

By Senator Crist

12-00426A-09

2009890__

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;
7 limiting the issuance of funeral director apprentice
8 licenses to natural persons; amending s. 497.142,
9 F.S.; requiring an applicant for renewal of a license
10 to disclose certain criminal records; requiring an
11 applicant for issuance or renewal of a license to
12 disclose certain criminal pleas; requiring a licensing
13 authority of the Department of Financial Services to
14 adopt rules for the disclosure of criminal records;
15 authorizing an exception from disclosure requirements
16 for previously disclosed criminal records; amending s.
17 497.143, F.S.; revising legislative intent;
18 authorizing the licensing authority to adopt rules for
19 the issuance of limited licenses to certain persons
20 licensed outside the state; revising eligibility and
21 application requirements for a limited license;
22 amending s. 497.147, F.S.; deleting limits on the
23 continuing education credit provided for attendance at
24 meetings of the Board of Funeral, Cemetery, and
25 Consumer Services; amending s. 497.152, F.S.;
26 providing that certain criminal pleas are a ground for
27 denial of an application or discipline of a licensee
28 under ch. 497, F.S.; amending s. 497.162, F.S.;
29 revises which nonlicensed personnel are required to

12-00426A-09

2009890__

30 complete a course on communicable diseases; extending
31 time for completion of the course; amending s.
32 497.166, F.S.; conforming terminology to changes made
33 by the act; amending s. 497.277, F.S.; authorizing a
34 cemetery company to charge a fee for performing
35 certain duties related to a cemetery sales contract;
36 requiring disclosure of the charges; exempting charges
37 from certain trust deposit requirements; amending s.
38 497.371, F.S.; conforming provisions; amending s.
39 497.373, F.S.; adding a specified course as an option
40 for satisfying certain educational requirements of a
41 funeral director license; adding completion of an
42 apprenticeship program as an option to satisfy the
43 internship requirement of a funeral director license;
44 revising requirements for supervision of provisional
45 licensees; amending s. 497.374, F.S.; requiring that
46 the general supervision provided for a licensed
47 temporary funeral director comply with the definition
48 provided by the act; amending s. 497.375, F.S.;

49 providing definitions of the terms "direct
50 supervision" and "general supervision"; revising
51 application requirements for licensure as a funeral
52 director intern; revising requirements for supervision
53 of funeral director interns; creating s. 497.3755,
54 F.S.; requiring the licensing authority to establish a
55 funeral director apprenticeship program and adopt
56 procedures and criteria for the approval of funeral
57 director apprentice training agencies and supervisors;
58 authorizing certain funeral establishments to apply

12-00426A-09

2009890__

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

12-00426A-09

2009890__

88 discharging a preneed contract be disbursed from the
89 trust under certain circumstances; amending s.
90 497.602, F.S.; revising the course requirements for a
91 direct disposer license; adding passage of a college
92 credit ethics course to the course requirements;
93 amending s. 497.603, F.S.; requiring the licensing
94 authority to adopt rules for the renewal of direct
95 disposer licenses; requiring a course on communicable
96 diseases; conforming the continuing education
97 requirements for direct disposers to the repeal by the
98 act of provisions requiring a course on HIV and AIDS;
99 amending s. 497.604, F.S.; requiring a direct disposal
100 establishment to have a licensed funeral director act
101 as the direct disposer in charge and providing
102 exceptions; repealing s. 497.367, F.S., relating to a
103 continuing education course required for funeral
104 directors and embalmers on HIV and AIDS; providing
105 effective dates.

106
107 Be It Enacted by the Legislature of the State of Florida:

108
109 Section 1. Subsection (5) and paragraph (a) of subsection
110 (12) of section 497.141, Florida Statutes, are amended to read:
111 497.141 Licensing; general application procedures.—

112 (5) (a) The department may not issue or renew a license
113 under this chapter to an applicant that has a criminal record
114 required to be disclosed under s. 497.142(10) unless the
115 applicant demonstrates by clear and convincing evidence that the
116 applicant is rehabilitated and, if the license is issued, will

12-00426A-09

2009890__

117 not create a threat to the public. This paragraph does not apply
118 to a criminal record disclosed to the department under s.
119 497.142(10) before the issuance or renewal of a license on or
120 before June 30, 2009.

121 (b) The board may refuse to rule on an initial application
122 for licensure by any applicant who is under investigation or
123 prosecution in any jurisdiction for an action which there is
124 reasonable cause to believe would constitute a violation of this
125 chapter if committed in this state, until such time as such
126 investigation or prosecution is completed and the results of the
127 investigation or prosecution are reviewed by the board.

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

- 130 1. Embalmer apprentice.
- 131 2. Embalmer intern.
- 132 3. Funeral director intern.
- 133 4. Funeral director apprentice.
- 134 ~~5.4.~~ Funeral director.
- 135 ~~6.5.~~ Funeral director and embalmer.
- 136 ~~7.6.~~ Direct disposer.
- 137 ~~8.7.~~ Monument establishment sales agent.
- 138 ~~9.8.~~ Preneed sales agent.

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

141 497.142 Licensing; fingerprinting and criminal background
142 checks.—

143 (10) (a) When applying for any license, or renewal of any
144 license, under this chapter, every applicant must ~~shall be~~
145 ~~required to~~ disclose the applicant's criminal records in

12-00426A-09

2009890__

146 accordance with this subsection.

147 (b) The criminal record required to be disclosed shall be
 148 any crime listed in paragraph (c) for ~~of~~ which the person or
 149 entity required to make disclosure has been convicted or to
 150 which that person or entity entered a plea ~~in the nature of~~
 151 guilty or no contest. Disclosure is ~~shall be~~ required ~~pursuant~~
 152 ~~to this subsection regardless of~~ whether adjudication is ~~was~~
 153 entered or withheld by the court ~~in which the case was~~
 154 ~~prosecuted~~.

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

165 Section 3. Subsections (1), (2), and (3) of section
 166 497.143, Florida Statutes, are amended to read:

167 497.143 Licensing; limited licenses for times of critical
 168 need ~~retired professionals.~~

169 (1) It is the intent of the Legislature that, absent a
 170 threat to the health, safety, and welfare of the public, ~~the use~~
 171 ~~of~~ retired Florida licensees ~~professionals~~ in good standing and
 172 active licensees in good standing from other jurisdictions, be
 173 able to serve this state during times of critical need ~~should be~~
 174 encouraged. ~~To that end, rules may be adopted to permit practice~~

12-00426A-09

2009890__

175 ~~by retired professionals as limited licensees under this~~
176 ~~section.~~

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

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

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

202 497.147 Continuing education; general provisions.—

203 (5) The board may by rule provide ~~up to 5 hours of~~

12-00426A-09

2009890__

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

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

224 497.152 Disciplinary grounds.—This section sets forth
225 conduct that is prohibited and that shall constitute grounds for
226 denial of any application, imposition of discipline, or other
227 enforcement action against the licensee or other person
228 committing such conduct. For purposes of this section, the
229 requirements of this chapter include the requirements of rules
230 adopted under authority of this chapter. No subsection heading
231 in this section shall be interpreted as limiting the
232 applicability of any paragraph within the subsection.

12-00426A-09

2009890__

233 (2) CRIMINAL ACTIVITY.—Being convicted or found guilty of,
234 or entering a plea of guilty or nolo contendere to, regardless
235 of adjudication, a crime in any jurisdiction that relates to the
236 practice of, or the ability to practice, a licensee's profession
237 or occupation under this chapter.

238 Section 6. Section 497.162, Florida Statutes, is amended to
239 read:

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

261 Section 7. Effective July 1, 2010, paragraphs (a) and (b)

12-00426A-09

2009890__

262 of subsection (3) of section 497.166, Florida Statutes, are
263 amended to read:

264 497.166 Preneed sales.—

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

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

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

274 497.277 Other charges.—Other than the fees for the sale of
275 burial rights, burial merchandise, and burial services, no other
276 fee may be directly or indirectly charged, contracted for, or
277 received by a cemetery company as a condition for a customer to
278 use any burial right, burial merchandise, or burial service,
279 except for:

280 (6) Charges paid for processing, filing, and archiving a
281 cemetery sales contract and for performing other administrative
282 duties related to the contract. A cemetery company must disclose
283 the charges to the customer and include the charges on its
284 standard printed price lists and other disclosure information
285 provided to the public under s. 497.282. Charges paid under this
286 subsection are not subject to the trust deposit requirements in
287 s. 497.458.

288 Section 9. Section 497.371, Florida Statutes, is amended to
289 read:

290 497.371 Embalmers; establishment of embalmer apprenticeship

12-00426A-09

2009890__

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

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

309 497.373 Funeral directing; licensure as a funeral director
310 by examination; provisional license.—

311 (1) Any person desiring to be licensed as a funeral
312 director shall apply to the licensing authority to take the
313 licensure examination. The licensing authority shall examine
314 each applicant who has remitted an examination fee set by rule
315 of the licensing authority not to exceed \$200 plus the actual
316 per applicant cost to the licensing authority for portions of
317 the examination and who the licensing authority certifies has:

318 (d)1. Received an associate in arts degree, associate in
319 science degree, or an associate in applied science degree in

12-00426A-09

2009890__

320 mortuary science approved by the licensing authority; or

321 2. Holds an associate degree or higher from a college or
322 university accredited by a regional association of colleges and
323 schools recognized by the United States Department of Education
324 and is a graduate of at least an approved 1-year course in
325 mortuary science or funeral service arts approved by the
326 licensing authority.

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

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

332 (3) Any applicant who has completed the required 1-year
333 internship and has been approved for examination as a funeral
334 director may qualify for a provisional license to work in a
335 licensed funeral establishment, under the direct supervision of
336 a licensed funeral director for ~~a limited period of 6 months~~ as
337 provided by rule of the licensing authority. However, a
338 provisional licensee may work under the general supervision as
339 defined in s. 497.375 of a licensed funeral director upon
340 passage of an examination prepared by the department on the
341 local, state, and federal laws and rules relating to the
342 disposition of dead human bodies. The fee for provisional
343 licensure shall be set by rule of the licensing authority but
344 may not exceed \$200. The fee required in this subsection shall
345 be nonrefundable and in addition to the fee required by
346 subsection (1). This provisional license may be renewed no more
347 than one time.

348 Section 11. Subsection (5) of section 497.374, Florida

12-00426A-09

2009890

349 Statutes, is amended to read:

350 497.374 Funeral directing; licensure as a funeral director
351 by endorsement; licensure of a temporary funeral director.—

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

369 Section 12. Section 497.375, Florida Statutes, is amended
370 to read:

371 497.375 Funeral directing; licensure of a funeral director
372 intern.—

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

374 (a) "Direct supervision" means supervision by a licensed
375 funeral director who provides both initial direction and
376 periodic inspection of the arrangements and who is physically
377 present or on the premises of the funeral establishment at all

12-00426A-09

2009890

378 times when the tasks, functions, and duties relating to funeral
379 directing are performed.

380 (b) "General supervision" means supervision by a licensed
381 funeral director who is reasonably available and in a position
382 to provide direction and guidance by being physically present,
383 being on the premises of the funeral establishment, or being
384 available telephonically or by electronic communication at all
385 times when the tasks, functions, and duties relating to funeral
386 directing are performed.

387 (2)~~(1)~~ Any person desiring to become a funeral director
388 intern must apply to the licensing authority ~~shall make~~
389 ~~application~~ on forms prescribed ~~as required~~ by rule of the
390 licensing authority, together with a nonrefundable fee set as
391 ~~determined~~ by rule of the licensing authority ~~but~~ not to exceed
392 \$200. The application shall include ~~indicate~~ the name and
393 address of the licensed funeral director licensed under s.
394 497.373 or s. 497.374(1) under whose supervision the intern will
395 receive training and the name of the licensed funeral
396 establishment where the ~~such~~ training will ~~is to~~ be conducted. A
397 ~~The~~ funeral director intern may perform only the tasks,
398 functions, and duties relating to funeral directing that are
399 performed ~~shall intern~~ under the direct supervision of a
400 licensed funeral director who has an active, valid license under
401 s. 497.373 or s. 497.374(1). However, a funeral director intern
402 may perform those tasks, functions, and duties under the general
403 supervision of a licensed funeral director if the intern passes
404 an examination prepared by the department on the local, state,
405 and federal laws and rules relating to the disposition of dead
406 human bodies and the funeral director in charge of the funeral

12-00426A-09

2009890

407 director internship training agency, after 6 months of direct
 408 supervision, certifies to the licensing agency that the intern
 409 is competent to complete the internship under general
 410 supervision.

411 (3)~~(2)~~ Rules shall be adopted establishing a funeral
 412 director internship program and criteria for funeral director
 413 intern training agencies and supervisors. Any funeral
 414 establishment where funeral directing is conducted may apply to
 415 the licensing authority for approval as a funeral director
 416 intern training agency.

417 (4)~~(3)~~ A funeral establishment designated as a funeral
 418 director intern training agency may not exact a fee from any
 419 person obtaining intern training at such funeral establishment.

420 Section 13. Section 497.3755, Florida Statutes, is created
 421 to read:

422 497.3755 Funeral directing; establishment of funeral
 423 director apprenticeship program; licensure of a funeral director
 424 apprentice.-

425 (1) (a) The licensing authority shall adopt rules
 426 establishing a funeral director apprenticeship program. The
 427 rules shall include procedures and criteria for the licensing
 428 authority's approval of funeral director apprentice training
 429 agencies and supervisors. The procedures shall allow a funeral
 430 establishment at which funeral directing is practiced to apply
 431 for approval as an apprentice training agency. A funeral
 432 director intern training agency approved by the licensing
 433 authority under s. 497.375 is authorized to serve as an
 434 apprentice training agency.

435 (b) Training provided under the funeral director

12-00426A-09

2009890__

436 apprenticeship program must be provided by a funeral director
437 apprentice training agency and must be supervised by a funeral
438 director in good standing who is licensed in this state. The
439 licensing authority shall adopt rules prescribing procedures for
440 funeral director apprentice training agencies to document the
441 training of funeral director apprentices. The rules shall
442 require the funeral director who supervises the training of a
443 funeral director apprentice to submit a written report to the
444 licensing authority that certifies the apprentice's training
445 activities supervised during the preceding calendar quarter. If
446 a funeral director apprentice is supervised by more than one
447 funeral director, each funeral director supervising the
448 apprentice must submit the report and certify the dates and
449 training activities supervised during the preceding calendar
450 quarter. The licensed funeral director in charge of the training
451 agency and the funeral director apprentice must also certify the
452 reports. The rules shall also require that the quarterly reports
453 be filed with the licensing authority by the 20th day of the
454 month following the preceding calendar quarter.

455 (c) A funeral director apprentice training agency may not
456 employ more than one funeral director apprentice for each
457 licensed full-time funeral director employed by the training
458 agency.

459 (d) A funeral establishment designated as a funeral
460 director apprenticeship training agency may not charge a fee
461 from any person obtaining apprentice training at the funeral
462 establishment.

463 (2) Any person desiring to become a funeral director
464 apprentice must apply to the licensing authority on forms

12-00426A-09

2009890

465 prescribed by rule of the licensing authority, together with a
466 nonrefundable fee set by rule of the licensing authority not to
467 exceed \$300. The application shall include the name and address
468 of the funeral director licensed under s. 497.373 or s.
469 497.374(1) under whose supervision the funeral director
470 apprentice will receive training and the name of the licensed
471 funeral establishment where the training will be conducted. The
472 licensing authority shall issue a funeral director apprentice
473 license to a person that the licensing authority certifies:

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

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

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

481 (d) Has taken and received a passing grade in a college
482 credit course in mortuary law, has taken and received a passing
483 grade in a college credit course in ethics, and is enrolled in
484 and attending a course in mortuary science or funeral service
485 education at a college or school that is approved by the
486 licensing authority and accredited by the American Board of
487 Funeral Service Education.

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

491
492 The licensing authority may not issue a license under this
493 subsection to an applicant who is under investigation or

12-00426A-09

2009890__

494 prosecution in any jurisdiction for acts that would constitute a
495 violation of this chapter until the investigation or prosecution
496 is complete.

497 (3) A funeral director apprentice license is valid for 2
498 years and may not be renewed. However, if a funeral director
499 apprentice does not complete the apprenticeship training due to
500 personal injury or illness, the licensing authority may allow
501 the apprentice to reregister upon payment of a nonrefundable fee
502 set by rule of the licensing authority not to exceed \$150, if
503 the apprentice reregisters within 1 year after the apprentice
504 was injured or became ill.

505 (4) A funeral director apprentice may perform only the
506 tasks, functions, and duties relating to funeral directing that
507 are performed under the direct supervision as defined in s.
508 497.375 of a funeral director who has an active, valid license
509 under s. 497.373 or s. 497.374(1). However, a funeral director
510 apprentice may perform those tasks, functions, and duties under
511 the general supervision as defined in s. 497.375 of a licensed
512 funeral director if the apprentice passes an examination
513 prepared by the department on the local, state, and federal laws
514 and rules relating to the disposition of dead human bodies and
515 the funeral director in charge of the funeral director
516 apprenticeship training agency, after 6 months of direct
517 supervision, certifies to the licensing agency that the
518 apprentice is competent to complete the apprenticeship under
519 general supervision.

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

522 497.378 Renewal of funeral director and embalmer licenses.-

12-00426A-09

2009890__

523 (1) The licensing authority ~~There shall renew be renewed~~ a
524 funeral director or embalmer license upon receipt of the renewal
525 application and fee set by the licensing authority, not to
526 exceed \$500. The licensing authority may adopt rules for the
527 renewal of a funeral director or embalmer license. The rules may
528 require ~~prescribe by rule~~ continuing education ~~requirements~~ of
529 up to 12 classroom hours and may ~~by rule~~ establish criteria for
530 accepting alternative nonclassroom continuing education on an
531 hour-for-hour basis, ~~in addition to a licensing authority-~~
532 ~~approved course on communicable diseases that includes the~~
533 ~~course on human immunodeficiency virus and acquired immune~~
534 ~~deficiency syndrome required by s. 497.367, for the renewal of a~~
535 ~~funeral director or embalmer license. The rules rule may also~~
536 provide for the waiver of continuing education requirements in
537 circumstances that would justify the waiver, such as hardship,
538 disability, or illness. The continuing education requirement is
539 not required for a licensee who is over the age of 75 years if
540 the licensee does not qualify as the sole person in charge of an
541 establishment or facility.

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

544 497.380 Funeral establishment; licensure.—

545 (7) Each licensed funeral establishment shall have one
546 full-time funeral director in charge and shall have a licensed
547 funeral director reasonably available to the public during
548 normal business hours for the ~~that~~ establishment. The full-time
549 funeral director in charge is responsible for ensuring that the
550 facility, its operation, and all persons employed in the
551 facility comply with all applicable state and federal laws. The

12-00426A-09

2009890__

552 full-time funeral director in charge must have an active license
553 and may not be the full-time funeral director in charge of any
554 other funeral establishment or of any other direct disposal
555 establishment. The full-time funeral director in charge of a
556 licensed funeral establishment that maintains a preparation room
557 and performs embalming must hold an active, valid embalmer
558 license.

559 Section 16. Section 497.4555, Florida Statutes, is created
560 to read:

561 497.4555 Charges for preneed contract.—A preneed licensee
562 may charge the purchaser of a preneed contract for processing,
563 filing, and archiving the contract and for performing other
564 administrative duties related to the contract. A preneed
565 licensee must disclose the charges to the purchaser and include
566 the charges on its standard printed price lists and other
567 disclosure information provided to the public under s. 497.468.
568 Charges paid under this section are not subject to the trust
569 deposit requirements in s. 497.458.

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

572 497.464 Alternative preneed contracts.—

573 (3) The contract must require that the purchaser make all
574 payments required by the contract directly to the trustee or its
575 qualified servicing agent ~~and that the funds shall be deposited~~
576 ~~in this state,~~ subject to the terms of a trust instrument
577 approved by the licensing authority. The licensing authority may
578 adopt rules establishing procedures and forms for the submission
579 of trust instruments for approval by the licensing authority,
580 establishing criteria for the approval of such trust

12-00426A-09

2009890__

581 instruments, and specifying information required to be provided
582 by the applicant in connection with submission of a trust
583 instrument for approval. A copy of the trust instrument shall be
584 made available to the purchaser, at any reasonable time, upon
585 request.

586 (7) The trustee shall disburse ~~Disbursement of funds~~
587 ~~discharging a any preneed contract shall be made by the trustee~~
588 ~~to the person issuing or writing the such contract upon the~~
589 ~~trustee's receipt of a certified copy of the contract~~
590 ~~beneficiary's death certificate or satisfactory of the contract~~
591 ~~beneficiary and evidence, as the licensing authority shall~~
592 ~~define by rule, satisfactory to the trustee that the preneed~~
593 ~~contract has been fully performed at least in part.~~ In the event
594 of any contract default by the contract purchaser, or in the
595 event that the funeral merchandise or service contracted for is
596 not provided or is not desired by the purchaser or the heirs or
597 personal representative of the contract beneficiary, the trustee
598 shall return, within 30 days after its receipt of a written
599 request therefor, funds paid on the contract to the contract
600 purchaser or to her or his assigns, heirs, or personal
601 representative, subject to the lawful liquidation damage
602 provision in the contract.

603 Section 18. Paragraph (b) of subsection (3) of section
604 497.602, Florida Statutes, is amended to read:

605 497.602 Direct disposers, license required; licensing
606 procedures and criteria; regulation.—

607 (3) ACTION CONCERNING APPLICATIONS.—A duly completed
608 application for licensure under this section, accompanied by the
609 required fees, shall be approved if the licensing authority

12-00426A-09

2009890__

610 determines that the following conditions are met:

611 (b) The applicant has taken and received a passing grade in
612 a college credit course in ~~Florida~~ mortuary law and has taken
613 and received a passing grade in a college credit course in
614 ethics.

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

617 497.603 Direct disposers, renewal of license.—

618 (2) The licensing authority ~~There shall adopt~~ ~~be adopted~~
619 ~~rules establishing procedures, forms, and a schedule and forms~~
620 ~~and procedure~~ for the biennial renewal of direct disposer
621 ~~licenses as direct disposers.~~ The rules ~~There shall require~~ ~~be~~
622 ~~adopted by rule~~ continuing education ~~requirements~~ of up to 6
623 classroom hours, including, but not limited to, a course on
624 communicable diseases approved by the licensing authority, and
625 ~~there may establish by rule~~ ~~be established~~ criteria for
626 accepting alternative nonclassroom continuing education on an
627 hour-for-hour basis, ~~in addition to an approved course on~~
628 ~~communicable diseases that includes the course on human~~
629 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
630 ~~required by s. 497.367, for the renewal of a license as a direct~~
631 ~~disposer.~~

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

635 497.604 Direct disposal establishments, license required;
636 licensing procedures and criteria; license renewal; regulation.—

637 (2) APPLICATION PROCEDURES.—

638 (c) The application shall name the licensed direct disposer

12-00426A-09

2009890

639 or licensed funeral director ~~who will be~~ acting as the a direct
640 disposer in charge of the direct disposal establishment.

641 (8) SUPERVISION OF FACILITIES.—

642 (a) Effective October 1, 2009, each direct disposal
643 establishment shall have one full-time ~~licensed direct disposer~~
644 ~~or~~ licensed funeral director acting as the a direct disposer in
645 charge. However, a licensed direct disposer may continue acting
646 as the direct disposer in charge, if, as of September 30, 2009:

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

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

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

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

666 (9) REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.—

667 (d) Each direct disposal establishment must display at the

12-00426A-09

2009890__

668 public entrance the name of the establishment and the name of
669 the licensed direct disposer or licensed funeral director acting
670 as the a direct disposer in charge of the ~~responsible for that~~
671 establishment. A direct disposal establishment must transact its
672 business under the name by which it is licensed.

673 Section 21. Section 497.367, Florida Statutes, is repealed.

674 Section 22. Except as otherwise expressly provided in this
675 act, this act shall take effect July 1, 2009.