

1                   A bill to be entitled  
2           An act relating to the Florida Funeral, Cemetery, and  
3           Consumer Services Act; amending s. 497.141, F.S.;  
4           prohibiting the issuance or renewal of a license to an  
5           applicant that has specified criminal records under  
6           certain circumstances and providing exceptions; limiting  
7           the issuance of funeral director apprentice licenses to  
8           natural persons; amending s. 497.142, F.S.; requiring an  
9           applicant for renewal of a license to disclose certain  
10          criminal records; requiring an applicant for issuance or  
11          renewal of a license to disclose certain criminal pleas;  
12          requiring a licensing authority of the Department of  
13          Financial Services to adopt rules for the disclosure of  
14          criminal records; authorizing an exception from disclosure  
15          requirements for previously disclosed criminal records;  
16          amending s. 497.143, F.S.; revising legislative intent;  
17          authorizing the licensing authority to adopt rules for the  
18          issuance of limited licenses to certain persons licensed  
19          outside the state; revising eligibility and application  
20          requirements for a limited license; amending s. 497.147,  
21          F.S.; deleting limits on the continuing education credit  
22          provided for attendance at meetings of the Board of  
23          Funeral, Cemetery, and Consumer Services; amending s.  
24          497.152, F.S.; providing that certain criminal pleas are a  
25          ground for denial of an application or discipline of a  
26          licensee under chapter 497, F.S.; amending s. 497.162,  
27          F.S.; revises which nonlicensed personnel are required to  
28          complete a course on communicable diseases; extending time

29 | for completion of the course; amending s. 497.166, F.S.;

30 | conforming terminology to changes made by the act;

31 | amending s. 497.277, F.S.; authorizing a cemetery company

32 | to charge a fee for performing certain duties related to a

33 | cemetery sales contract; requiring disclosure of the

34 | charges; exempting charges from certain trust deposit

35 | requirements; amending s. 497.371, F.S.; conforming

36 | provisions; amending s. 497.373, F.S.; adding a specified

37 | course as an option for satisfying certain educational

38 | requirements of a funeral director license; adding

39 | completion of an apprenticeship program as an option to

40 | satisfy the internship requirement of a funeral director

41 | license; revising requirements for supervision of

42 | provisional licensees; amending s. 497.374, F.S.;

43 | requiring that the general supervision provided for a

44 | licensed temporary funeral director comply with the

45 | definition provided by the act; amending s. 497.375, F.S.;

46 | providing definitions of the terms "direct supervision"

47 | and "general supervision"; revising application

48 | requirements for licensure as a funeral director intern;

49 | revising requirements for supervision of funeral director

50 | interns; creating s. 497.3755, F.S.; requiring the

51 | licensing authority to establish a funeral director

52 | apprenticeship program and adopt procedures and criteria

53 | for the approval of funeral director apprentice training

54 | agencies and supervisors; authorizing certain funeral

55 | establishments to apply for approval as apprentice

56 | training agencies; authorizing approved intern training

57 agencies to serve as apprentice training agencies;  
58 providing for supervision of the training and reporting of  
59 training activities; providing the maximum number of  
60 apprentices that may be trained by an apprentice training  
61 agency; prohibiting certain fees; providing eligibility  
62 and application requirements for a funeral director  
63 apprentice license; authorizing fees; providing validity  
64 period of license; prohibiting renewal of license except  
65 under certain circumstances; providing for supervision of  
66 funeral director apprentices; amending s. 497.378, F.S.;  
67 conforming the continuing education requirements for  
68 funeral directors and embalmers to the repeal by the act  
69 of provisions requiring a course on HIV and AIDS;  
70 authorizing the licensing authority to adopt rules for the  
71 renewal of funeral director and embalmer licenses;  
72 amending s. 497.380, F.S.; providing duties of a funeral  
73 director in charge of a funeral establishment; requiring a  
74 funeral director to have an embalmer license under certain  
75 circumstances; creating s. 497.4555, F.S.; authorizing a  
76 preneed licensee to charge a fee for performing certain  
77 duties related to a preneed contract; requiring disclosure  
78 of the charges; exempting charges from certain trust  
79 deposit requirements; amending s. 497.464, F.S.; deleting  
80 a requirement that trust payments for a preneed contract  
81 be deposited in this state; requiring that funds  
82 discharging a preneed contract be disbursed from the trust  
83 under certain circumstances; amending s. 497.602, F.S.;  
84 revising the course requirements for a direct disposer

85 license; adding passage of a college credit ethics course  
 86 to the course requirements; amending s. 497.603, F.S.;  
 87 requiring the licensing authority to adopt rules for the  
 88 renewal of direct disposer licenses; requiring a course on  
 89 communicable diseases; conforming the continuing education  
 90 requirements for direct disposers to the repeal by the act  
 91 of provisions requiring a course on HIV and AIDS; amending  
 92 s. 497.604, F.S.; requiring a direct disposal  
 93 establishment to have a licensed funeral director act as  
 94 the direct disposer in charge and providing exceptions;  
 95 repealing s. 497.367, F.S., relating to a continuing  
 96 education course required for funeral directors and  
 97 embalmers on HIV and AIDS; providing effective dates.

98

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

100

101 Section 1. Subsection (5) and paragraph (a) of subsection  
 102 (12) of section 497.141, Florida Statutes, are amended to read:  
 103 497.141 Licensing; general application procedures.--

104 (5)(a) The department may not issue or renew a license  
 105 under this chapter to an applicant that has a criminal record  
 106 required to be disclosed under s. 497.142(10) unless the  
 107 applicant demonstrates by clear and convincing evidence that the  
 108 applicant is rehabilitated and, if the license is issued, will  
 109 not create a threat to the public. This paragraph does not apply  
 110 to a criminal record disclosed to the department under s.  
 111 497.142(10) before the issuance or renewal of a license on or  
 112 before June 30, 2009.

113        (b) The board may refuse to rule on an initial application  
114 for licensure by any applicant who is under investigation or  
115 prosecution in any jurisdiction for an action which there is  
116 reasonable cause to believe would constitute a violation of this  
117 chapter if committed in this state, until such time as such  
118 investigation or prosecution is completed and the results of the  
119 investigation or prosecution are reviewed by the board.

120        (12) (a) The following licenses may only be applied for and  
121 issued to a natural person:

- 122            1. Embalmer apprentice.
- 123            2. Embalmer intern.
- 124            3. Funeral director intern.
- 125            4. Funeral director apprentice.
- 126            ~~5.4.~~ Funeral director.
- 127            ~~6.5.~~ Funeral director and embalmer.
- 128            ~~7.6.~~ Direct disposer.
- 129            ~~8.7.~~ Monument establishment sales agent.
- 130            ~~9.8.~~ Preneed sales agent.

131        Section 2. Paragraphs (a), (b), and (g) of subsection (10)  
132 of section 497.142, Florida Statutes, are amended to read:

133            497.142 Licensing; fingerprinting and criminal background  
134 checks.--

135        (10) (a) When applying for any license, or renewal of any  
136 license, under this chapter, every applicant must ~~shall be~~  
137 ~~required to~~ disclose the applicant's criminal records in  
138 accordance with this subsection.

139        (b) The criminal record required to be disclosed shall be  
140 any crime listed in paragraph (c) for ~~of~~ which the person or

141 entity required to make disclosure has been convicted or to  
142 which that person or entity entered a plea ~~in the nature of~~  
143 guilty or no contest. Disclosure ~~is shall be~~ required ~~pursuant~~  
144 ~~to this subsection regardless of~~ whether adjudication is ~~was~~  
145 entered or withheld by the court ~~in which the case was~~  
146 ~~prosecuted~~.

147 (g) The licensing authority shall ~~may~~ adopt rules  
148 specifying forms and procedures to be used ~~utilized~~ by persons  
149 required to disclose criminal records under this subsection. The  
150 rules may require a licensee to disclose only those criminal  
151 records that have not previously been disclosed under this  
152 subsection at the renewal of his or her license or, if the  
153 license has not been renewed, at the initial issuance of the  
154 license. The licensing authority may conduct investigation and  
155 further inquiry of any person regarding any criminal record  
156 disclosed pursuant to this section.

157 Section 3. Subsections (1), (2), and (3) of section  
158 497.143, Florida Statutes, are amended to read:

159 497.143 Licensing; limited licenses for times of critical  
160 need retired professionals.--

161 (1) It is the intent of the Legislature that, absent a  
162 threat to the health, safety, and welfare of the public, ~~the use~~  
163 ~~of retired~~ Florida licensees ~~professionals~~ in good standing and  
164 active licensees in good standing from other jurisdictions, be  
165 able to serve this state during times of critical need ~~should be~~  
166 ~~encouraged~~. ~~To that end, rules may be adopted to permit practice~~  
167 ~~by retired professionals as limited licensees under this~~  
168 ~~section~~.

169           (2) As used in ~~For purposes of~~ this section, the term  
 170 "critical need" means an executive order of ~~from~~ the Governor or  
 171 a federal order declaring that a state of emergency exists in an  
 172 area.

173           (3) The licensing authority may adopt rules for the  
 174 issuance of limited licenses in accordance with this section. A  
 175 Any person seeking ~~desiring to obtain~~ a limited license, when  
 176 permitted by rule, shall submit to the department an application  
 177 and ~~fee, not to exceed \$300,~~ and an affidavit stating that the  
 178 applicant is a retired Florida licensee or holds an active  
 179 license ~~has been licensed~~ to practice in another any  
 180 jurisdiction of ~~in~~ the United States ~~for at least 10 years~~ in  
 181 the profession for which the applicant seeks the ~~a~~ limited  
 182 license. The affidavit shall also state that the applicant ~~has~~  
 183 ~~retired from the practice of that profession and~~ intends to  
 184 practice only pursuant to the restrictions of the limited  
 185 license granted under ~~pursuant to~~ this section. ~~If the applicant~~  
 186 ~~for a limited license submits a notarized statement from the~~  
 187 ~~employer stating that the applicant will not receive monetary~~  
 188 ~~compensation for any service involving the practice of her or~~  
 189 ~~his profession, all licensure fees shall be waived. In no event~~  
 190 ~~may~~ A person holding a limited license under this section may  
 191 not engage in preneed sales under the ~~such~~ limited license.

192           Section 4. Subsection (5) of section 497.147, Florida  
 193 Statutes, is amended to read:

194           497.147 Continuing education; general provisions.--

195           (5) The board may by rule provide ~~up to 5 hours of~~  
 196 continuing education credit for each ~~per~~ continuing education

197 reporting period for licensees attending board meetings or  
198 selected types or portions of board meetings, as specified by  
199 such rules. ~~The rules may limit the number of times such credit~~  
200 ~~may be utilized by a licensee.~~ The rules may include provisions  
201 that establish ~~as to~~ the minimum amount of time that must be  
202 spent in the board meeting room viewing proceedings, ~~which may~~  
203 ~~be more than 5 hours of attendance,~~ requirements for advance  
204 notice by licensees to department staff of proposed attendance,  
205 requirements to sign in and out of the meeting room on lists  
206 maintained at the meeting site by department staff, forms that  
207 must be completed by the licensee to obtain such credit, and  
208 such other requirements deemed by the board to be advisable or  
209 necessary to prevent abuse of such rules and to ensure that  
210 useful information is obtained by licensees as a result of  
211 attendance. Procedural requirements of such rules requiring  
212 action by the department are ~~shall be~~ subject to approval by the  
213 department before ~~prior to~~ promulgation.

214 Section 5. Subsection (2) of section 497.152, Florida  
215 Statutes, is amended to read:

216 497.152 Disciplinary grounds.--This section sets forth  
217 conduct that is prohibited and that shall constitute grounds for  
218 denial of any application, imposition of discipline, or other  
219 enforcement action against the licensee or other person  
220 committing such conduct. For purposes of this section, the  
221 requirements of this chapter include the requirements of rules  
222 adopted under authority of this chapter. No subsection heading  
223 in this section shall be interpreted as limiting the  
224 applicability of any paragraph within the subsection.



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225 (2) CRIMINAL ACTIVITY.--Being convicted or found guilty  
226 of, or entering a plea of guilty or nolo contendere to,  
227 regardless of adjudication, a crime in any jurisdiction that  
228 relates to the practice of, or the ability to practice, a  
229 licensee's profession or occupation under this chapter.

230 Section 6. Section 497.162, Florida Statutes, is amended  
231 to read:

232 497.162 Health and safety education.--All individuals not  
233 licensed under this chapter who intend to be employed as  
234 operational personnel affiliated with a direct disposal  
235 establishment, cinerator facility, removal service,  
236 refrigeration facility, or centralized embalming facility who  
237 have direct contact with, ~~as well as all nonlicensed individuals~~  
238 ~~who intend to be involved in the removal or transportation of~~  
239 human remains on behalf of a funeral establishment, direct  
240 disposal establishment, or cinerator facility shall complete one  
241 course approved by the licensing authority on communicable  
242 diseases, within 30 ~~40~~ days after the date that they begin  
243 functioning as operational personnel on behalf of any entity  
244 that is regulated by this chapter. The course shall not exceed 3  
245 hours and shall be offered at approved locations throughout the  
246 state. Such locations may include establishments that are  
247 licensed under this chapter. The licensing authority shall adopt  
248 rules to implement and enforce this provision, which rules shall  
249 include provisions that provide for the use of approved  
250 videocassette courses and other types of audio, video, Internet,  
251 or home study courses to fulfill the continuing education  
252 requirements of this section.

253 Section 7. Effective July 1, 2010, paragraphs (a) and (b)  
 254 of subsection (3) of section 497.166, Florida Statutes, are  
 255 amended to read:

256 497.166 Preneed sales.--

257 (3) (a) The funeral director in charge of a funeral  
 258 establishment is ~~shall be~~ responsible for the control and  
 259 activities of the establishment's preneed sales agents.

260 (b) The direct disposer in charge or a funeral director  
 261 acting as the a direct disposer in charge of a direct disposal  
 262 establishment is ~~shall be~~ responsible for the control and  
 263 activities of the establishment's preneed sales agents.

264 Section 8. Subsection (6) is added to section 497.277,  
 265 Florida Statutes, to read:

266 497.277 Other charges.--Other than the fees for the sale  
 267 of burial rights, burial merchandise, and burial services, no  
 268 other fee may be directly or indirectly charged, contracted for,  
 269 or received by a cemetery company as a condition for a customer  
 270 to use any burial right, burial merchandise, or burial service,  
 271 except for:

272 (6) Charges paid for processing, filing, and archiving a  
 273 cemetery sales contract and for performing other administrative  
 274 duties related to the contract. A cemetery company must disclose  
 275 the charges to the customer and include the charges on its  
 276 standard printed price lists and other disclosure information  
 277 provided to the public under s. 497.282. Charges paid under this  
 278 subsection are not subject to the trust deposit requirements in  
 279 s. 497.458.

280 Section 9. Section 497.371, Florida Statutes, is amended  
 281 to read:

282 497.371 Embalmers; establishment of embalmer  
 283 apprenticeship ~~apprentice~~ program.--The licensing authority  
 284 shall adopt ~~adopts~~ rules establishing an embalmer apprenticeship  
 285 ~~apprentice~~ program. An embalmer apprentice may perform only  
 286 those tasks, functions, and duties relating to embalming which  
 287 are performed under the direct supervision of an embalmer who  
 288 has an active, valid license under s. 497.368 or s. 497.369. An  
 289 embalmer apprentice is ~~shall be~~ eligible to serve as ~~in~~ an  
 290 apprentice ~~capacity~~ for up to ~~a period not to exceed~~ 3 years as  
 291 may be determined by licensing authority rule or for up to a  
 292 ~~period not to exceed~~ 5 years if the apprentice is enrolled in  
 293 and attending a course in mortuary science or funeral service  
 294 education at any mortuary college or funeral service education  
 295 college or school. An embalmer apprentice shall be licensed upon  
 296 payment of a licensure fee as determined by licensing authority  
 297 rule but not to exceed \$200.

298 Section 10. Paragraph (d) of subsection (1), paragraph (b)  
 299 of subsection (2), and subsection (3) of section 497.373,  
 300 Florida Statutes, are amended to read:

301 497.373 Funeral directing; licensure as a funeral director  
 302 by examination; provisional license.--

303 (1) Any person desiring to be licensed as a funeral  
 304 director shall apply to the licensing authority to take the  
 305 licensure examination. The licensing authority shall examine  
 306 each applicant who has remitted an examination fee set by rule  
 307 of the licensing authority not to exceed \$200 plus the actual

308 per applicant cost to the licensing authority for portions of  
 309 the examination and who the licensing authority certifies has:

310 (d)1. Received an associate in arts degree, associate in  
 311 science degree, or an associate in applied science degree in  
 312 mortuary science approved by the licensing authority; or

313 2. Holds an associate degree or higher from a college or  
 314 university accredited by a regional association of colleges and  
 315 schools recognized by the United States Department of Education  
 316 and is a graduate of at least an approved 1-year course in  
 317 mortuary science or funeral service arts approved by the  
 318 licensing authority.

319 (2) The licensing authority shall license the applicant as  
 320 a funeral director if she or he:

321 (b) Completes a 1-year internship, or a 2-year funeral  
 322 director apprenticeship completed in eight consecutive calendar  
 323 quarters, under a licensed funeral director.

324 (3) Any applicant who has completed the required 1-year  
 325 internship and has been approved for examination as a funeral  
 326 director may qualify for a provisional license to work in a  
 327 licensed funeral establishment, under the direct supervision of  
 328 a licensed funeral director for ~~a limited period of 6 months as~~  
 329 provided by rule of the licensing authority. However, a  
 330 provisional licensee may work under the general supervision as  
 331 defined in s. 497.375 of a licensed funeral director upon  
 332 passage of an examination prepared by the department on the  
 333 local, state, and federal laws and rules relating to the  
 334 disposition of dead human bodies. The fee for provisional  
 335 licensure shall be set by rule of the licensing authority but

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336 may not exceed \$200. The fee required in this subsection shall  
337 be nonrefundable and in addition to the fee required by  
338 subsection (1). This provisional license may be renewed no more  
339 than one time.

340 Section 11. Subsection (5) of section 497.374, Florida  
341 Statutes, is amended to read:

342 497.374 Funeral directing; licensure as a funeral director  
343 by endorsement; licensure of a temporary funeral director.--

344 (5) The licensing authority may adopt ~~There may be adopted~~  
345 rules authorizing an applicant who has met the requirements of  
346 paragraphs (1)(b) and (c) and who is awaiting an opportunity to  
347 take the examination required by subsection (4) to obtain a  
348 license as a temporary funeral director. A licensed temporary  
349 funeral director may work as a funeral director in a licensed  
350 funeral establishment under the general supervision as defined  
351 in s. 497.375 of a funeral director licensed under subsection  
352 (1) or s. 497.373. The ~~Such~~ license shall expire 60 days after  
353 the date of the next available examination required under  
354 subsection (4); however, the temporary license may be renewed  
355 one time under the same conditions as initial issuance. The fee  
356 for initial issuance or renewal of a temporary license under  
357 this subsection shall be set by rule of the licensing authority  
358 but may not exceed \$200. The fee required in this subsection  
359 shall be nonrefundable and in addition to the fee required in  
360 subsection (1).

361 Section 12. Section 497.375, Florida Statutes, is amended  
362 to read:

363 497.375 Funeral directing; licensure of a funeral director  
 364 intern.--

365 (1) As used in this section, the term:

366 (a) "Direct supervision" means supervision by a licensed  
 367 funeral director who provides both initial direction and  
 368 periodic inspection of the arrangements and who is physically  
 369 present or on the premises of the funeral establishment at all  
 370 times when the tasks, functions, and duties relating to funeral  
 371 directing are performed.

372 (b) "General supervision" means supervision by a licensed  
 373 funeral director who is reasonably available and in a position  
 374 to provide direction and guidance by being physically present,  
 375 being on the premises of the funeral establishment, or being  
 376 available telephonically or by electronic communication at all  
 377 times when the tasks, functions, and duties relating to funeral  
 378 directing are performed.

379 (2)~~(1)~~ Any person desiring to become a funeral director  
 380 intern must apply to the licensing authority ~~shall make~~  
 381 ~~application~~ on forms prescribed ~~as required~~ by rule of the  
 382 licensing authority, together with a nonrefundable fee set as  
 383 ~~determined~~ by rule of the licensing authority ~~but~~ not to exceed  
 384 \$200. The application shall include ~~indicate~~ the name and  
 385 address of the licensed funeral director licensed under s.  
 386 497.373 or s. 497.374(1) under whose supervision the intern will  
 387 receive training and the name of the licensed funeral  
 388 establishment where the ~~such~~ training will ~~is to~~ be conducted. A  
 389 ~~The~~ funeral director intern may perform only the tasks,  
 390 functions, and duties relating to funeral directing that are

391 performed ~~shall intern~~ under the direct supervision of a  
 392 licensed funeral director who has an active, valid license under  
 393 s. 497.373 or s. 497.374(1). However, a funeral director intern  
 394 may perform those tasks, functions, and duties under the general  
 395 supervision of a licensed funeral director if the intern passes  
 396 an examination prepared by the department on the local, state,  
 397 and federal laws and rules relating to the disposition of dead  
 398 human bodies and the funeral director in charge of the funeral  
 399 director internship training agency, after 6 months of direct  
 400 supervision, certifies to the licensing agency that the intern  
 401 is competent to complete the internship under general  
 402 supervision.

403 ~~(3)(2)~~ Rules shall be adopted establishing a funeral  
 404 director internship program and criteria for funeral director  
 405 intern training agencies and supervisors. Any funeral  
 406 establishment where funeral directing is conducted may apply to  
 407 the licensing authority for approval as a funeral director  
 408 intern training agency.

409 ~~(4)(3)~~ A funeral establishment designated as a funeral  
 410 director intern training agency may not exact a fee from any  
 411 person obtaining intern training at such funeral establishment.

412 Section 13. Section 497.3755, Florida Statutes, is created  
 413 to read:

414 497.3755 Funeral directing; establishment of funeral  
 415 director apprenticeship program; licensure of a funeral director  
 416 apprentice.--

417 (1) (a) The licensing authority shall adopt rules  
 418 establishing a funeral director apprenticeship program. The

419 rules shall include procedures and criteria for the licensing  
420 authority's approval of funeral director apprentice training  
421 agencies and supervisors. The procedures shall allow a funeral  
422 establishment at which funeral directing is practiced to apply  
423 for approval as an apprentice training agency. A funeral  
424 director intern training agency approved by the licensing  
425 authority under s. 497.375 is authorized to serve as an  
426 apprentice training agency.

427 (b) Training provided under the funeral director  
428 apprenticeship program must be provided by a funeral director  
429 apprentice training agency and must be supervised by a funeral  
430 director in good standing who is licensed in this state. The  
431 licensing authority shall adopt rules prescribing procedures for  
432 funeral director apprentice training agencies to document the  
433 training of funeral director apprentices. The rules shall  
434 require the funeral director who supervises the training of a  
435 funeral director apprentice to submit a written report to the  
436 licensing authority that certifies the apprentice's training  
437 activities supervised during the preceding calendar quarter. If  
438 a funeral director apprentice is supervised by more than one  
439 funeral director, each funeral director supervising the  
440 apprentice must submit the report and certify the dates and  
441 training activities supervised during the preceding calendar  
442 quarter. The licensed funeral director in charge of the training  
443 agency and the funeral director apprentice must also certify the  
444 reports. The rules shall also require that the quarterly reports  
445 be filed with the licensing authority by the 20th day of the  
446 month following the preceding calendar quarter.



447 (c) A funeral director apprentice training agency may not  
 448 employ more than one funeral director apprentice for each  
 449 licensed full-time funeral director employed by the training  
 450 agency.

451 (d) A funeral establishment designated as a funeral  
 452 director apprenticeship training agency may not charge a fee  
 453 from any person obtaining apprentice training at the funeral  
 454 establishment.

455 (2) Any person desiring to become a funeral director  
 456 apprentice must apply to the licensing authority on forms  
 457 prescribed by rule of the licensing authority, together with a  
 458 nonrefundable fee set by rule of the licensing authority not to  
 459 exceed \$300. The application shall include the name and address  
 460 of the funeral director licensed under s. 497.373 or s.  
 461 497.374(1) under whose supervision the funeral director  
 462 apprentice will receive training and the name of the licensed  
 463 funeral establishment where the training will be conducted. The  
 464 licensing authority shall issue a funeral director apprentice  
 465 license to a person that the licensing authority certifies:

466 (a) Has completed the application form, remitted the fee  
 467 required under this subsection, and complied with s. 497.141.

468 (b) Has met the requirements in s. 497.373(1)(b), (c), and  
 469 (e) for licensure as a funeral director.

470 (c) Holds an associate or higher degree from a college or  
 471 university accredited by a regional accrediting agency  
 472 recognized by the United States Department of Education.

473 (d) Has taken and received a passing grade in a college  
 474 credit course in mortuary law, has taken and received a passing

475 grade in a college credit course in ethics, and is enrolled in  
476 and attending a course in mortuary science or funeral service  
477 education at a college or school that is approved by the  
478 licensing authority and accredited by the American Board of  
479 Funeral Service Education.

480 (e) The applicant complies or, before practicing under the  
481 license, will comply with all requirements of this chapter  
482 relating to the license.

483  
484 The licensing authority may not issue a license under this  
485 subsection to an applicant who is under investigation or  
486 prosecution in any jurisdiction for acts that would constitute a  
487 violation of this chapter until the investigation or prosecution  
488 is complete.

489 (3) A funeral director apprentice license is valid for 2  
490 years and may not be renewed. However, if a funeral director  
491 apprentice does not complete the apprenticeship training due to  
492 personal injury or illness, the licensing authority may allow  
493 the apprentice to reregister upon payment of a nonrefundable fee  
494 set by rule of the licensing authority not to exceed \$150, if  
495 the apprentice reregisters within 1 year after the apprentice  
496 was injured or became ill.

497 (4) A funeral director apprentice may perform only the  
498 tasks, functions, and duties relating to funeral directing that  
499 are performed under the direct supervision as defined in s.  
500 497.375 of a funeral director who has an active, valid license  
501 under s. 497.373 or s. 497.374(1). However, a funeral director  
502 apprentice may perform those tasks, functions, and duties under

503 the general supervision as defined in s. 497.375 of a licensed  
 504 funeral director if the apprentice passes an examination  
 505 prepared by the department on the local, state, and federal laws  
 506 and rules relating to the disposition of dead human bodies and  
 507 the funeral director in charge of the funeral director  
 508 apprenticeship training agency, after 6 months of direct  
 509 supervision, certifies to the licensing agency that the  
 510 apprentice is competent to complete the apprenticeship under  
 511 general supervision.

512 Section 14. Subsection (1) of section 497.378, Florida  
 513 Statutes, is amended to read:

514 497.378 Renewal of funeral director and embalmer  
 515 licenses.--

516 (1) The licensing authority ~~There shall~~ renew ~~be renewed~~ a  
 517 funeral director or embalmer license upon receipt of the renewal  
 518 application and fee set by the licensing authority, not to  
 519 exceed \$500. The licensing authority may adopt rules for the  
 520 renewal of a funeral director or embalmer license. The rules may  
 521 require ~~prescribe by rule~~ continuing education ~~requirements~~ of  
 522 up to 12 classroom hours and may ~~by rule~~ establish criteria for  
 523 accepting alternative nonclassroom continuing education on an  
 524 hour-for-hour basis, ~~in addition to a licensing authority-~~  
 525 ~~approved course on communicable diseases that includes the~~  
 526 ~~course on human immunodeficiency virus and acquired immune~~  
 527 ~~deficiency syndrome required by s. 497.367, for the renewal of a~~  
 528 ~~funeral director or embalmer license. The rules~~ rule may also  
 529 provide for the waiver of continuing education requirements in  
 530 circumstances that would justify the waiver, such as hardship,

531 disability, or illness. The continuing education requirement is  
 532 not required for a licensee who is over the age of 75 years if  
 533 the licensee does not qualify as the sole person in charge of an  
 534 establishment or facility.

535 Section 15. Subsection (7) of section 497.380, Florida  
 536 Statutes, is amended to read:

537 497.380 Funeral establishment; licensure.--

538 (7) Each licensed funeral establishment shall have one  
 539 full-time funeral director in charge and shall have a licensed  
 540 funeral director reasonably available to the public during  
 541 normal business hours for the ~~that~~ establishment. The full-time  
 542 funeral director in charge is responsible for ensuring that the  
 543 facility, its operation, and all persons employed in the  
 544 facility comply with all applicable state and federal laws. The  
 545 full-time funeral director in charge must have an active license  
 546 and may not be the full-time funeral director in charge of any  
 547 other funeral establishment or of any other direct disposal  
 548 establishment. The full-time funeral director in charge of a  
 549 licensed funeral establishment that maintains a preparation room  
 550 and performs embalming must hold an active, valid embalmer  
 551 license.

552 Section 16. Section 497.4555, Florida Statutes, is created  
 553 to read:

554 497.4555 Charges for preneed contract.--A preneed licensee  
 555 may charge the purchaser of a preneed contract for processing,  
 556 filing, and archiving the contract and for performing other  
 557 administrative duties related to the contract. A preneed  
 558 licensee must disclose the charges to the purchaser and include

559 the charges on its standard printed price lists and other  
 560 disclosure information provided to the public under s. 497.468.  
 561 Charges paid under this section are not subject to the trust  
 562 deposit requirements in s. 497.458.

563 Section 17. Subsections (3) and (7) of section 497.464,  
 564 Florida Statutes, are amended to read:

565 497.464 Alternative preneed contracts.--

566 (3) The contract must require that the purchaser make all  
 567 payments required by the contract directly to the trustee or its  
 568 qualified servicing agent ~~and that the funds shall be deposited~~  
 569 ~~in this state~~, subject to the terms of a trust instrument  
 570 approved by the licensing authority. The licensing authority may  
 571 adopt rules establishing procedures and forms for the submission  
 572 of trust instruments for approval by the licensing authority,  
 573 establishing criteria for the approval of such trust  
 574 instruments, and specifying information required to be provided  
 575 by the applicant in connection with submission of a trust  
 576 instrument for approval. A copy of the trust instrument shall be  
 577 made available to the purchaser, at any reasonable time, upon  
 578 request.

579 (7) The trustee shall disburse ~~Disbursement of funds~~  
 580 ~~discharging a any preneed contract shall be made by the trustee~~  
 581 ~~to the person issuing or writing the such contract upon the~~  
 582 trustee's receipt of a certified copy of the contract  
 583 beneficiary's death certificate or satisfactory of the contract  
 584 ~~beneficiary and evidence, as the licensing authority shall~~  
 585 define by rule, satisfactory to the trustee that the preneed  
 586 contract has been fully performed at least in part. In the event

587 of any contract default by the contract purchaser, or in the  
 588 event that the funeral merchandise or service contracted for is  
 589 not provided or is not desired by the purchaser or the heirs or  
 590 personal representative of the contract beneficiary, the trustee  
 591 shall return, within 30 days after its receipt of a written  
 592 request therefor, funds paid on the contract to the contract  
 593 purchaser or to her or his assigns, heirs, or personal  
 594 representative, subject to the lawful liquidation damage  
 595 provision in the contract.

596 Section 18. Paragraph (b) of subsection (3) of section  
 597 497.602, Florida Statutes, is amended to read:

598 497.602 Direct disposers, license required; licensing  
 599 procedures and criteria; regulation.--

600 (3) ACTION CONCERNING APPLICATIONS.--A duly completed  
 601 application for licensure under this section, accompanied by the  
 602 required fees, shall be approved if the licensing authority  
 603 determines that the following conditions are met:

604 (b) The applicant has taken and received a passing grade  
 605 in a college credit course in ~~Florida~~ mortuary law and has taken  
 606 and received a passing grade in a college credit course in  
 607 ethics.

608 Section 19. Subsection (2) of section 497.603, Florida  
 609 Statutes, is amended to read:

610 497.603 Direct disposers, renewal of license.--

611 (2) The licensing authority ~~There~~ shall adopt ~~be adopted~~  
 612 rules establishing procedures, forms, and a schedule ~~and forms~~  
 613 ~~and procedure~~ for the biennial renewal of direct disposer  
 614 licenses ~~as direct disposers~~. The rules ~~There~~ shall require ~~be~~

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615 ~~adopted by rule continuing education requirements~~ of up to 6  
616 classroom hours, including, but not limited to, a course on  
617 communicable diseases approved by the licensing authority, and  
618 ~~there may establish by rule be established~~ criteria for  
619 accepting alternative nonclassroom continuing education on an  
620 hour-for-hour basis, ~~in addition to an approved course on~~  
621 ~~communicable diseases that includes the course on human~~  
622 ~~immunodeficiency virus and acquired immune deficiency syndrome~~  
623 ~~required by s. 497.367, for the renewal of a license as a direct~~  
624 ~~disposer.~~

625 Section 20. Paragraph (c) of subsection (2), subsection  
626 (8), and paragraph (d) of subsection (9) of section 497.604,  
627 Florida Statutes, are amended to read:

628 497.604 Direct disposal establishments, license required;  
629 licensing procedures and criteria; license renewal;  
630 regulation.--

631 (2) APPLICATION PROCEDURES.--

632 (c) The application shall name the licensed direct  
633 disposer or licensed funeral director ~~who will be acting as the~~  
634 ~~a~~ direct disposer in charge of the direct disposal  
635 establishment.

636 (8) SUPERVISION OF FACILITIES.--

637 (a) Effective October 1, 2009, each direct disposal  
638 establishment shall have one full-time ~~licensed direct disposer~~  
639 ~~or~~ licensed funeral director acting as the ~~a~~ direct disposer in  
640 charge. However, a licensed direct disposer may continue acting  
641 as the direct disposer in charge, if, as of September 30, 2009:

642 1. The direct disposal establishment and the licensed  
643 direct disposer both have active, valid licenses.

644 2. The licensed direct disposer is currently acting as the  
645 direct disposer in charge of the direct disposal establishment.

646 3. The name of the licensed direct disposer is included,  
647 as required in paragraph (2) (c), in the direct disposal  
648 establishment's most recent application for issuance or renewal  
649 of its license or is included in the establishment's notice of  
650 change approved by the licensing authority under subsection (7).

651 (b) The licensed funeral director or licensed direct  
652 disposer in charge of a direct disposal establishment must be  
653 and reasonably available to the public during normal business  
654 hours for the ~~that~~ establishment and. ~~Such person~~ may be in  
655 charge of only one direct disposal establishment facility. ~~The~~  
656 ~~Such~~ licensed funeral director or licensed direct disposer in  
657 charge of the establishment is ~~shall be~~ responsible for making  
658 sure the facility, its operations, and all persons employed in  
659 the facility comply with all applicable state and federal laws  
660 and rules.

661 (9) REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.--

662 (d) Each direct disposal establishment must display at the  
663 public entrance the name of the establishment and the name of  
664 the licensed direct disposer or licensed funeral director acting  
665 as the ~~a~~ direct disposer in charge of the ~~responsible for that~~  
666 establishment. A direct disposal establishment must transact its  
667 business under the name by which it is licensed.

668 Section 21. Section 497.367, Florida Statutes, is  
669 repealed.



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670 |           Section 22. Except as otherwise expressly provided in this  
671 | act, this act shall take effect July 1, 2009.