorporate the amendment to
74 | s. 470.031, F.S., in a reference thereto; amending s.
75 | 497.005, F.S.; revising and providing definitions;
76 | amending s. 497.305, F.S.; requiring that a cemetery
77 | company comply with its adopted bylaws; creating s.
78 | 497.306, F.S.; providing dimension and spacing standards
79 | for grave spaces; requiring a map of reference markers and
80 | a land survey for areas proposed to be developed by a
81 | licensed cemetery company, exempting adult grave spaces
82 | previously established; creating s. 497.307, F.S.;
83 | providing requirements for identification of human remains
84 | in licensed cemeteries; amending s. 497.325, F.S.;



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85 providing for procedures established by other entities
86 operating a cemetery; amending s. 497.333, F.S.; providing
87 for disclosure of certain information to customers;
88 amending s. 497.361, F.S.; providing for approval of
89 contracts; creating s. 497.365, F.S.; providing for
90 regulation of monument establishments by the Department of
91 Financial Services; providing for inspections; providing
92 for rules; providing that the department may not
93 unreasonably restrict commerce; creating s. 497.371, F.S.;
94 providing for specifications for business locations;
95 creating s. 497.379, F.S.; providing for licensure of
96 monument establishments to sell preneed contracts;
97 creating s. 497.385, F.S.; providing for registration of
98 monument sales representatives; creating s. 497.391, F.S.;
99 providing for approval of preneed contracts by the board;
100 creating s. 497.395, F.S.; providing financial
101 requirements for monument establishments; providing
102 requirements for minimum net worth; providing for
103 submission of financial statements; providing for minimum
104 sales volume with respect to preneed contracts; providing
105 for guarantee agreements; providing for additional
106 oversight in lieu of financial requirements; amending s.
107 497.405, F.S.; prohibiting any person from advertising for
108 sale or making any arrangement for a preneed contract
109 without having a valid certificate of authority; expanding
110 the exemption from the required certificate of authority
111 for certain religious-institution-owned cemeteries to
112 include the sale and opening or closing of cremation



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113 interment containers to members and family members of the
 114 religious institution; amending s. 497.419, F.S.;
 115 requiring preneed contracts to include in the refund
 116 notice the exclusion for amounts allocable to burial
 117 rights, merchandise, and services used by the purchaser;
 118 providing condition for breach of contract by
 119 certificateholder and for rights of purchaser; amending s.
 120 497.436, F.S.; authorizing the Board of Funeral and
 121 Cemetery Services to review the trust funds, trust
 122 agreements, and outstanding preneed contracts of, and
 123 perform other procedures at its discretion with respect
 124 to, a certificateholder filing notice to become inactive;
 125 providing effective dates.

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

128
 129 Section 1. Effective January 1, 2004, paragraph (n) is
 130 added to subsection (2) of section 20.121, Florida Statutes, and
 131 subsection (4) is added to said section, to read:

132 20.121 Department of Financial Services.--There is created
 133 a Department of Financial Services.

134 (2) DIVISIONS.--The Department of Financial Services shall
 135 consist of the following divisions:

136 (n) Division of Funeral, Cemetery, and Consumer Services.

137 (4) BOARD OF FUNERAL, CEMETERY, AND CONSUMER

138 SERVICES.--There is created within the Department of Financial
 139 Services the Board of Funeral, Cemetery, and Consumer Services.



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140 Section 2. Effective January 1, 2004, paragraph (a) of
141 subsection (4) of section 20.165, Florida Statutes, is amended
142 to read:

143 20.165 Department of Business and Professional
144 Regulation.--There is created a Department of Business and
145 Professional Regulation.

146 (4)(a) The following boards are established within the
147 Division of Professions:

148 1. Board of Architecture and Interior Design, created
149 under part I of chapter 481.

150 2. Florida Board of Auctioneers, created under part VI of
151 chapter 468.

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

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

155 5. Construction Industry Licensing Board, created under
156 part I of chapter 489.

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

158 7. Electrical Contractors' Licensing Board, created under
159 part II of chapter 489.

160 8. Board of Employee Leasing Companies, created under part
161 XI of chapter 468.

162 ~~9. Board of Funeral Directors and Embalmers, created under~~
163 ~~chapter 470.~~

164 9.10. Board of Landscape Architecture, created under part
165 II of chapter 481.

166 10.11. Board of Pilot Commissioners, created under chapter
167 310.



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168 ~~11.12.~~ Board of Professional Engineers, created under
169 chapter 471.

170 ~~12.13.~~ Board of Professional Geologists, created under
171 chapter 492.

172 ~~13.14.~~ Board of Professional Surveyors and Mappers,
173 created under chapter 472.

174 ~~14.15.~~ Board of Veterinary Medicine, created under chapter
175 474.

176 Section 3. Effective January 1, 2004, subsection (1) of
177 section 455.2226, Florida Statutes, is amended to read:

178 455.2226 Funeral directors and embalmers; instruction on
179 HIV and AIDS.--

180 (1) The Board of Funeral, Cemetery, and Consumer Services
181 ~~Funeral Directors and Embalmers~~ shall require each person
182 licensed or certified under chapter 470 to complete a continuing
183 educational course, approved by the board, on human
184 immunodeficiency virus and acquired immune deficiency syndrome
185 as part of biennial relicensure or recertification. The course
186 shall consist of education on the modes of transmission,
187 infection control procedures, clinical management, and
188 prevention of human immunodeficiency virus and acquired immune
189 deficiency syndrome. Such course shall include information on
190 current Florida law on acquired immune deficiency syndrome and
191 its impact on testing, confidentiality of test results, and
192 treatment of patients.

193 Section 4. Effective January 1, 2004, subsections (1) and
194 (2) of section 470.002, Florida Statutes, are amended to read:

195 470.002 Definitions.--As used in this chapter:



196 (1) "Department" means the Department of Financial
 197 Services ~~Business and Professional Regulation~~.

198 (2) "Board" means the Board of Funeral, Cemetery, and
 199 Consumer Services ~~Funeral Directors and Embalmers~~.

200 Section 5. Effective January 1, 2004, subsections (4) and
 201 (16) of section 497.005, Florida Statutes, are amended, and
 202 subsections (36) and (37) are added to said section, to read:
 203 497.005 Definitions.--As used in this chapter:

204 (4) "Board" means the Board of Funeral, Cemetery, and
 205 Consumer Services ~~Funeral and Cemetery Services~~.

206 (16) "Department" means the Department of Financial
 207 Services ~~Banking and Finance~~.

208 (36) "Director" means the director of the Division of
 209 Funeral, Cemetery, and Consumer Services.

210 (37) "Division" means the Division of Funeral, Cemetery,
 211 and Consumer Services within the Department of Financial
 212 Services.

213 Section 6. Effective January 1, 2004, section 497.105,
 214 Florida Statutes, is amended to read:
 215 497.105 ~~Department of Banking and Finance;~~ Powers and
 216 duties of department.--The department ~~of Banking and Finance~~
 217 shall:

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

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

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



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224 (4) Develop a training program for persons newly appointed
225 to membership on the board. The program shall familiarize such
226 persons with the substantive and procedural laws and rules which
227 relate to the regulation under this chapter and with the
228 structure of the department.

229 (5) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
230 implement the provisions of this chapter conferring duties upon
231 it.

232 (6) Establish by rule procedures by which the department
233 shall use the expert or technical advice of the board, for the
234 purposes of investigation, inspection, audit, evaluation of
235 applications, other duties of the department, or any other areas
236 the department may deem appropriate.

237 (7) Require all proceedings of the board or panels thereof
238 within the department and all formal or informal proceedings
239 conducted by the department, an administrative law judge, or a
240 hearing officer with respect to licensing, registration,
241 certification, or discipline to be electronically recorded in a
242 manner sufficient to ensure the accurate transcription of all
243 matters so recorded.

244 (8) Select only those investigators approved by the board.
245 Such investigators shall report to and work in coordination with
246 the executive director of the board and are responsible for all
247 inspections and investigations other than financial
248 examinations.

249 Section 7. Effective January 1, 2004, section 497.117,
250 Florida Statutes, is amended to read:

251 497.117 Legal and investigative services.--



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252 (1) The Department of Legal Affairs shall provide legal
 253 services to the board ~~within the Department of Banking and~~
 254 ~~Finance~~, but the primary responsibility of the Department of
 255 Legal Affairs shall be to represent the interests of the
 256 citizens of the state by vigorously counseling the board with
 257 respect to its obligations under the laws of the state. Subject
 258 to the prior approval of the Attorney General, the board may
 259 retain independent legal counsel to provide legal advice to the
 260 board on a specific matter. Fees and costs of such counsel shall
 261 be paid from the Regulatory Trust Fund ~~of the Department of~~
 262 ~~Banking and Finance~~.

263 (2) The Department of Financial Services ~~Banking and~~
 264 ~~Finance~~ may employ or utilize the legal services of outside
 265 counsel and the investigative services of outside personnel.
 266 However, no attorney employed or utilized by the department
 267 shall prosecute a matter or provide legal services to the board
 268 with respect to the same matter.

269 Section 8. Effective January 1, 2004, paragraph (f) of
 270 subsection (3) of section 497.201, Florida Statutes, is amended
 271 to read:

272 497.201 Cemetery companies; license; application; fee.--

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

276 (f) The applicant has recorded, in the public records of
 277 the county in which the land is located, a notice which contains
 278 the following language:
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NOTICE

The property described herein shall not be sold, conveyed, leased, mortgaged, or encumbered without the prior written approval of the Department of Financial Services ~~Banking and Finance~~, as provided in the Florida Funeral and Cemetery Services Act.

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

Section 9. Effective January 1, 2004, paragraph (d) of subsection (3) of section 497.253, Florida Statutes, is amended to read:

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

(3)

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

NOTICE: The property described herein was formerly used and dedicated as a cemetery. Conveyance of this property and its use for noncemetery purposes was authorized by the Florida



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307 Department of Financial Services ~~Banking and Finance~~ by Order
308 No. _____, dated _____.

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310 Section 10. Effective January 1, 2004, sections 470.003,
311 497.107, 497.109, Florida Statutes, are repealed.

312 Section 11. Effective January 1, 2004, section 497.101,
313 Florida Statutes, is amended to read:

314 (Substantial rewording of section. See
315 s. 497.101, F.S., for present text.)

316 497.101 Board of Funeral, Cemetery, and Consumer Services;
317 membership; appointment; terms.--

318 (1) The Board of Funeral, Cemetery, and Consumer Services
319 is created within the Department of Financial Services and shall
320 consist of 10 members, nine of whom shall be appointed by the
321 Governor from nominations made by the Chief Financial Officer
322 and confirmed by the Senate. The Chief Financial Officer shall
323 nominate three persons for each of the nine vacancies on the
324 board, and the Governor shall fill each vacancy on the board by
325 appointing one of the three persons nominated by the Chief
326 Financial Officer to fill that vacancy. If the Governor objects
327 to each of the three nominations for a vacancy, she or he shall
328 inform the Chief Financial Officer in writing. Upon
329 notification of an objection by the Governor, the Chief
330 Financial Officer shall submit three additional nominations for
331 that vacancy until the vacancy is filled. One member must be
332 the State Health Officer or his or her designee.

333 (2) Two members of the board must be funeral directors
334 licensed under chapter 470 who are associated with a funeral



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335 establishment. One member of the board must be a funeral
336 director licensed under chapter 470 who is associated with a
337 funeral establishment licensed pursuant to chapter 470 which has
338 a valid certificate of authority issued pursuant to this chapter
339 and who owns or operates a cinerator facility approved pursuant
340 to chapters 403 and 470. Two members of the board must be
341 persons whose primary occupation is associated with a cemetery
342 company licensed pursuant to this chapter. Three members of the
343 board must be consumers who are residents of the state who have
344 never been licensed as funeral directors or embalmers and not
345 connected with a cemetery or cemetery company licensed pursuant
346 to this chapter, the death care industry, the practice of
347 embalming, funeral directing, or direct disposition. One of the
348 consumer members must be at least 60 years of age or older and
349 one must be licensed as a certified public accountant pursuant
350 to this chapter 473. One member of the board shall be a monument
351 dealer licensed under chapter 497. One member shall be the
352 State Health Officer or his or her designee.

353 (3) Board members shall be appointed for terms of 4 years
354 and the State Health Officer shall serve as long as that person
355 holds that office. The designee of the State Health Officer
356 shall serve at the pleasure of the Governor. When the terms of
357 the initial board members expire, the Chief Financial Officer
358 shall stagger the terms of the successor members as follows: one
359 funeral director, one cemetery representative, the monument
360 dealer, and one consumer member shall be appointed for terms of
361 2 years, and the remaining members shall be appointed for terms
362 of 4 years. All subsequent terms shall be for 4 years.



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363 (4) The Governor may suspend or remove any board member
364 for malfeasance or misfeasance, neglect of duty, incompetence,
365 substantial inability to perform official duties, commission of
366 a crime, or for other substantial cause as determined by the
367 Governor to evidence a lack of fitness to sit on the board. A
368 board member shall be deemed to have resigned his or her board
369 membership, and that position shall be deemed vacant, upon the
370 failure of the member to attend three consecutive meetings of
371 the board or at least half of the meetings of the board during
372 any 12-month period, unless the Chief Financial Officer
373 determines that there was good and adequate justification for
374 the absences and that such absences are not likely to continue.

375 (5) A current or former board member and a person serving
376 on the board's probable cause panels are exempt from any civil
377 liability for any act or omission when acting in good faith in
378 his or her official capacity, and the Department of Legal
379 Affairs and the Division of Risk Management shall defend such
380 board member in any civil action against such person arising
381 from any such act or omission.

382 (6) The headquarters and records of the board shall be in
383 the Division of Funeral, Cemetery, and Consumer Services of the
384 Department of Financial Services in Tallahassee. The Chief
385 Financial Officer shall annually appoint from among the board
386 members a chairperson and vice chairperson of the board. The
387 board shall meet at least every 6 months, and more often as it
388 deems necessary. Special meetings of the board shall be
389 convened upon the direction of the Chief Financial Officer. A
390 quorum is necessary for the conduct of business by the board,



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391 unless otherwise provided by law, six board members other than
392 the board's executive director shall constitute a quorum for the
393 conduct of the board's business.

394 (7) A board member shall be compensated \$50 for each day
395 the member attends an official meeting and each day the member
396 participates at the request of the board's executive director in
397 any other business involving the board. To the extent authorized
398 by the s. 112.061, a board member is entitled to reimbursement
399 for expenses incurred in connection with official duties. Out-
400 of-state travel by board members on official business shall in
401 each specific instance require the advance approval of the
402 board's executive director in order for the travel to be
403 eligible for reimbursement of expenses.

404 Section 12. Effective January 1, 2004, section 497.102,
405 Florida Statutes, is created to read:

406 497.102 Authority of the board.--

407 (1) The board shall enforce and administer the provisions
408 of chapter 470 and this chapter. Notwithstanding s. 455.017, the
409 board shall administer those powers, duties, and functions in
410 chapter 455 which are necessary to enforce the provisions of
411 chapter 470.

412 (2) For purposes of enforcement of chapter 455 regarding
413 chapter 470, on and after January 1, 2004, references in chapter
414 455 to the Department of Business and Professional Regulation or
415 the secretary of that department, shall be read as referring to
416 the Department of Financial Services or the Chief Financial
417 Officer, as the context may indicate to be appropriate.



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418 (3) The Department of Financial Services shall not adopt
419 any rule or publish any notice of proposed rule development as
420 provided in ss. 120.536-120.551 which affects the provisions of
421 chapter 455, chapter 470 or this chapter without first
422 presenting the rule or rules proposed for development to the
423 board for its review and recommendation, if any. This
424 subsection shall not apply to emergency rulemaking under s.
425 120.54(4).

426 Section 13. Effective January 1, 2004, section 497.1021,
427 Florida Statutes, is created to read:

428 497.1021 Division of Funeral, Cemetery, and Consumer
429 Services.--

430 (1) There is created within the Department of Financial
431 Services the Division of Funeral, Cemetery, and Consumer
432 Services. The division shall enforce the provisions of chapter
433 470 and this chapter and perform such other acts as may be
434 necessary to carry out the provisions thereof.

435 (2) The division shall provide all services concerning
436 chapter 470 and this chapter, including, but not limited to,
437 recordkeeping services, examination services, legal services,
438 and investigative services. Those services in chapter 455
439 necessary to perform the duties of chapter 470 shall be provided
440 by the division.

441 (3) Funds received as a result of settlements with
442 regulated entities and persons may be used by the division for
443 contracting for the training of auditors and the conduct of
444 examinations in order to enhance oversight and enforcement of
445 laws and regulations governing the activities of licensees.



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446 Section 14. Effective January 1, 2004, section 497.1022,
447 Florida Statutes, is created to read:

448 497.1022 Director of the Division of Funeral, Cemetery,
449 and Consumer Services.--

450 (1) The office of the Director of the Division of Funeral,
451 Cemetery, and Consumer Services is created. The director is the
452 agency head of the division. The director shall be appointed by
453 the Chief Financial Officer and shall serve at the pleasure of
454 the Chief Financial Officer.

455 (2) The director shall be responsible for the preparation
456 of the board agenda, presentation of division staff
457 recommendations, and reports of the activities of the division
458 to the board and shall serve as the executive director of the
459 board and perform such other duties as may be assigned by the
460 Chief Financial Officer.

461 Section 15. Effective January 1, 2004, all duties
462 performed by the Secretary of the Department of Business and
463 Professional Regulation under chapter 470, Florida Statutes, and
464 all duties performed by the Comptroller under chapter 497,
465 Florida Statutes, shall be performed by the Chief Financial
466 Officer under the provisions of this act. The duties may be
467 delegated by the Chief Financial Officer to the Director of the
468 Division of the Funeral, Cemetery, and Consumer Services.

469 Section 16. (1) All of the statutory powers, duties and
470 functions, records, personnel, property, and unexpended balances
471 of appropriations, allocations, or other funds for the
472 administration of chapter 470, Florida Statutes, related to the
473 Board of Funeral Directors and Embalmers shall be transferred by



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474 a type two transfer, as defined in section 20.06(2), Florida
475 Statutes, from the Department of Business and Professional
476 Regulation to the Board of Funeral, Cemetery, and Consumer
477 Services within the Department of Financial Services.

478 (2) The transfer of regulatory authority over chapter 470,
479 Florida Statutes, provided by this act shall not affect the
480 validity of any judicial or administrative action involving the
481 Board of Funeral Directors and Embalmers or the Department of
482 Business and Professional Regulation pending on December 31,
483 2003, and the Department of Financial Services or the Board of
484 Funeral, Cemetery, and Consumer Services shall be substituted as
485 a party in interest in any such action.

486 (3) Notwithstanding the transfer of regulatory authority
487 over chapter 470, Florida Statutes, provided by this act, all
488 licenses and registrations issued pursuant to chapter 470,
489 Florida Statutes, that are valid on December 31, 2003, shall
490 remain in effect subject to the provisions of chapters 470 and
491 455, Florida Statutes.

492 (4) The rules of the Board of Funeral Directors and
493 Embalmers and the Department of Business and Professional
494 Regulation which were in effect on midnight, December 31, 2003,
495 shall become the rules of the Department of Financial Services
496 as is appropriate to the corresponding regulatory function and
497 shall remain in effect until specifically amended or repealed in
498 the manner provided by law.

499 (5) All of the statutory powers, duties and functions,
500 records, personnel, property, and unexpended balances of
501 appropriations, allocations, or other funds for the



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502 administration of chapter 497, Florida Statutes, related to the
503 Board of Funeral and Cemetery Services shall be transferred by a
504 type two transfer, as defined in section 20.06(2), Florida
505 Statutes, from the Department of Banking and Finance to the
506 Board of Funeral, Cemetery, and Consumer Services within the
507 Department of Financial Services.

508 (6) The transfer of regulatory authority over chapter 497,
509 Florida Statutes, provided by this act shall not affect the
510 validity of any judicial or administrative action involving the
511 Board of Funeral and Cemetery Services or the Department of
512 Banking and Finance pending on December 31, 2003, and the
513 Department of Financial Services or the Board of Funeral,
514 Cemetery, and Consumer Services shall be substituted as a party
515 in interest in any such action.

516 (7) Notwithstanding the transfer of regulatory authority
517 over chapter 497, Florida Statutes, provided by this act, all
518 licenses and registrations issued pursuant to chapter 497,
519 Florida Statutes, which are valid on December 31, 2003, shall
520 remain in effect subject to the provisions of chapter 497,
521 Florida Statutes.

522 (8) The rules of the Board of Funeral and Cemetery
523 Services or the Department of Banking and Finance which were in
524 effect on midnight, December 31, 2003, shall become the rules of
525 the Department of Financial Services and shall remain in effect
526 until specifically amended or repealed in the manner provided by
527 law.

528 (9) This section shall take effect on January 1, 2004.



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529 Section 17. Effective midnight December 31, 2003, the
530 Board of Funeral and Cemetery Services and the Board of Funeral
531 Directors and Embalmers are abolished.

532 Section 18. Effective January 1, 2004, all fees collected
533 pursuant to the provisions of chapters 470 and 497, Florida
534 Statutes, shall be deposited in the Regulatory Trust Fund in the
535 Department of Financial Services.

536 Section 19. The Legislature recognizes that there is a
537 need to conform the Florida Statutes to the policy decisions
538 reflected in the provisions of this act. The Division of
539 Statutory Revision is directed to provide the relevant
540 substantive committees of the Senate and the House of
541 Representatives with assistance, upon request, to enable such
542 committees to prepare draft legislation to conform the Florida
543 Statutes to the provisions of this act.

544 Section 20. Section 470.002, Florida Statutes, is amended
545 to read:

546 470.002 Definitions.--As used in this chapter:

547 (1)~~(15)~~ "Alternative container" means a nonmetal
548 receptacle or enclosure which is less expensive than a casket
549 and of sufficient strength to be used to hold and transport a
550 dead human body.

551 (2)~~(22)~~ "At-need solicitation" means any uninvited contact
552 by a funeral director or direct disposer for the purpose of the
553 sale of funeral services or merchandise to the family or next of
554 kin of a person after that person has died.

555 (3)~~(2)~~ "Board" means the Board of Funeral Directors and
556 Embalmers.



557 (4) "Body parts" means:
 558 (a) Limbs or other portions of the anatomy that are
 559 removed from a person or human remains for medical purposes
 560 during treatment, surgery, biopsy, autopsy, or medical research;
 561 or
 562 (b) Human bodies or any portions of human bodies which
 563 have been donated to science for medical research purposes.
 564 ~~(5)(16)~~ "Casket" means a rigid container which is designed
 565 for the encasement of human remains for burial, ~~and~~ which is
 566 usually constructed of wood or metal, ornamented, and lined with
 567 fabric, and which may or may not be combustible.
 568 ~~(6)(27)~~ "Centralized embalming facility" means a facility,
 569 not physically connected with a funeral establishment, in which
 570 embalming takes place.
 571 ~~(7)(14)~~ "Cinerator" means a facility where dead human
 572 bodies are reduced to a residue, including bone fragments, by
 573 direct flame, also known as "cremation," or by intense heat,
 574 also known as "calcination."
 575 (8) "Closed container" means any container in which
 576 cremated remains can be placed and closed in a manner so as to
 577 prevent leakage or spillage of the remains.
 578 (9) "Cremated remains" means all the remains of the human
 579 body recovered after the completion of the cremation process,
 580 including processing or pulverization which leaves only bone
 581 fragments reduced to unidentifiable dimensions and may include
 582 the residue of any foreign matter, including casket material,
 583 bridgework, or eyeglasses that were cremated with the human
 584 remains.



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585 (10)(24) "Cremation" means the technical process, using
586 direct flame and heat or chemical means, that reduces human
587 remains to bone fragments through heat and evaporation.
588 Cremation includes the processing and usually includes the
589 pulverization of the bone fragments ~~includes any mechanical or~~
590 ~~thermal process whereby a dead human body is reduced to ashes~~
591 ~~and bone fragments. Cremation also includes any other mechanical~~
592 ~~or thermal process whereby human remains are pulverized, burned,~~
593 ~~recremated, or otherwise further reduced in size or quantity.~~

594 (11) "Cremation chamber" means the enclosed space within
595 which the cremation process takes place. Cremation chambers
596 covered by these procedures must be used exclusively for the
597 cremation of human remains.

598 (12) "Cremation container" means the container in which
599 the human remains are transported to and placed in the cremation
600 chamber for a cremation. A cremation container should meet
601 substantially all of the following standards:

602 (a) Be composed of readily combustible materials suitable
603 for cremation.

604 (b) Be able to be closed in order to provide a complete
605 covering for the human remains.

606 (c) Be resistant to leakage or spillage.

607 (d) Be rigid enough to be handled with ease.

608 (e) Be able to provide protection for the health, safety,
609 and personal integrity of crematory personnel.

610 (13) "Cremation interment container" means a rigid outer
611 container that, subject to a cemetery's rules and regulations,
612 is composed of concrete, steel, fiberglass, or some similar



613 material in which an urn is placed prior to being interred in
 614 the ground and that is designed to support the earth above the
 615 urn.

616 (14)~~(1)~~ "Department" means the Department of Business and
 617 Professional Regulation.

618 (15)~~(8)~~ "Direct disposal establishment" means a facility
 619 registered under this chapter where a direct disposer practices
 620 direct disposition.

621 (16)~~(9)~~ "Direct disposer" means any person registered
 622 under this chapter to practice direct disposition in this state.

623 (17)~~(28)~~ "Disinterment" means removal of a dead human body
 624 from earth interment or aboveground interment.

625 (18)~~(5)~~ "Embalmer" means any person licensed under this
 626 chapter to practice embalming in this state.

627 (19)~~(11)~~ "Final disposition" means the final disposal of a
 628 dead human body by earth interment, aboveground interment,
 629 cremation, burial at sea, or delivery to a medical institution
 630 for lawful dissection if the medical institution assumes
 631 responsibility for disposal. "Final disposition" does not
 632 include the disposal or distribution of ashes and residue of
 633 cremated human remains.

634 (20)~~(13)~~ "Funeral" or "funeral service" means the
 635 observances, services, or ceremonies held to commemorate the
 636 life of a specific deceased human being, and at which the human
 637 remains are present.

638 (21)~~(3)~~ "Funeral director" means any person licensed under
 639 this chapter to practice funeral directing in this state.



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640 ~~(22)(7)~~ "Funeral establishment" means a facility licensed
641 under this chapter where a funeral director or embalmer
642 practices funeral directing or embalming.

643 ~~(23)(12)~~ "Funeral merchandise" or "merchandise" means any
644 merchandise commonly sold in connection with the funeral, final
645 disposition, or memorialization of human remains, including, but
646 not limited to, caskets, outer burial containers, alternative
647 containers, cremation containers, cremation interment
648 containers, urns, monuments, private mausoleums, flowers,
649 shrubs, benches, vases, acknowledgment cards, register books,
650 memory folders, prayer cards, and clothing.

651 ~~(24)(23)~~ "Human remains" or "remains," "dead human body"
652 or "dead human bodies," means the body of a deceased human
653 person for which a death certificate or fetal death certificate
654 is required under chapter 382 and includes the body in any stage
655 of decomposition and the residue of cremated human bodies.

656 ~~(25)(18)~~ "Legally authorized person" means, in the
657 priority listed, the decedent, when written inter vivos
658 authorizations and directions are provided by the decedent, the
659 surviving spouse, unless the spouse has been arrested for
660 committing against the deceased an act of domestic violence as
661 defined in s. 741.28 that resulted in or contributed to the
662 death of the deceased, a son or daughter who is 18 years of age
663 or older, a parent, a brother or sister 18 years of age or over,
664 a grandchild who is 18 years of age or older, or a grandparent;
665 or any person in the next degree of kinship. In addition, the
666 term may include, if no family exists or is available, the
667 following: the guardian of the dead person at the time of death;



668 the personal representative of the deceased; the attorney in
 669 fact of the dead person at the time of death; the health
 670 surrogate of the dead person at the time of death; a public
 671 health officer; the medical examiner, county commission or
 672 administrator acting under chapter 245, or other public
 673 administrator; a representative of a nursing home or other
 674 health care institution in charge of final disposition; or a
 675 friend or other person not listed in this subsection who is
 676 willing to assume the responsibility as authorized person. Where
 677 there is a person in any priority class listed in this
 678 subsection, the funeral establishment shall rely upon the
 679 authorization of any one legally authorized person of that class
 680 if that individual represents that he or she is not aware of any
 681 objection to the cremation of the deceased's human remains by
 682 others in the same class of the person making the representation
 683 or of any person in a higher priority class.

684 (26) "Niche" means a compartment or cubicle for the
 685 memorialization or permanent placement of a container or urn
 686 containing cremated remains.

687 (27)~~(19)~~ "Outer burial container" means an enclosure into
 688 which a casket is placed, including, but not limited to, a vault
 689 made of concrete, steel, fiberglass, or copper, a sectional
 690 concrete enclosure, a crypt, or a wooden enclosure.

691 (28)~~(20)~~ "Personal residence" means any residential
 692 building in which one temporarily or permanently maintains his
 693 or her abode, including, but not limited to, an apartment or a
 694 hotel, motel, nursing home, convalescent home, home for the
 695 aged, or a public or private institution.



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696 ~~(29)(10)~~ "Practice of direct disposition" means the
697 cremation of human remains without preparation of the human
698 remains by embalming and without any attendant services or rites
699 such as funeral or graveside services or the making of
700 arrangements for such final disposition.

701 ~~(30)(6)~~ "Practice of embalming" means disinfecting or
702 preserving or attempting to disinfect or preserve dead human
703 bodies by replacing certain body fluids with preserving and
704 disinfecting chemicals.

705 ~~(31)(4)~~ "Practice of funeral directing" means the
706 performance by a licensed funeral director of any of those
707 functions authorized by s. 470.0087.

708 ~~(32)(21)~~ "Preneed sales agent" means any person who is
709 registered under chapter 497 to sell preneed burial or funeral
710 service and merchandise contracts or direct disposition
711 contracts in this state.

712 (33) "Processing" means the reduction of identifiable bone
713 fragments after the completion of the cremation process to
714 unidentifiable bone fragments by manual means.

715 (34) "Pulverization" means the reduction of identifiable
716 bone fragments after the completion of the cremation and
717 processing to granulated particles by manual or mechanical
718 means.

719 ~~(35)(25)~~ "Refrigeration facility" means a facility that is
720 not physically connected with a funeral establishment, crematory
721 or direct disposal establishment, that maintains space and
722 equipment for the storage and refrigeration of dead human



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723 bodies, and that offers its service to funeral directors and
724 funeral establishments for a fee.

725 (36)~~(26)~~ "Removal service" means any service that operates
726 independently of a funeral establishment, that handles the
727 initial removal of dead human bodies, and that offers its
728 service to funeral establishments and direct disposal
729 establishments for a fee.

730 (37)~~(17)~~ "Solicitation" means any communication which
731 directly or implicitly requests an immediate oral response from
732 the recipient.

733 (38) "Temporary container" means a receptacle for cremated
734 remains usually made of cardboard, plastic, or similar material
735 designated to hold the cremated remains until an urn or other
736 permanent container is acquired.

737 (39) "Urn" means a receptacle designed to permanently
738 encase cremated remains.

739 Section 21. Section 470.0085, Florida Statutes, is amended
740 to read:

741 470.0085 Establishment of embalmer apprentice
742 program.--The board may adopt rules establishing an embalmer
743 apprentice program. An embalmer apprentice may perform only
744 those tasks, functions, and duties relating to embalming which
745 are performed under the direct supervision of a licensed
746 embalmer. An embalmer apprentice shall be eligible to serve in
747 an apprentice capacity for a period not to exceed 3 years ~~1 year~~
748 as may be determined by board rule or for a period not to exceed
749 5 ~~3~~ years if the apprentice is enrolled in and attending a
750 course in mortuary science or funeral service education at any



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751 | mortuary college or funeral service education college or school.
752 | An embalmer apprentice shall be registered with the board upon
753 | payment of a registration fee not to exceed \$50.

754 | Section 22. Subsection (2) of section 470.018, Florida
755 | Statutes, is amended to read:

756 | 470.018 Renewal of registration of direct disposer.--

757 | (1) The department shall renew a registration upon receipt
758 | of the renewal application and fee set by the department not to
759 | exceed \$250.

760 | (2) The department shall adopt rules establishing a
761 | procedure for the biennial renewal of registrations. The board
762 | shall prescribe by rule continuing education requirements of up
763 | to 6 ~~3~~ classroom hours and may by rule establish criteria for
764 | accepting alternative nonclassroom continuing education on an
765 | hour-for-hour basis, in addition to a board-approved course on
766 | communicable diseases that includes the course on human
767 | immunodeficiency virus and acquired immune deficiency syndrome
768 | required by s. 455.2226, for the renewal of a registration.

769 | Section 23. Subsections (2) and (5) of section 470.021,
770 | Florida Statutes, are amended to read:

771 | 470.021 Direct disposal establishment; standards and
772 | location; registration.--

773 | (2) The practice of direct disposition must be engaged in
774 | at a fixed location of at least 625 interior contiguous square
775 | feet and must maintain or make arrangements for suitable
776 | capacity for the refrigeration and storage of dead human bodies
777 | handled and stored by the establishment. No person may open or
778 | maintain an establishment at which to engage in or hold himself



779 or herself out as engaging in the practice of direct disposition
 780 unless such establishment is registered with the board. Any
 781 change in location of such establishment shall be reported
 782 promptly to the board as prescribed by rule of the board.

783 (5)(a) Each direct disposal establishment shall at all
 784 times be subject to the inspection of all its buildings,
 785 grounds, and vehicles used in the conduct of its business, by
 786 the department, the Department of Health, and local government
 787 inspectors and by their agents. The board shall adopt rules
 788 which establish such inspection requirements.

789 (b) The board shall set by rule an annual inspection fee
 790 not to exceed \$100, payable upon application for registration
 791 and upon each renewal of such registration.

792 (c) Each cinerator facility shall be inspected prior to
 793 the issuance and renewal of its license and shall:

794 1. Maintain one or more retorts for the reduction of dead
 795 human bodies.

796 2. Maintain refrigeration which satisfies the standards
 797 set by the Department of Health and which contains a sufficient
 798 number of shelves for the average daily number of bodies stored,
 799 if unembalmed bodies are kept at the site.

800 3. Maintain sufficient pollution control equipment to
 801 comply with requirements of the Department of Environmental
 802 Protection in order to secure annual approved certification.

803 4. Either have on site or immediately available sufficient
 804 sealed containers of a type required for the transportation of
 805 bodies as specified in Rule 10D-37.012, F.A.C.



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806 5. Maintain the premises in a clean and sanitary
807 condition.

808 6. Have appropriate Department of Environmental Protection
809 permits.

810 7. Retain all signed contracts for a period of at least 2
811 years.

812 Section 24. Subsection (1) of section 470.024, Florida
813 Statutes, is amended to read:

814 470.024 Funeral establishment; licensure.--

815 (1) A funeral establishment shall be a place at a specific
816 street address or location consisting of at least 1,250
817 contiguous interior square feet and must maintain or make
818 arrangements for ~~either~~ suitable capacity for the refrigeration
819 and storage of dead human bodies handled and stored by the
820 establishment and ~~or~~ a preparation room equipped with necessary
821 ventilation and drainage and containing necessary instruments
822 for embalming dead human bodies or must make arrangements for a
823 preparation room as established by board rule.

824 Section 25. Subsections (6), (13), (14), and (15) of
825 section 470.025, Florida Statutes, are amended, and subsection
826 (16) is added to said section, to read:

827 470.025 Cinerator facility; licensure.--

828 (6) No more than one dead human body may be placed in a
829 retort at one time, unless written permission has been received
830 from a legally authorized person for each body. The operator of
831 a cinerator facility shall be entitled to rely on the permission
832 of a legally authorized person to cremate more than one human
833 body.



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834 (13) A cinerator facility shall not place human remains or
835 body parts in a retort or cremation chamber unless the human
836 remains are in an alternative container, cremation container, or
837 casket. Human remains may be transported in a cremation
838 container or stored if they are completely covered, and at all
839 times treated with dignity and respect. Cremation may include
840 the processing and pulverization of bone fragments. Cremated
841 remains may be placed in a temporary container following
842 cremation. None of the provisions contained in this subsection
843 require the purchase of a casket for cremation. This subsection
844 applies to at-need contracts and preneed contracts entered into
845 pursuant to chapter 497 after June 1, 1996.

846 (14) Each cinerator facility shall ensure that all
847 alternative containers, cremation containers, or caskets used
848 for cremation contain no amount of chlorinated plastics not
849 authorized by the Department of Environmental Protection, that
850 they also are composed of readily combustible materials suitable
851 for cremation, able to be closed to provide a complete covering
852 for the human remains, resistant to leakage or spillage, rigid
853 enough for handling with ease, and able to provide for the
854 health, safety, and personal integrity of the public and
855 crematory personnel.

856 (15) The board shall adopt, by rule, criteria for
857 acceptable cremation and alternative containers.

858 (16) The operator of a cinerator facility shall establish
859 written procedures for the removal of remains and bone
860 fragments, to the extent possible, resulting from the cremation
861 of a human body and the postcremation processing, shipping,



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862 packing, or identifying of those remains. If an operator follows
863 these procedures, the operator is not liable for the
864 unintentional or incidental commingling of human remains and
865 bone fragments resulting from more than one cremation cycle or
866 from postcremation processing, shipping, packing, or identifying
867 of those remains. A copy of the procedures shall be available,
868 upon request, to the department and legally authorized persons.

869 Section 26. Section 470.0255, Florida Statutes, is amended
870 to read:

871 470.0255 Cremation; procedure required.--

872 (1) At the time of the arrangement for a cremation
873 performed by any person licensed pursuant to this chapter, the
874 person contracting for cremation services shall be required to
875 designate his or her intentions with respect to the disposition
876 of the cremated remains of the deceased in a signed declaration
877 of intent which shall be provided by and retained by the funeral
878 or direct disposal establishment. A cremation may not be
879 performed until a legally authorized person gives written
880 authorization for such cremation. The cremation must be
881 performed within 48 hours after a specified time which has been
882 agreed to in writing by the person authorizing the cremation.

883 (2) With respect to any person who intends to provide for
884 the cremation of the deceased, if, after a period of 120 days
885 from the time of cremation the cremated remains have not been
886 claimed, the funeral or direct disposal establishment may
887 dispose of the cremated remains. Such disposal shall include
888 scattering them at sea or placing them in a licensed cemetery
889 scatter garden or pond or in a church columbarium or otherwise



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890 disposing of the remains as provided by rule of the department
891 or board.

892 (3) Pursuant to the request of a legally authorized person
893 and incidental to final disposition, cremation may be performed
894 on parts of human remains. This subsection does not authorize
895 the cremation of body parts as defined in s. 470.002.

896 Section 27. Section 470.028, Florida Statutes, is amended
897 to read:

898 470.028 Preneed sales; registration of agents; control and
899 supervision of agents.--

900 (1) All sales of preneed funeral service contracts or
901 direct disposition contracts shall be made pursuant to chapter
902 497.

903 (2) No person may act as an agent for a funeral
904 establishment or direct disposal establishment with respect to
905 the sale of preneed contracts unless such person is registered
906 pursuant to chapter 497.

907 (3) Each licensee or registrant shall be subject to
908 discipline if his or her agent violates any provision of this
909 chapter applicable to such licensee or registrant as established
910 by board rule.

911 (4)(a) The funeral director in charge of a funeral
912 establishment shall be responsible for the control and
913 activities of the establishment's preneed agents.

914 (b) The direct disposer in charge or a funeral director
915 acting as a direct disposer in charge of a direct disposal
916 establishment shall be responsible for the control and
917 activities of the establishment's preneed agents.



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918 Section 28. Subsection (1) of section 470.029, Florida
919 Statutes, is amended to read:

920 470.029 Reports of cases embalmed and bodies handled.--

921 (1) Each funeral establishment, direct disposal
922 establishment, cinerator facility, and centralized embalming
923 facility shall report on a form prescribed and furnished by the
924 department the name of the deceased and such other information
925 as may be required with respect to each dead human body embalmed
926 or otherwise handled by the establishment or facility. Such
927 forms shall be signed by the embalmer who performs the
928 embalming, if the body is embalmed, and the funeral director in
929 charge of the establishment or facility or by the direct
930 disposer who disposes of the body. The board shall prescribe by
931 rule the procedures in submitting such documentation. Reports
932 required by this subsection shall be filed by the 20th ~~10th~~ day
933 of each month for final dispositions handled the preceding
934 month.

935 Section 29. Section 470.031, Florida Statutes, is amended
936 to read:

937 470.031 Prohibitions; penalties.--

938 (1) No person may:

939 (a) Practice funeral directing, embalming, or direct
940 disposition unless the person holds an active license or
941 registration under this chapter.

942 (b) Use the name or title "funeral director," "embalmer,"
943 or "direct disposer" when the person has not been licensed or
944 registered pursuant to this chapter.



945 (c) Represent as his or her own the license or
946 registration of another.

947 (d) Give false or forged evidence to the board, a member
948 thereof, or the department for the purpose of obtaining a
949 license or registration.

950 (e) Use or attempt to use a license or registration which
951 has been suspended or revoked.

952 (f) Knowingly employ unlicensed persons in the practice of
953 funeral directing, embalming, or direct disposing.

954 (g) Knowingly conceal information relative to violations
955 of this chapter.

956 (h) Operate an unlicensed cinerator facility.

957 (i) Except as provided for in chapter 497, guarantee the
958 price of goods and services at a future date.

959 (2) Any person who violates the provisions of this section
960 commits a misdemeanor of the second degree, punishable as
961 provided in s. 775.082 or s. 775.083.

962 Section 30. Section 470.0355, Florida Statutes, is amended
963 to read:

964 470.0355 Identification of human remains.--

965 (1) PRIOR TO FINAL DISPOSITION.--

966 (a)~~(1)~~ The licensee or registrant in charge of the final
967 disposition of dead human remains shall, prior to final
968 disposition of such dead human remains, affix on the ankle or
969 wrist of the deceased, and ~~or~~ in the casket or alternative
970 container or cremation container, proper identification of the
971 dead human remains. The identification or tag shall be encased
972 in or consist of durable and long-lasting material containing



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973 | the name, date of birth, and date of death, ~~and social security~~
 974 | ~~number~~ of the deceased, if available. If the dead human remains
 975 | are cremated, proper identification shall be placed in the
 976 | container or urn containing the remains.

977 | **(b)(2)** Any licensee or registrant responsible for removal
 978 | of dead human remains to any establishment, facility, or
 979 | location shall ensure that the remains are identified by a tag
 980 | or other means of identification that is affixed to the ankle or
 981 | wrist of the deceased at the time the remains are removed from
 982 | the place of death or other location.

983 | **(c)(3)** Any licensee or registrant may rely on the
 984 | representation of a legally authorized person to establish the
 985 | identity of dead human remains.

986 | **(2) IN UNLICENSED CEMETERIES.--Effective October 1, 2003,**
 987 | the identification of human remains interred in an unlicensed
 988 | cemetery shall be the responsibility of the licensed funeral
 989 | establishment in charge of the funeral arrangements for the
 990 | deceased person. The licensed funeral establishment in charge of
 991 | the funeral arrangements for the interment in an unlicensed
 992 | cemetery of human remains shall place on the outer burial
 993 | container, cremation internment container, or other container or
 994 | on the inside of a crypt or niche a tag or permanent identifying
 995 | mark containing the name of the decedent and the date of death,
 996 | if available. The materials and locations of the tag or mark
 997 | shall be more specifically described by the rule of the board.

998 | **(3) IN LICENSED CEMETERIES.--Effective October 1, 2003,**
 999 | human remains at licensed cemeteries shall be identified as
 1000 | follows:



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1001 (a) Each licensed cemetery shall place on the outer burial
 1002 container, cremation interment container, or other container or
 1003 on the inside of a crypt or niche a tag or permanent identifying
 1004 marker containing the name of the decedent and the date of
 1005 death, if available. The materials and the location of the tag
 1006 or marker shall be more specifically described by rule of the
 1007 board.

1008 (b) Each licensed cemetery may rely entirely on the
 1009 identity stated on the burial transit permit or on the
 1010 identification supplied by a person licensed under chapter 470
 1011 to establish the identity of the dead human remains delivered by
 1012 such person for burial and shall not be liable for any
 1013 differences between the identity shown on the burial transit
 1014 permit or identification and the actual identity of the dead
 1015 human remains delivered by such person and buried in the
 1016 cemetery.

1017 (4) DIRECT DISPOSAL ESTABLISHMENTS.--Direct disposal
 1018 establishments shall establish a system of identification of
 1019 human remains received which shall be designed to track the
 1020 identity of the remains from the time of receipt until delivery
 1021 of the remains to the authorized persons. This is in addition to
 1022 the requirements for identification of human remains set forth
 1023 in subsection (1). A copy of the identification procedures shall
 1024 be available, upon request, to the department and legally
 1025 authorized persons.

1026 Section 31. For the purpose of incorporating the amendment
 1027 to section 470.031, Florida Statutes, in a reference thereto,



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1028 paragraph (a) of subsection (1) of section 470.036, Florida
1029 Statutes, is reenacted to read:

1030 470.036 Disciplinary proceedings.--

1031 (1) The following acts constitute grounds for which the
1032 disciplinary actions in subsection (2) may be taken:

1033 (a) Violation of any provision of s. 455.227(1) or s.
1034 470.031.

1035 Section 32. Section 497.005, Florida Statutes, is amended
1036 to read:

1037 497.005 Definitions.--As used in this chapter:

1038 (1) "At-need solicitation" means any uninvited contact by
1039 a licensee or her or his agent for the purpose of the sale of
1040 burial services or merchandise to the family or next of kin of a
1041 person after her or his death has occurred.

1042 (2) "Bank of belowground crypts" means any construction
1043 unit of belowground crypts which is acceptable to the department
1044 and which a cemetery uses to initiate its belowground crypt
1045 program or to add to existing belowground crypt structures.

1046 (3) "Belowground crypts" consist of interment space in
1047 preplaced chambers, either side by side or multiple depth,
1048 covered by earth and sod and known also as "lawn crypts,"
1049 "westminsters," or "turf-top crypts."

1050 (4) "Board" means the Board of Funeral and Cemetery
1051 Services.

1052 (5) "Burial merchandise," "funeral merchandise," or
1053 "merchandise" means any personal property offered or sold by any
1054 person for use in connection with the final disposition,



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1055 memorialization, interment, entombment, or inurnment of human
1056 remains.

1057 (6) "Burial right" means the right to use a grave space,
1058 mausoleum, columbarium, ossuary, or scattering garden for the
1059 interment, entombment, inurnment, or other disposition of human
1060 remains.

1061 (7) "Burial service," "funeral service," or "service"
1062 means any service offered or provided by any person in
1063 connection with the final disposition, memorialization,
1064 interment, entombment, or inurnment of human remains.

1065 (8) "Care and maintenance" means the perpetual process of
1066 keeping a cemetery and its lots, graves, grounds, landscaping,
1067 roads, paths, parking lots, fences, mausoleums, columbaria,
1068 vaults, crypts, utilities, and other improvements, structures,
1069 and embellishments in a well-cared-for and dignified condition,
1070 so that the cemetery does not become a nuisance or place of
1071 reproach and desolation in the community. As specified in the
1072 rules of the board, "care and maintenance" may include, but is
1073 not limited to, any or all of the following activities: mowing
1074 the grass at reasonable intervals; raking and cleaning the grave
1075 spaces and adjacent areas; pruning of shrubs and trees;
1076 suppression of weeds and exotic flora; and maintenance, upkeep,
1077 and repair of drains, water lines, roads, buildings, and other
1078 improvements. "Care and maintenance" may include, but is not
1079 limited to, reasonable overhead expenses necessary for such
1080 purposes, including maintenance of machinery, tools, and
1081 equipment used for such purposes. "Care and maintenance" may
1082 also include repair or restoration of improvements necessary or



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1083 | desirable as a result of wear, deterioration, accident, damage,
1084 | or destruction. "Care and maintenance" does not include expenses
1085 | for the construction and development of new grave spaces or
1086 | interment structures to be sold to the public.

1087 | (9) "Casket" means a rigid container which is designed for
1088 | the encasement of human remains, ~~and~~ and which is usually
1089 | constructed of wood or metal, ornamented, and lined with fabric,
1090 | and which may or may not be combustible.

1091 | (10) "Cemetery" means a place dedicated to and used or
1092 | intended to be used for the permanent interment of human
1093 | remains. A cemetery may contain land or earth interment;
1094 | mausoleum, vault, or crypt interment; a columbarium, ossuary,
1095 | scattering garden, or other structure or place used or intended
1096 | to be used for the interment or disposition of cremated human
1097 | remains; or any combination of one or more of such structures or
1098 | places.

1099 | (11) "Cemetery company" means any legal entity that owns
1100 | or controls cemetery lands or property.

1101 | (12) "Certificateholder" or "licensee" means the person or
1102 | entity that is authorized under this chapter to sell preneed
1103 | funeral or burial services, preneed funeral or burial
1104 | merchandise, or burial rights. Each term shall include the
1105 | other, as applicable, as the context requires. For the purposes
1106 | of chapter 120, all certificateholders, licensees, and
1107 | registrants shall be considered licensees.

1108 | (13) "Columbarium" means a structure or building which is
1109 | substantially exposed above the ground and which is intended to
1110 | be used for the inurnment of cremated human remains.



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1111 (14) "Common business enterprise" means a group of two or
1112 more business entities that share common ownership in excess of
1113 50 percent.

1114 (15) "Cremation" includes any mechanical or thermal
1115 process whereby a dead human body is reduced to ashes. Cremation
1116 also includes any other mechanical or thermal process whereby
1117 human remains are pulverized, burned, reinterred, or otherwise
1118 further reduced in size or quantity.

1119 (16) "Department" means the Department of Banking and
1120 Finance.

1121 (17) "Direct disposer" means any person who is registered
1122 in this state to practice direct disposition pursuant to the
1123 provisions of chapter 470.

1124 (18) "Final disposition" means the final disposal of a
1125 dead human body whether by interment, entombment, burial at sea,
1126 cremation, or any other means and includes, but is not limited
1127 to, any other disposition of remains for which a segregated
1128 charge is imposed.

1129 (19) "Funeral director" means any person licensed in this
1130 state to practice funeral directing pursuant to the provisions
1131 of chapter 470.

1132 (20) "Grave space" means a space of ground in a cemetery
1133 intended to be used for the interment in the ground of human
1134 remains.

1135 (21) "Human remains" means the bodies of deceased persons
1136 and includes bodies in any stage of decomposition and cremated
1137 remains.



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1138 (22) "Mausoleum" means a structure or building which is
1139 substantially exposed above the ground and which is intended to
1140 be used for the entombment of human remains.

1141 (23) "Mausoleum section" means any construction unit of a
1142 mausoleum which is acceptable to the department and which a
1143 cemetery uses to initiate its mausoleum program or to add to its
1144 existing mausoleum structures.

1145 (24) "Monument" means any product used for identifying a
1146 grave site and cemetery memorials of all types, including
1147 monuments, markers, and vases.

1148 (25) "Monument establishment" means a facility that
1149 operates independently of a cemetery or funeral establishment
1150 and that offers to sell monuments or monument services to the
1151 public for placement in a cemetery.

1152 (26) "Net assets" means the amount by which the total
1153 assets of a certificateholder, excluding goodwill, franchises,
1154 customer lists, patents, trademarks, and receivables from or
1155 advances to officers, directors, employees, salespersons, and
1156 affiliated companies, exceed total liabilities of the
1157 certificateholder. For purposes of this definition, the term
1158 "total liabilities" does not include the capital stock, paid-in
1159 capital, or retained earnings of the certificateholder.

1160 (27) "Net worth" means total assets minus total
1161 liabilities pursuant to generally accepted accounting
1162 principles.

1163 (28) "Niche" means a compartment or cubicle for the
1164 memorialization or permanent placement of an urn containing
1165 cremated remains.



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1166 ~~(28)~~ (29) "Ossuary" means a receptacle used for the
1167 communal placement of cremated human remains without benefit of
1168 an urn or any other container in which remains will be
1169 commingled with other cremated human remains and are
1170 nonrecoverable. It may or may not include memorialization.

1171 ~~(29)~~ (30) "Outer burial container" means an enclosure into
1172 which a casket is placed and includes, but is not limited to,
1173 vaults made of concrete, steel, fiberglass, or copper; sectional
1174 concrete enclosures; crypts; and wooden enclosures.

1175 ~~(30)~~ (31) "Preneed contract" means any arrangement or
1176 method, of which the provider of funeral merchandise or services
1177 has actual knowledge, whereby any person agrees to furnish
1178 funeral merchandise or service in the future.

1179 ~~(31)~~ (32) "Religious institution" means an organization
1180 formed primarily for religious purposes which has qualified for
1181 exemption from federal income tax as an exempt organization
1182 under the provisions of s. 501(c)(3) of the Internal Revenue
1183 Code of 1986, as amended.

1184 ~~(32)~~ (33) "Scattering garden" means a location set aside,
1185 within a cemetery, which is used for the spreading or
1186 broadcasting of cremated remains that have been removed from
1187 their container and can be mixed with or placed on top of the
1188 soil or ground cover or buried in an underground receptacle on a
1189 commingled basis and that are nonrecoverable. It may or may not
1190 include memorialization.

1191 ~~(33)~~ (34) "Servicing agent" means any person acting as an
1192 independent contractor whose fiduciary responsibility is to



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1193 assist both the trustee and certificateholder hereunder in
1194 administrating their responsibilities pursuant to this chapter.

1195 ~~(35)(34)~~ "Solicitation" means any communication that ~~which~~
1196 directly or implicitly requests an immediate oral response from
1197 the recipient.

1198 ~~(36)(35)~~ "Statutory accounting" means generally accepted
1199 accounting principles, except as modified by this chapter.

1200 (37) "Urn" means a receptacle designed to permanently
1201 encase cremated remains.

1202 Section 33. Subsection (3) of section 497.305, Florida
1203 Statutes, is amended to read:

1204 497.305 Cemetery companies; authorized functions.--

1205 (3) A cemetery company may adopt bylaws establishing
1206 minimum standards for burial merchandise or the installation
1207 thereof. Such bylaws shall include minimum standards for access
1208 to install burial merchandise. A cemetery company must comply
1209 with its adopted bylaws.

1210 Section 34. Section 497.306, Florida Statutes, is created
1211 to read:

1212 497.306 Standards for grave spaces.--

1213 (1) A standard adult grave space shall measure at least 42
1214 inches in width and 96 inches in length, except for preinstalled
1215 vaults in designated areas. For interments, except cremated
1216 remains, the covering soil shall measure no less than 12 inches
1217 from the top of the outer burial container, unless such level of
1218 soil is not physically possible. In any interment, the family or
1219 next of kin may waive the 12-inch coverage minimum.



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1220 (2)(a) Effective October 1, 2003, and prior to the sale of
 1221 grave spaces in any undeveloped areas of a licensed cemetery,
 1222 the cemetery company shall prepare a map documenting the
 1223 establishment of recoverable internal survey reference markers
 1224 installed by the cemetery company no more than 100 feet apart in
 1225 the areas planned for development. The internal reference
 1226 markers shall be established with reference to survey markers
 1227 that are no more than 200 feet apart which have been set by a
 1228 surveyor and mapper licensed under chapter 472 and documented in
 1229 a certified land survey. Both the map and the certified land
 1230 survey shall be maintained by the cemetery company and shall be
 1231 made available upon request to the department or members of the
 1232 public.

1233 (b) The map of the area proposed to be developed shall
 1234 show:

- 1235 1. The number of grave spaces available for sale.
- 1236 2. The location of each grave space.
- 1237 3. The number designation assigned to each grave space.
- 1238 4. The dimensions of a standard adult grave space.

1239 (3) Adult grave spaces established prior to October 1,
 1240 2003, are not required to meet the standards established under
 1241 this section for the dimensions or separation of grave spaces.

1242 Section 35. Section 497.307, Florida Statutes, is created
 1243 to read:

1244 497.307 Identification of human remains in licensed
 1245 cemeteries.--On and after October 1, 2003, human remains
 1246 interred, entombed, scattered, or otherwise placed for final
 1247 rest at licensed cemeteries shall be identified as follows:



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1248 (1) Each licensed cemetery shall place on the outer burial
 1249 container, cremation interment container, or other container, or
 1250 on the inside of a crypt or niche, a tag or a permanent
 1251 identifying marker containing the name of the decedent and the
 1252 date of death, if available. The materials and location of the
 1253 tag or marker shall be more specifically described by rule of
 1254 the board.

1255 (2) Each licensed cemetery may rely entirely on the
 1256 identity stated on the burial transit permit or on the
 1257 identification supplied by a person licensed under chapter 470
 1258 to establish the identity of the dead human remains delivered by
 1259 such person for burial and shall not be liable for any
 1260 differences between the identity shown on the burial transit
 1261 permit or other identification and the actual identity of the
 1262 dead human remains delivered by such person and buried in the
 1263 cemetery.

1264 Section 36. Subsection (2) of section 497.325, Florida
 1265 Statutes, is amended to read:

1266 497.325 Illegal tying arrangements.--

1267 (2)(a) Noncemetery licensed persons and firms shall have
 1268 the right to sell monuments and to perform or provide on
 1269 cemetery property foundation, preparation, and installation
 1270 services for monuments. However, a cemetery company or any other
 1271 entity owning and operating a cemetery may establish reasonable
 1272 rules regarding the style and size of a monument or its
 1273 foundation, provided such rules are applicable to all monuments
 1274 from whatever source obtained and are enforced uniformly as to



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1275 all monuments. Such rules shall be conspicuously posted and
1276 readily accessible to inspection and copy by interested persons.

1277 (b) No person who is authorized to sell grave space and no
1278 cemetery company or other entity owning and operating a cemetery
1279 may:

1280 1. Require the payment of a setting or service charge, by
1281 whatever name known, from third party installers for the
1282 placement of a monument;

1283 2. Refuse to provide care or maintenance for any portion
1284 of a gravesite on which a monument has been placed; or

1285 3. Waive liability with respect to damage caused by
1286 cemetery employees or agents to a monument after installation,
1287 where the monument or installation service is not purchased from
1288 the person authorized to sell grave space or the cemetery
1289 company or other legal entity providing grave space or from or
1290 through any other person or corporation designated by the person
1291 authorized to sell grave space or the cemetery company or other
1292 legal entity providing grave space. ~~A No~~ cemetery company or
1293 other entity owning and operating a cemetery may not be held
1294 liable for the improper installation of a monument where the
1295 monument is not installed by the cemetery company or its agents
1296 or by such other entity or its agents.

1297 Section 37. Subsection (9) is added to section 497.333,
1298 Florida Statutes, to read:

1299 497.333 Disclosure of information to public.--A licensee
1300 offering to provide burial rights, merchandise, or services to
1301 the public shall:



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1302 (9) Provide to each customer a complete description of any
1303 monument, marker, or memorialization to be placed at the
1304 gravesite.

1305 Section 38. Subsection (5) of section 497.361, Florida
1306 Statutes, is amended and subsections (6) and (7) are added to
1307 said section to read:

1308 497.361 Registration of monument establishments.--

1309 (5) Monuments not shall be delivered within a specified
1310 timeframe shall be considered a breach of contract unless the
1311 monument establishment has a written agreement to extend the
1312 delivery date. The purchaser shall be entitled to a refund of
1313 all money paid for the merchandise. Such refund shall be made
1314 within 30 days after receipt by the monument establishment of
1315 the purchaser's written request for a refund. This subsection
1316 does not preclude the purchase and installation of a new
1317 monument from any other registered monument establishment or
1318 certificateholder as established by this chapter and installed
1319 no later than 120 days after the date of sale. The establishment
1320 may request two 30-day extensions. Extensions may be granted by
1321 the executive director.

1322 (6) All contracts with the public must be approved by the
1323 Department of Financial Services and must provide a complete
1324 description of any monument, marker, or related product to be
1325 delivered.

1326 (7) A certificate of authority may not be transferred or
1327 assigned.

1328 Section 39. Section 497.365, Florida Statutes, is created
1329 to read:



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1330 497.365 Regulation of monument establishments.--

1331 (1) The Department of Financial Services shall establish
 1332 an inspection program for all monument establishments in
 1333 accordance with the requirements of this act.

1334 (2) The Department of Financial Services shall adopt rules
 1335 that shall include requirements for the approval of contracts
 1336 for memorials and related products, written complaint procedures
 1337 and mandatory response to consumer complaints, disclosure to the
 1338 public as to the form of ownership, the fingerprinting of
 1339 owners, and appropriate recordkeeping.

1340 (3) Nothing in the department's authority or any other
 1341 provisions of this act shall unreasonably restrict competition
 1342 or permit the restraint of trade and commerce.

1343 Section 40. Section 497.371, Florida Statutes, is created
 1344 to read:

1345 497.371 Monument establishment business location.--

1346 (1) A monument establishment shall be a place at a
 1347 specific street address or location consisting of an office and
 1348 display area for monuments, markers, and related products. The
 1349 place where the establishment is located must comply with the
 1350 local government zoning regulations and may not be located on
 1351 tax-exempt property.

1352 (2) The monument establishment must be a full-service
 1353 monument location open to the public during normal business
 1354 hours, with facilities to design, inscribe, and install
 1355 monuments and related products.



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1356 (3) A person may not operate a monument company or install
1357 monuments, markers, and related products in this state unless he
1358 or she is licensed by the Department of Financial Services.

1359 Section 41. Section 497.379, Florida Statutes, is created
1360 to read:

1361 497.379 Licensure of monument establishments to sell
1362 preneed contracts.--A monument establishment, including an
1363 existing registered or unregistered monument establishment, may
1364 not sell a preneed contract without first having obtained a
1365 valid certificate of authority from the Department of Financial
1366 Services. A person may not be issued a certificate of authority
1367 as a monument establishment to sell preneed contracts unless
1368 such person has at least 3 years' experience in the operation
1369 and management of an establishment selling monuments, markers,
1370 and related products.

1371 Section 42. Section 497.385, Florida Statutes, is created
1372 to read:

1373 497.385 Monument establishment; sales
1374 representative.--Each person selling monuments, markers, and
1375 related products for a monument establishment must register with
1376 the board, including any person registered or licensed pursuant
1377 to chapter 470 or this chapter. A person selling monuments,
1378 markers, and related products for a monument establishment that
1379 has been issued a certificate of authority must register as a
1380 preneed agent pursuant to the requirements of this chapter.

1381 Section 43. Section 497.391, Florida Statutes, is created
1382 to read:



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1383 497.391 Monument establishment; preneed
1384 contracts.--Effective January 1, 2004, a monument dealer or
1385 establishment may not write a preneed contract unless that
1386 contract has been approved by the board. Any monument dealer or
1387 establishment that is paid, collects, or receives funds under a
1388 preneed contract for services or merchandise shall comply with
1389 the provisions of ss. 497.417 and 497.413.

1390 Section 44. Section 497.395, Florida Statutes, is created
1391 to read:

1392 497.395 Licensed monument establishment; financial
1393 requirements.--

1394 (1) For the purposes of qualifying for a certificate of
1395 authority as a licensed monument establishment must have a
1396 minimum net worth of \$10,000. A licensed monument establishment
1397 holding a certificate of authority or a monument establishment
1398 applicant must meet and maintain the requirements of this
1399 section on an annual basis in order to perform its obligation
1400 for all existing preneed contracts.

1401 (2) All licensed monument establishments holding a
1402 Certificate of Authority or an applicant must submit its most
1403 recent year-end financial statements, including a balance sheet
1404 and income statement, with the certificate of authority
1405 application and annually thereafter as provided in s.
1406 497.407(1). The financial statement must be prepared in
1407 accordance with generally accepted accounting principles, as
1408 those principles have been defined by the Florida Board of
1409 Accountancy in the Florida Administrative Code. If the
1410 applicant does not have the minimum net worth as set forth in



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1411 subsection (3), lacks sufficient liquid assets to satisfy
1412 current liabilities, or does not appear to have any substantial
1413 long-term assets, the department shall request additional
1414 financial information concerning financial statements and the
1415 statement of cash flow.

1416 (3) For the purposes of this section, the term "total
1417 preneed contracts" means the total retail value of all
1418 outstanding preneed contracts. There shall be an annual fee for
1419 the renewal of the monument establishment certificate of
1420 authority based on the following sales volume for total preneed
1421 contracts:

1422 (a) Five hundred dollars for a certificateholder that has
1423 total sales of \$1 to \$50,000.

1424 (b) Seven hundred and fifty dollars for a
1425 certificateholder that has total sales of \$50,001 to \$250,000.

1426 (c) One thousand dollars for a certificateholder that has
1427 total sales of \$250,001 to \$500,000.

1428 (d) Twelve hundred fifty dollars for a certificateholder
1429 that has total sales in excess of \$500,001.

1430 (4) In the case of a monument establishment holding a
1431 certificate of authority or a licensed dealer applicant offering
1432 preneed sales through a subsidiary agent as provided in Rule 3F-
1433 5.0015, Florida Administrative Code, the certificateholder or
1434 applicant must execute a guarantee agreement with respect to any
1435 contract obligations resulting from preneed sales of such a
1436 selling agent.

1437 (5) If the certificateholder or applicant does not meet
1438 the financial requirements in subsection (3), the entity may



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1439 voluntarily submit to the board additional evidence or agree to
1440 additional oversight as to meeting the requirements of
1441 subsection (1) as a condition of receiving or retaining a
1442 certificate of authority. Such additional evidence or oversight
1443 shall include, as appropriate:

1444 (a) An agreement to submit monthly financial statements of
1445 the entity;

1446 (b) An agreement to submit quarterly financial statements
1447 of the entity;

1448 (c) An appraisal of the entity's property or broker's
1449 opinion of the entity's assets;

1450 (d) A credit report of the entity or its principal owners;

1451 (e) Subordination-of-debt agreement from the entity's
1452 principal owners;

1453 (f) An indemnification or subrogation agreement binding
1454 the entity and principal owners;

1455 (g) A guarantee agreement for the entity from its
1456 principal owners;

1457 (h) Written explanation of past financial activity;

1458 (i) Submission of the 12-month projected business plan
1459 that includes:

1460 1. A statement of cash flows;

1461 2. Pro forma income statements, with sources of revenues
1462 identified; and

1463 3. Marketing initiatives;

1464 (j) Submission of previous department examination reports;

1465 or



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1466 (k) An agreement of 100 percent voluntary trust by the
1467 entity.

1468 Section 45. Subsections (1), (3), and (4) of section
1469 497.405, Florida Statutes, are amended to read:

1470 497.405 Certificate of authority required.--

1471 (1)(a) No person, including any cemetery exempt under s.
1472 497.003, may sell, advertise to sell, or make an arrangement for
1473 a preneed contract without first having a valid certificate of
1474 authority.

1475 (b) No person, including any cemetery exempt under s.
1476 497.003, may sell, advertise to sell, or make an arrangement for
1477 services, merchandise, or burial rights on a preneed basis
1478 unless such person is authorized pursuant to this chapter to
1479 provide such services, merchandise, or burial rights on an at-
1480 need basis.

1481 (3) No person may obtain a certificate of authority under
1482 this chapter for the preneed sale of services unless such person
1483 or its agent, in the case of a corporate entity, holds a license
1484 as a funeral establishment or cemetery company, ~~or~~ registration
1485 as a direct disposal establishment under chapter 470, or
1486 certification as a monument establishment under chapter 497.

1487 (4) The provisions of this section do not apply to
1488 religious-institution-owned cemeteries exempt under s.
1489 497.003(1)(d), in counties with a population of at least 960,000
1490 persons on July 1, 1996, with respect to the sale to the
1491 religious institution's members and their families of interment
1492 rights, mausoleums, crypts, cremation niches and cremation
1493 interment containers, vaults, liners, urns, memorials, vases,



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1494 foundations, memorial bases, floral arrangements, monuments,
 1495 markers, engraving, and the opening and closing of interment
 1496 rights, mausoleums, crypts, and cremation niches and cremation
 1497 interment containers, if such cemeteries have engaged in the
 1498 sale of preneed contracts prior to October 1, 1993, and maintain
 1499 a positive net worth at the end of each fiscal year of the
 1500 cemetery.

1501 Section 46. Subsection (4) of section 497.419, Florida
 1502 Statutes, is amended, and subsection (11) is added to said
 1503 section, to read:

1504 497.419 Cancellation of, or default on, preneed
 1505 contracts.--

1506 (4) Each certificateholder shall provide in conspicuous
 1507 type in its contract that the contract purchaser may cancel the
 1508 contract and receive a full refund within 30 days after ~~of~~ the
 1509 date of execution of the contract, except for those amounts
 1510 allocable to any burial rights, merchandise, or services that
 1511 have been used by the purchaser. The failure to make such
 1512 provision shall not impair the contract purchaser's right to
 1513 cancellation and refund as provided in this section.

1514 (11) Failure to install a monument within 180 days after
 1515 interment shall be considered a breach of contract unless the
 1516 certificateholder has a written agreement to extend the
 1517 installation date. The purchaser shall be entitled to a refund
 1518 of all money paid for the merchandise. Such refund shall be made
 1519 within 30 days after receipt by the certificateholder of the
 1520 purchaser's written request for a refund. Nothing in this
 1521 subsection shall preclude the purchase and installation of a new



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1522 monument from any other registered monument establishment or
 1523 certificateholder.

1524 Section 47. Subsection (4) of section 497.436, Florida
 1525 Statutes, is amended to read:

1526 497.436 Inactive and revoked certificateholders.--

1527 (4) Upon receipt of the notice, in order to protect the
 1528 contract purchaser, the board may:

1529 (a) ~~shall~~ Review the certificateholder's:

1530 1.(a) Trust funds.

1531 2.(b) Trust agreements.

1532 3.(c) Evidence of all outstanding preneed contracts.

1533 (b) Perform other procedures the board deems necessary.

1534 Section 48. Except as otherwise provided herein, this act
 1535 shall take effect July 1, 2003.