



264668

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/07/2010	.	
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The Committee on Banking and Insurance (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 497.005, Florida Statutes, is amended to
read:

497.005 Definitions.—As used in this chapter, the term:

(1) "Alternative container" means an unfinished wood box or
other nonmetal receptacle or enclosure, without ornamentation or
a fixed interior lining, that is designed for the encasement of
human remains and that is made of fiberboard, pressed wood,
composition materials (with or without an outside covering), or



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13 like materials.

14 (2) "At-need solicitation" means any uninvited contact by a
15 licensee or her or his agent for the purpose of the sale of
16 burial services or merchandise to the family or next of kin of a
17 person after her or his death has occurred.

18 (3) "Bank of belowground crypts" means any construction
19 unit of belowground crypts that is acceptable to the department
20 and that a cemetery uses to initiate its belowground crypt
21 program or to add to existing belowground crypt structures.

22 (4) "Belowground crypts" consist of interment space in
23 preplaced chambers, either side by side or multiple depth,
24 covered by earth and sod and known also as "lawn crypts,"
25 "westminsters," or "turf-top crypts."

26 (5) "Board" means the Board of Funeral, Cemetery, and
27 Consumer Services.

28 (6) "Burial merchandise," "funeral merchandise," or
29 "merchandise" means any personal property offered or sold by any
30 person for use in connection with the final disposition,
31 memorialization, interment, entombment, or inurnment of human
32 remains or cremated remains, including, but not limited to,
33 caskets, outer burial containers, alternative containers,
34 cremation containers, cremation interment containers, urns,
35 monuments, private mausoleums, flowers, benches, vases,
36 acknowledgment cards, register books, memory folders, prayer
37 cards, and clothing.

38 (7) "Burial right" means the right to use a grave space,
39 mausoleum, columbarium, ossuary, or scattering garden for the
40 interment, entombment, inurnment, or other disposition of human
41 remains or cremated remains.



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42 (8) "Burial service" or "service" means any service offered
43 or provided in connection with the final disposition,
44 memorialization, interment, entombment, or inurnment of human
45 remains or cremated remains.

46 (9) "Care and maintenance" means the perpetual process of
47 keeping a cemetery and its lots, graves, grounds, landscaping,
48 roads, paths, parking lots, fences, mausoleums, columbaria,
49 vaults, crypts, utilities, and other improvements, structures,
50 and embellishments in a well-cared-for and dignified condition,
51 so that the cemetery does not become a nuisance or place of
52 reproach and desolation in the community. As specified in the
53 rules of the licensing authority, "care and maintenance" may
54 include, but is not limited to, any or all of the following
55 activities: mowing the grass at reasonable intervals; raking and
56 cleaning the grave spaces and adjacent areas; pruning of shrubs
57 and trees; suppression of weeds and exotic flora; and
58 maintenance, upkeep, and repair of drains, water lines, roads,
59 buildings, and other improvements. "Care and maintenance" may
60 include, but is not limited to, reasonable overhead expenses
61 necessary for such purposes, including maintenance of machinery,
62 tools, and equipment used for such purposes. "Care and
63 maintenance" may also include repair or restoration of
64 improvements necessary or desirable as a result of wear,
65 deterioration, accident, damage, or destruction. "Care and
66 maintenance" does not include expenses for the construction and
67 development of new grave spaces or interment structures to be
68 sold to the public.

69 (10) "Casket" means a rigid container that is designed for
70 the encasement of human remains and that is usually constructed



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71 of wood or metal, ornamented, and lined with fabric.

72 (11) "Cemetery" means a place dedicated to and used or
73 intended to be used for the permanent interment of human remains
74 or cremated remains. A cemetery may contain land or earth
75 interment; mausoleum, vault, or crypt interment; a columbarium,
76 ossuary, scattering garden, or other structure or place used or
77 intended to be used for the interment or disposition of cremated
78 remains; or any combination of one or more of such structures or
79 places.

80 (12) "Cemetery company" means any legal entity that owns or
81 controls cemetery lands or property.

82 (13) "Centralized embalming facility" means a facility in
83 which embalming takes place that operates independently of a
84 funeral establishment licensee and that offers embalming
85 services to funeral directors for a fee.

86 (14) "Cinerator" means a facility where dead human bodies
87 are subjected to cremation.

88 (15) "Closed container" means any container in which
89 cremated remains can be placed and closed in a manner so as to
90 prevent leakage or spillage of the remains.

91 (16) "Columbarium" means a structure or building that is
92 substantially exposed above the ground and that is intended to
93 be used for the inurnment of cremated remains.

94 (17) "Common business enterprise" means a group of two or
95 more business entities that share common ownership in excess of
96 50 percent.

97 (18) "Control" means the possession, directly or
98 indirectly, through the ownership of voting shares, by contract,
99 arrangement, understanding, relationship, or otherwise, of the



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100 power to direct or cause the direction of the management and
101 policies of a person or entity. However, a person or entity
102 shall not be deemed to have control if the person or entity
103 holds voting shares, in good faith and not for the purpose of
104 circumventing this definition, as an agent, bank, broker,
105 nominee, custodian, or trustee for one or more beneficial owners
106 who do not individually or as a group have control.

107 (19) "Cremated remains" means all the remains of the human
108 body recovered after the completion of the cremation process,
109 including processing or pulverization that leaves only bone
110 fragments reduced to unidentifiable dimensions and may include
111 the residue of any foreign matter, including casket material,
112 bridgework, or eyeglasses that were cremated with the human
113 remains.

114 (20) "Cremation" means any mechanical or thermal process
115 whereby a dead human body is reduced to ashes and bone
116 fragments. Cremation also includes any other mechanical or
117 thermal process whereby human remains are pulverized, burned,
118 cremated, or otherwise further reduced in size or quantity.

119 (21) "Cremation chamber" means the enclosed space within
120 which the cremation process takes place. Cremation chambers
121 covered by these procedures shall be used exclusively for the
122 cremation of human remains.

123 (22) "Cremation container" means the casket or alternative
124 container in which the human remains are transported to and
125 placed in the cremation chamber for a cremation. A cremation
126 container should meet substantially all of the following
127 standards:

128 (a) Be composed of readily combustible or consumable



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129 materials suitable for cremation.

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

132 (c) Be resistant to leakage or spillage.

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

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

136 (23) "Cremation interment container" means a rigid outer
137 container that, subject to a cemetery's rules and regulations,
138 is composed of concrete, steel, fiberglass, or some similar
139 material in which an urn is placed prior to being interred in
140 the ground and that is designed to support the earth above the
141 urn.

142 (24) "Department" means the Department of Financial
143 Services.

144 (25) "Direct disposal establishment" means a facility
145 licensed under this chapter where a direct disposer practices
146 direct disposition.

147 (26) "Direct disposer" means any person licensed under this
148 chapter to practice direct disposition in this state.

149 (27) "Direct supervision" means supervision by a licensed:

150 (a) Funeral director who provides initial direction and
151 periodic inspection of the arrangements and who is physically
152 present or on the premises of the funeral establishment at all
153 times when the tasks, functions, and duties relating to funeral
154 directing are performed; or

155 (b) Embalmer who provides initial direction and instruction
156 regarding the preservation of a dead human body in its entirety
157 or in part and who is physically present or on the premises of



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158 the funeral establishment or embalming facility at all times
159 when the tasks, functions, and duties relating to embalming are
160 performed.

161 (28)~~(27)~~ "Director" means the director of the Division of
162 Funeral, Cemetery, and Consumer Services.

163 (29)~~(28)~~ "Disinterment" means removal of a dead human body
164 from earth interment or aboveground interment.

165 (30)~~(29)~~ "Division" means the Division of Funeral,
166 Cemetery, and Consumer Services within the Department of
167 Financial Services.

168 (31)~~(30)~~ "Embalmer" means any person licensed under this
169 chapter to practice embalming in this state.

170 (32)~~(31)~~ "Final disposition" means the final disposal of a
171 dead human body by earth interment, aboveground interment,
172 cremation, burial at sea, or delivery to a medical institution
173 for lawful dissection if the medical institution assumes
174 responsibility for disposal. "Final disposition" does not
175 include the disposal or distribution of cremated remains and
176 residue of cremated remains.

177 (33)~~(32)~~ "Funeral" or "funeral service" means the
178 observances, services, or ceremonies held to commemorate the
179 life of a specific deceased human being and at which the human
180 remains are present.

181 (34)~~(33)~~ "Funeral director" means any person licensed under
182 this chapter to practice funeral directing in this state.

183 (35)~~(34)~~ "Funeral establishment" means a facility licensed
184 under this chapter where a funeral director or embalmer
185 practices funeral directing or embalming.

186 (36) "General supervision" means supervision by a licensed:



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187 (a) Funeral director who is reasonably available and in a
188 position to provide direction and guidance by being physically
189 present, being on the premises of the funeral establishment, or
190 being in proximity to the funeral establishment and available
191 telephonically or by electronic communication at all times when
192 the tasks, functions, and duties relating to funeral directing
193 are performed; or

194 (b) Embalmer who is reasonably available and in a position
195 to provide direction and guidance by being physically present,
196 being on the premises of the funeral establishment or embalming
197 facility, or being in proximity to the funeral establishment or
198 embalming facility and available telephonically or by electronic
199 communication at all times when the tasks, functions, and duties
200 relating to embalming are performed.

201 ~~(37)~~~~(35)~~ "Grave space" means a space of ground in a
202 cemetery intended to be used for the interment in the ground of
203 human remains.

204 ~~(38)~~~~(36)~~ "Human remains" or "remains," or "dead human body"
205 or "dead human bodies," means the body of a deceased human
206 person for which a death certificate or fetal death certificate
207 is required under chapter 382 and includes the body in any stage
208 of decomposition.

209 ~~(39)~~~~(37)~~ "Legally authorized person" means, in the priority
210 listed, the decedent, when written inter vivos authorizations
211 and directions are provided by the decedent; the surviving
212 spouse, unless the spouse has been arrested for committing
213 against the deceased an act of domestic violence as defined in
214 s. 741.28 that resulted in or contributed to the death of the
215 deceased; a son or daughter who is 18 years of age or older; a



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216 parent; a brother or sister who is 18 years of age or older; a
217 grandchild who is 18 years of age or older; a grandparent; or
218 any person in the next degree of kinship. In addition, the term
219 may include, if no family member exists or is available, the
220 guardian of the dead person at the time of death; the personal
221 representative of the deceased; the attorney in fact of the dead
222 person at the time of death; the health surrogate of the dead
223 person at the time of death; a public health officer; the
224 medical examiner, county commission, or administrator acting
225 under part II of chapter 406 or other public administrator; a
226 representative of a nursing home or other health care
227 institution in charge of final disposition; or a friend or other
228 person not listed in this subsection who is willing to assume
229 the responsibility as the legally authorized person. Where there
230 is a person in any priority class listed in this subsection, the
231 funeral establishment shall rely upon the authorization of any
232 one legally authorized person of that class if that person
233 represents that she or he is not aware of any objection to the
234 cremation of the deceased's human remains by others in the same
235 class of the person making the representation or of any person
236 in a higher priority class.

237 (40)~~(38)~~ "License" includes all authorizations required or
238 issued under this chapter, except where expressly indicated
239 otherwise, and shall be understood to include authorizations
240 previously referred to as registrations or certificates of
241 authority in chapters 470 and 497 as those chapters appeared in
242 the 2004 edition of the Florida Statutes.

243 (41)~~(39)~~ "Licensee" means the person or entity holding any
244 license or other authorization issued under this chapter, except



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245 where expressly indicated otherwise.

246 ~~(42)(40)~~ "Mausoleum" means a structure or building that is
247 substantially exposed above the ground and that is intended to
248 be used for the entombment of human remains.

249 ~~(43)(41)~~ "Mausoleum section" means any construction unit of
250 a mausoleum that is acceptable to the department and that a
251 cemetery uses to initiate its mausoleum program or to add to its
252 existing mausoleum structures.

253 ~~(44)(42)~~ "Monument" means any product used for identifying
254 a grave site and cemetery memorials of all types, including
255 monuments, markers, and vases.

256 ~~(45)(43)~~ "Monument establishment" means a facility that
257 operates independently of a cemetery or funeral establishment
258 and that offers to sell monuments or monument services to the
259 public for placement in a cemetery.

260 ~~(46)(44)~~ "Net assets" means the amount by which the total
261 assets of a licensee, excluding goodwill, franchises, customer
262 lists, patents, trademarks, and receivables from or advances to
263 officers, directors, employees, salespersons, and affiliated
264 companies, exceed total liabilities of the licensee. For
265 purposes of this definition, the term "total liabilities" does
266 not include the capital stock, paid-in capital, or retained
267 earnings of the licensee.

268 ~~(47)(45)~~ "Net worth" means total assets minus total
269 liabilities pursuant to generally accepted accounting
270 principles.

271 ~~(48)(46)~~ "Niche" means a compartment or cubicle for the
272 memorialization or permanent placement of a container or urn
273 containing cremated remains.



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274 ~~(49)-(47)~~ "Ossuary" means a receptacle used for the communal
275 placement of cremated remains without benefit of an urn or any
276 other container in which cremated remains may be commingled with
277 other cremated remains and are nonrecoverable. It may or may not
278 include memorialization.

279 ~~(50)-(48)~~ "Outer burial container" means an enclosure into
280 which a casket is placed and includes, but is not limited to,
281 vaults made of concrete, steel, fiberglass, or copper; sectional
282 concrete enclosures; crypts; and wooden enclosures.

283 ~~(51)-(49)~~ "Person," when used without qualification such as
284 "natural" or "individual," includes both natural persons and
285 legal entities.

286 ~~(52)-(50)~~ "Personal residence" means any residential
287 building in which one temporarily or permanently maintains her
288 or his abode, including, but not limited to, an apartment or a
289 hotel, motel, nursing home, convalescent home, home for the
290 aged, or a public or private institution.

291 ~~(53)-(51)~~ "Practice of direct disposition" means the
292 cremation of human remains without preparation of the human
293 remains by embalming and without any attendant services or rites
294 such as funeral or graveside services or the making of
295 arrangements for such final disposition.

296 ~~(54)-(52)~~ "Practice of embalming" means disinfecting or
297 preserving or attempting to disinfect or preserve dead human
298 bodies by replacing certain body fluids with preserving and
299 disinfecting chemicals.

300 ~~(55)-(53)~~ "Practice of funeral directing" means the
301 performance by a licensed funeral director of any of those
302 functions authorized by s. 497.372.



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303 ~~(56)~~~~(54)~~ "Preneed contract" means any arrangement or
304 method, of which the provider of funeral merchandise or services
305 has actual knowledge, whereby any person agrees to furnish
306 funeral merchandise or service in the future.

307 ~~(57)~~~~(55)~~ "Preneed sales agent" means any person who is
308 licensed under this chapter to sell preneed burial or funeral
309 service and merchandise contracts or direct disposition
310 contracts in this state.

311 ~~(58)~~~~(56)~~ "Principal" means and includes the sole proprietor
312 of a sole proprietorship; all partners of a partnership; all
313 members of a limited liability company; regarding a corporation,
314 all directors and officers, and all stockholders controlling
315 more than 10 percent of the voting stock; and all other persons
316 who can exercise control over the person or entity.

317 ~~(59)~~~~(57)~~ "Processing" means the reduction of identifiable
318 bone fragments after the completion of the cremation process to
319 unidentifiable bone fragments by manual means.

320 ~~(60)~~~~(58)~~ "Profession" and "occupation" are used
321 interchangeably in this chapter. The use of the word
322 "profession" in this chapter with respect to any activities
323 regulated under this chapter shall not be deemed to mean that
324 such activities are not occupations for other purposes in state
325 or federal law.

326 ~~(61)~~~~(59)~~ "Pulverization" means the reduction of
327 identifiable bone fragments after the completion of the
328 cremation and processing to granulated particles by manual or
329 mechanical means.

330 ~~(62)~~~~(60)~~ "Refrigeration facility" means a facility that is
331 operated independently of a funeral establishment, crematory, or



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332 direct disposal establishment, that maintains space and
333 equipment for the storage and refrigeration of dead human
334 bodies, and that offers its service to funeral directors,
335 funeral establishments, direct disposers, direct disposal
336 establishments, or crematories for a fee.

337 (63)~~(61)~~ "Religious institution" means an organization
338 formed primarily for religious purposes that has qualified for
339 exemption from federal income tax as an exempt organization
340 under the provisions of s. 501(c)(3) of the Internal Revenue
341 Code of 1986, as amended.

342 (64)~~(62)~~ "Removal service" means any service that operates
343 independently of a funeral establishment or a direct disposal
344 establishment, that handles the initial removal of dead human
345 bodies, and that offers its service to funeral establishments
346 and direct disposal establishments for a fee.

347 (65)~~(63)~~ "Rules" refers to rules adopted under this chapter
348 unless expressly indicated to the contrary.

349 (66)~~(64)~~ "Scattering garden" means a location set aside,
350 within a cemetery, that is used for the spreading or
351 broadcasting of cremated remains that have been removed from
352 their container and can be mixed with or placed on top of the
353 soil or ground cover or buried in an underground receptacle on a
354 commingled basis and that are nonrecoverable. It may or may not
355 include memorialization.

356 (67)~~(65)~~ "Servicing agent" means any person acting as an
357 independent contractor whose fiduciary responsibility is to
358 assist both the trustee and licensee in administrating their
359 responsibilities pursuant to this chapter.

360 (68)~~(66)~~ "Solicitation" means any communication that



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361 directly or implicitly requests an immediate oral response from
362 the recipient.

363 ~~(69)~~(67) "Statutory accounting" means generally accepted
364 accounting principles, except as modified by this chapter.

365 ~~(70)~~(68) "Temporary container" means a receptacle for
366 cremated remains usually made of cardboard, plastic, or similar
367 material designated to hold the cremated remains until an urn or
368 other permanent container is acquired.

369 ~~(71)~~(69) "Urn" means a receptacle designed to permanently
370 encase cremated remains.

371 Section 2. Subsection (2) of section 497.101, Florida
372 Statutes, is amended to read:

373 497.101 Board of Funeral, Cemetery, and Consumer Services;
374 membership; appointment; terms.—

375 (2) Two members of the board shall be funeral directors
376 licensed under part III of this chapter who are associated with
377 a funeral establishment. One member of the board shall be a
378 funeral director licensed under part III of this chapter who is
379 associated with a funeral establishment licensed under part III
380 of this chapter that has a valid preneed license issued pursuant
381 to this chapter and who owns or operates a cinerator facility
382 approved under chapter 403 and licensed under part VI of this
383 chapter. Two members of the board shall be persons whose primary
384 occupation is associated with a cemetery company licensed
385 pursuant to this chapter. Three members of the board shall be
386 consumers who are residents of the state, have never been
387 licensed as funeral directors or embalmers, are not connected
388 with a cemetery or cemetery company licensed pursuant to this
389 chapter, and are not connected with the death care industry or



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390 the practice of embalming, funeral directing, or direct
391 disposition. One of the consumer members shall be at least 60
392 years of age, and one shall be licensed as a certified public
393 accountant under chapter 473. One member of the board shall be a
394 principal of a monument establishment licensed under this
395 chapter as a monument builder ~~or, for board appointments made~~
396 ~~before June 1, 2006, a licensed monument establishment certified~~
397 ~~by the department to be eligible for licensure as a monument~~
398 ~~builder~~. One member shall be the State Health Officer or her or
399 his designee. There shall not be two or more board members who
400 are principals or employees of the same company or partnership
401 or group of companies or partnerships under common control.

402 Section 3. Subsection (8) is added to section 497.103,
403 Florida Statutes, to read:

404 497.103 Authority of board and department; Chief Financial
405 Officer recommendations.—

406 (8) STATE-OF-EMERGENCY WAIVER.—The licensing authority may
407 temporarily waive any provision of this chapter during a state
408 of emergency declared pursuant to s. 252.36 in any threatened
409 area or areas specified in the Governor's executive order or
410 proclamation.

411 Section 4. Subsection (9) is added to section 497.140,
412 Florida Statutes, to read:

413 497.140 Fees.—

414 (9) The licensing authority may impose a fee upon a
415 licensee for conducting an inspection of the licensee's
416 facilities if required under this chapter following a change in
417 ownership or control or a change in location. The fee may not
418 exceed the amount of the licensee's annual inspection fee.



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419 Section 5. Subsection (5) of section 497.141, Florida
420 Statutes, is amended, and subsection (13) is added to that
421 section, to read:

422 497.141 Licensing; general application procedures.—

423 (5)(a) The licensing authority may not issue, and effective
424 July 1, 2011, may not renew, a license under this chapter to an
425 applicant that has a criminal record required to be disclosed
426 under s. 497.142(10) unless the applicant demonstrates that
427 issuance of the license, according to rules adopted by the
428 licensing authority, does not create a danger to the public. A
429 licensee who previously disclosed her or his criminal record
430 upon initial application or renewal of her or his license must
431 only disclose a criminal offense for which the licensee was
432 convicted or entered a plea of guilty or nolo contendere since
433 the most recent renewal of her or his license or, if the license
434 has not been renewed, since the licensee's initial application.

435 (b) The board may refuse to rule on an initial application
436 for licensure by any applicant who is under investigation or
437 prosecution in any jurisdiction for an action which there is
438 reasonable cause to believe would constitute a violation of this
439 chapter if committed in this state, until such time as such
440 investigation or prosecution is completed and the results of the
441 investigation or prosecution are reviewed by the board.

442 (13)(a) The licensing authority may adopt rules that
443 require applicants for any category of licensure under this
444 chapter to apply for the issuance or renewal of their licenses
445 in an online electronic format.

446 (b) The online electronic format for renewal of a license
447 must not allow submission of an improperly prepared renewal



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448 application. Upon an applicant's submission of her or his
449 renewal application, the online electronic format must allow the
450 applicant to print a receipt of the properly prepared renewal
451 application.

452 (c) The rules may allow an applicant to submit a paper form
453 in lieu of the online electronic format and may impose an
454 additional fee not to exceed \$25 per form for submitting the
455 paper form.

456 Section 6. Paragraphs (a), (b), and (g) of subsection (10)
457 of section 497.142, Florida Statutes, are amended to read:

458 497.142 Licensing; fingerprinting and criminal background
459 checks.-

460 (10) (a) When applying for any license under this chapter,
461 every applicant must ~~shall be required to~~ disclose the
462 applicant's criminal records in accordance with this subsection.
463 When applying for renewal of any license under this chapter,
464 every licensee must disclose only those criminal offenses
465 required to be disclosed under this subsection since the most
466 recent renewal of her or his license or, if the license has not
467 been renewed, since the licensee's initial application.

468 (b) The criminal record required to be disclosed shall be
469 any crime listed in paragraph (c) for ~~of~~ which the person or
470 entity required to make disclosure has been convicted or to
471 which that person or entity entered a plea ~~in the nature of~~
472 guilty or nolo contendere ~~no contest~~. Disclosure is ~~shall be~~
473 ~~required pursuant to this subsection regardless of~~ whether
474 adjudication is ~~was~~ entered or withheld by the court ~~in which~~
475 ~~the case was prosecuted.~~

476 (g) The licensing authority shall ~~may~~ adopt rules



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477 specifying forms and procedures to be used ~~utilized~~ by persons
478 required to disclose criminal records under this subsection. The
479 rules may require a licensee to disclose only those criminal
480 records that have not previously been disclosed under this
481 subsection at the renewal of her or his license or, if the
482 license has not been renewed, at the initial issuance of the
483 license. The licensing authority may conduct investigation and
484 further inquiry of any person regarding any criminal record
485 disclosed pursuant to this section.

486 Section 7. Subsections (1), (2), and (3) of section
487 497.143, Florida Statutes, are amended to read:

488 497.143 Licensing; limited licenses for times of critical
489 need ~~retired professionals.~~

490 (1) It is the intent of the Legislature that, absent a
491 threat to the health, safety, and welfare of the public, ~~the use~~
492 ~~of retired~~ Florida licensees ~~professionals~~ in good standing and
493 active licensees in good standing from other jurisdictions, be
494 able to serve this state during times of critical need ~~should be~~
495 ~~encouraged. To that end, rules may be adopted to permit practice~~
496 ~~by retired professionals as limited licensees under this~~
497 ~~section.~~

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

502 (3) The licensing authority may adopt rules for the
503 issuance of limited licenses in accordance with this section. A
504 Any person seeking ~~desiring to obtain~~ a limited license, when
505 permitted by rule, shall submit to the department an application



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506 ~~and fee, not to exceed \$300,~~ and an affidavit stating that the
507 applicant is a retired Florida licensee or holds an active
508 license ~~has been licensed~~ to practice in another any
509 jurisdiction of ~~in~~ the United States ~~for at least 10 years~~ in
510 the profession for which the applicant seeks the ~~a~~ limited
511 license. The affidavit shall also state that the applicant ~~has~~
512 ~~retired from the practice of that profession~~ and intends to
513 practice only pursuant to the restrictions of the limited
514 license granted under ~~pursuant to~~ this section. ~~If the applicant~~
515 ~~for a limited license submits a notarized statement from the~~
516 ~~employer stating that the applicant will not receive monetary~~
517 ~~compensation for any service involving the practice of her or~~
518 ~~his profession, all licensure fees shall be waived. In no event~~
519 ~~may~~ A person holding a limited license under this section may
520 not engage in preneed sales under the ~~such~~ limited license.

521 Section 8. Subsection (5) of section 497.147, Florida
522 Statutes, is amended to read:

523 497.147 Continuing education; general provisions.—

524 (5) The board may by rule provide ~~up to 5 hours of~~
525 continuing education credit for each ~~per~~ continuing education
526 reporting period for licensees attending board meetings or
527 selected types or portions of board meetings, as specified by
528 such rules. ~~The rules may limit the number of times such credit~~
529 ~~may be utilized by a licensee.~~ The rules may include provisions
530 that establish ~~as to~~ the minimum amount of time that must be
531 spent in the board meeting room viewing proceedings, ~~which may~~
532 ~~be more than 5 hours of attendance,~~ requirements for advance
533 notice by licensees to department staff of proposed attendance,
534 requirements to sign in and out of the meeting room on lists



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535 maintained at the meeting site by department staff, forms that
536 must be completed by the licensee to obtain such credit, and
537 such other requirements deemed by the board to be advisable or
538 necessary to prevent abuse of such rules and to ensure that
539 useful information is obtained by licensees as a result of
540 attendance. Procedural requirements of such rules requiring
541 action by the department are ~~shall be~~ subject to approval by the
542 department before ~~prior to~~ promulgation.

543 Section 9. Subsection (2) of section 497.152, Florida
544 Statutes, is amended to read:

545 497.152 Disciplinary grounds.—This section sets forth
546 conduct that is prohibited and that shall constitute grounds for
547 denial of any application, imposition of discipline, or other
548 enforcement action against the licensee or other person
549 committing such conduct. For purposes of this section, the
550 requirements of this chapter include the requirements of rules
551 adopted under authority of this chapter. No subsection heading
552 in this section shall be interpreted as limiting the
553 applicability of any paragraph within the subsection.

554 (2) CRIMINAL ACTIVITY.—Being convicted or found guilty of,
555 or entering a plea of guilty or nolo contendere to, regardless
556 of adjudication, a crime in any jurisdiction that relates to the
557 practice of, or the ability to practice, a licensee's profession
558 or occupation under this chapter.

559 Section 10. Subsection (4) is added to section 497.161,
560 Florida Statutes, to read:

561 497.161 Other rulemaking provisions.—

562 (4) The department may, subject to approval by the board,
563 adopt rules that temporarily suspend or modify any provision of



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564 this chapter during a state of emergency declared pursuant to s.
565 252.36. The rules may only allow the suspension or modification
566 of a provision which is necessary or advisable to allow
567 licensees under this chapter to provide essential services to
568 the public under the emergency conditions. The rules may be
569 adopted before any emergency exists but may not take effect
570 until the Governor issues an executive order or proclamation
571 declaring a state of emergency. The rules may remain in effect
572 after a state of emergency is terminated but only for the
573 limited period necessary to allow transition back to normal
574 operations under the nonemergency requirements of this chapter.
575 However, a rule suspending or modifying any provision of this
576 chapter may not remain in effect for more than 12 months after
577 the state of emergency is terminated.

578 Section 11. Section 497.162, Florida Statutes, is amended
579 to read:

580 497.162 Health and safety education.—All individuals not
581 licensed under this chapter who intend to be employed as
582 operational personnel affiliated with a direct disposal
583 establishment, cinerator facility, removal service,
584 refrigeration facility, or centralized embalming facility who
585 have direct contact with, ~~as well as all nonlicensed individuals~~
586 ~~who intend to be involved in the removal or transportation of~~
587 human remains on behalf of a funeral establishment, direct
588 disposal establishment, or cinerator facility shall complete one
589 course approved by the licensing authority on communicable
590 diseases, within 30 ~~10~~ days after the date that they begin
591 functioning as operational personnel on behalf of any entity
592 that is regulated by this chapter. The course shall not exceed 3



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593 hours and shall be offered at approved locations throughout the
594 state. Such locations may include establishments that are
595 licensed under this chapter. The licensing authority shall adopt
596 rules to implement and enforce this provision, which rules shall
597 include provisions that provide for the use of approved
598 videocassette courses and other types of audio, video, Internet,
599 or home study courses to fulfill the continuing education
600 requirements of this section.

601 Section 12. Paragraphs (a) and (b) of subsection (3) of
602 section 497.166, Florida Statutes, are amended to read:

603 497.166 Preneed sales.-

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

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

611 Section 13. Subsection (6) is added to section 497.277,
612 Florida Statutes, to read:

613 497.277 Other charges.-Other than the fees for the sale of
614 burial rights, burial merchandise, and burial services, no other
615 fee may be directly or indirectly charged, contracted for, or
616 received by a cemetery company as a condition for a customer to
617 use any burial right, burial merchandise, or burial service,
618 except for:

619 (6) Charges paid for processing, filing, and archiving a
620 cemetery sales contract and for performing other administrative
621 duties related to the contract. However, these charges may not



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622 be imposed on a cemetery sales contract for the opening and
623 closing of a grave or other burial right or for the installation
624 of a vault in a grave for which burial rights were previously
625 purchased. A cemetery company must disclose these charges to the
626 customer and include them on its standard printed price lists
627 and other disclosure information provided to the public under s.
628 497.282. These charges are not subject to the trust deposit
629 requirements in s. 497.458. The department may, subject to
630 approval by the board, adopt rules to administer this
631 subsection.

632 Section 14. Subsection (3) of section 497.278, Florida
633 Statutes, is amended to read:

634 497.278 Monuments; installation fees.-

635 (3) A cemetery company may ~~not~~ require any person or firm
636 that delivers, installs, places, or sets a monument to show
637 proof of liability ~~obtain any form of insurance coverage and, if~~
638 required by law, workers' compensation insurance coverage.
639 However, a cemetery company may not set liability insurance
640 coverage limits or require any person or firm to obtain any form
641 of bond, or surety, or make any form of pledge, deposit, or
642 monetary guarantee, as a condition for entry on or access to
643 cemetery property.

644 Section 15. Paragraph (a) of subsection (2) of section
645 497.372, Florida Statutes, is amended to read:

646 497.372 Funeral directing; conduct constituting funeral
647 directing.-

648 (2) The practice of funeral directing shall not be
649 construed to consist of the following functions:

650 (a) The phoning-in, ~~or~~ faxing, or electronic transmission



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651 of obituary notices; ordering of flowers or merchandise;
652 delivery of death certificates to attending physicians; or
653 clerical preparation and processing of death certificates,
654 insurance forms, and any clerical tasks that record the
655 information compiled by the funeral director or that are
656 incidental to any of the functions specified above.

657 Section 16. Paragraph (d) of subsection (1) and subsections
658 (2) and (3) of section 497.373, Florida Statutes, are amended to
659 read:

660 497.373 Funeral directing; licensure as a funeral director
661 by examination; provisional license.—

662 (1) Any person desiring to be licensed as a funeral
663 director shall apply to the licensing authority to take the
664 licensure examination. The licensing authority shall examine
665 each applicant who has remitted an examination fee set by rule
666 of the licensing authority not to exceed \$200 plus the actual
667 per applicant cost to the licensing authority for portions of
668 the examination and who the licensing authority certifies has:

669 (d)1. Received an associate in arts degree, associate in
670 science degree, or an associate in applied science degree in
671 mortuary science approved by the licensing authority; or

672 2. Holds an associate degree or higher from a college or
673 university accredited by a regional accrediting agency
674 ~~association of colleges and schools~~ recognized by the United
675 States Department of Education and is a graduate of a at least
676 ~~an approved 1-year~~ course of study in mortuary science or
677 funeral service arts approved by the licensing authority from a
678 college or university accredited by the American Board of
679 Funeral Service Education.



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

682 (a) Passes an examination on ~~the subjects of~~ the theory and
683 practice of funeral directing and funeral service arts, ~~public~~
684 ~~health and sanitation, and local, state, and federal laws and~~
685 ~~rules relating to the disposition of dead human bodies~~; however,
686 the licensing authority may approve ~~there may be approved~~ by
687 rule the use of a national examination, such as the funeral
688 service arts examination prepared by the Conference of Funeral
689 Service Examining Boards, in lieu of ~~part of~~ this examination
690 requirement.

691 (b) Passes an examination approved by the department on the
692 local, state, and federal laws and rules relating to the
693 disposition of dead human bodies.

694 (c) ~~(b)~~ Completes a 1-year internship under a licensed
695 funeral director.

696 (3) Any applicant who has completed the required 1-year
697 internship and has been approved for examination as a funeral
698 director may qualify for a provisional license to work in a
699 licensed funeral establishment, under the direct supervision of
700 a licensed funeral director for ~~a limited period of~~ 6 months as
701 provided by rule of the licensing authority. However, a
702 provisional licensee may work under the general supervision of a
703 licensed funeral director upon passage of the laws-and-rules
704 examination required under paragraph (2) (b). The fee for
705 provisional licensure shall be set by rule of the licensing
706 authority but may not exceed \$200. The fee required in this
707 subsection shall be nonrefundable and in addition to the fee
708 required by subsection (1). This provisional license may be



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709 renewed no more than one time.

710 Section 17. Paragraph (b) of subsection (1) of section
711 497.374, Florida Statutes, is amended to read:

712 497.374 Funeral directing; licensure as a funeral director
713 by endorsement; licensure of a temporary funeral director.-

714 (1) The licensing authority shall issue a license by
715 endorsement to practice funeral directing to an applicant who
716 has remitted a fee set by rule of the licensing authority not to
717 exceed \$200 and who:

718 (b)1. Holds a valid license to practice funeral directing
719 in another state of the United States, provided that, when the
720 applicant secured her or his original license, the requirements
721 for licensure were substantially equivalent to or more stringent
722 than those existing in this state; or

723 2. Meets the qualifications for licensure in s. 497.373 and
724 has successfully completed a state, regional, or national
725 examination in mortuary science or funeral service arts, which,
726 as determined by rule of the licensing authority, is
727 substantially equivalent to or more stringent than the
728 examination given by the licensing authority.

729 Section 18. Section 497.375, Florida Statutes, is amended
730 to read:

731 497.375 Funeral directing; licensure of a funeral director
732 intern.-

733 (1) (a) Any person desiring to become a funeral director
734 intern must apply to the licensing authority ~~shall make~~
735 ~~application~~ on forms prescribed as required by rule of the
736 licensing authority, together with a nonrefundable fee set as
737 ~~determined~~ by rule of the licensing authority ~~but~~ not to exceed



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738 \$200.

739 (b)1. Except as provided in subparagraph 2., an applicant
740 must hold the educational credentials required for licensure of
741 a funeral director under s. 497.373(1)(d).

742 2. An applicant who has not completed the educational
743 credentials required for a funeral director license is eligible
744 for licensure as a funeral director intern if the applicant:

745 a. Holds an associate degree or higher in any field from a
746 college or university accredited by a regional accrediting
747 agency recognized by the United States Department of Education.

748 b. Is currently enrolled in and attending a licensing
749 authority-approved course of study in mortuary science or
750 funeral service arts required for licensure of a funeral
751 director under s. 497.373(1)(d)2.

752 c. Has taken and received a passing grade in a college
753 credit course in mortuary law or funeral service law and has
754 taken and received a passing grade in a college credit course in
755 ethics.

756 (c) An ~~The~~ application must include ~~shall indicate~~ the name
757 and address of the ~~licensed~~ funeral director licensed under s.
758 497.373 or s. 497.374(1) under whose supervision the intern will
759 receive training and the name of the licensed funeral
760 establishment where ~~the such~~ training will ~~is to~~ be conducted.

761 (d) A ~~The~~ funeral director intern may perform only the
762 tasks, functions, and duties relating to funeral directing that
763 are performed ~~shall intern~~ under the direct supervision of a
764 licensed funeral director who has an active, valid license under
765 s. 497.373 or s. 497.374(1). However, a funeral director intern
766 may perform those tasks, functions, and duties under the general



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767 supervision of a licensed funeral director upon graduation from
768 a licensing authority-approved course of study in mortuary
769 science or funeral service arts required under s.
770 497.373(1)(d)2. and passage of the laws-and-rules examination
771 required under s. 497.373(2)(b), if the funeral director in
772 charge of the funeral director internship training agency, after
773 6 months of direct supervision, certifies to the licensing
774 agency that the intern is competent to complete the internship
775 under general supervision.

776 (2) Rules shall be adopted establishing a funeral director
777 internship program and criteria for funeral director intern
778 training agencies and supervisors. Any funeral establishment
779 where funeral directing is conducted may apply to the licensing
780 authority for approval as a funeral director intern training
781 agency.

782 (3) A funeral establishment designated as a funeral
783 director intern training agency may not exact a fee from any
784 person obtaining intern training at such funeral establishment.

785 (4)(a) A funeral director intern license expires 1 year
786 after issuance and, except as provided in paragraph (b) or
787 paragraph (c), may not be renewed.

788 (b) A funeral director intern who is eligible for licensure
789 under subparagraph (1)(b)2. may renew her or his funeral
790 director intern license for an additional 1-year period if the
791 funeral director in charge of the funeral director intern
792 training agency certifies to the licensing authority that the
793 intern has completed at least one-half of the course of study in
794 mortuary science or funeral service arts.

795 (c) The licensing authority may adopt rules that allow a



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796 funeral director intern to renew her or his funeral director
797 intern license for an additional 1-year period if the funeral
798 director intern demonstrates her or his failure to complete the
799 internship before expiration of the license due to illness,
800 personal injury, or other substantial hardship beyond her or his
801 reasonable control or demonstrates that she or he has completed
802 the requirements for licensure as a funeral director but is
803 awaiting the results of a licensure examination. However, a
804 funeral director intern who renews her or his license under
805 paragraph (b) is not eligible to renew the license under this
806 paragraph.

807 (d) The licensing authority may require payment of a
808 nonrefundable fee for the renewal of any funeral director intern
809 license. The fee shall be set by rule of the licensing authority
810 but may not exceed the fee set pursuant to paragraph (1)(a) for
811 an initial funeral director intern license.

812 Section 19. Section 497.376, Florida Statutes, is amended
813 to read:

814 497.376 License as funeral director and embalmer permitted~~+~~
815 ~~display of license.-~~

816 ~~(1) Nothing in~~ This chapter does not ~~may be construed to~~
817 prohibit a person from holding a license as an embalmer and a
818 license as a funeral director at the same time. There may be
819 issued and renewed by the licensing authority a combination
820 license as both funeral director and embalmer to persons meeting
821 the separate requirements for both licenses as set forth in this
822 chapter. The licensing authority may adopt rules providing
823 procedures for applying for and renewing such combination
824 license. The licensing authority may by rule establish



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825 application, renewal, and other fees for such combination
826 license, which fees shall not exceed the sum of the maximum fees
827 for the separate funeral director and embalmer license
828 categories as provided in this chapter. Persons holding a
829 combination license as a funeral director and an embalmer shall
830 be subject to regulation under this chapter both as a funeral
831 director and an embalmer.

832 ~~(2) There shall be adopted rules which require each license~~
833 ~~issued under this chapter to be displayed in such a manner as to~~
834 ~~make it visible to the public and to facilitate inspection by~~
835 ~~the licensing authority. However, each licensee shall~~
836 ~~permanently affix a recent photograph of the licensee to each~~
837 ~~displayed license issued to that licensee as a funeral director~~
838 ~~or embalmer.~~

839 Section 20. Subsection (1) of section 497.378, Florida
840 Statutes, is amended to read:

841 497.378 Renewal of funeral director and embalmer licenses.-

842 (1) The licensing authority ~~There shall~~ renew ~~be renewed~~ a
843 funeral director or embalmer license upon receipt of the renewal
844 application and fee set by the licensing authority, not to
845 exceed \$500. The licensing authority may adopt rules for the
846 renewal of a funeral director or embalmer license. The rules may
847 require ~~prescribe by rule~~ continuing education ~~requirements~~ of
848 up to 12 classroom hours and may ~~by rule~~ establish criteria for
849 accepting alternative nonclassroom continuing education on an
850 hour-for-hour basis, in addition to a licensing authority-
851 approved course on communicable diseases ~~that includes the~~
852 ~~course on human immunodeficiency virus and acquired immune~~
853 ~~deficiency syndrome required by s. 497.367,~~ for the renewal of a



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854 funeral director or embalmer license. The rules ~~rule~~ may also
855 provide for the waiver of continuing education requirements in
856 circumstances that would justify the waiver, such as hardship,
857 disability, or illness. The continuing education requirement is
858 not required for a licensee who is over the age of 75 years if
859 the licensee does not qualify as the sole person in charge of an
860 establishment or facility.

861 Section 21. Subsections (7) and (12) of section 497.380,
862 Florida Statutes, are amended, and subsection (15) is added to
863 that section, to read:

864 497.380 Funeral establishment; licensure; display of
865 license.—

866 (7) Each licensed funeral establishment shall have one
867 full-time funeral director in charge and shall have a licensed
868 funeral director reasonably available to the public during
869 normal business hours for the ~~that~~ establishment. The full-time
870 funeral director in charge is responsible for ensuring that the
871 facility, its operation, and all persons employed in the
872 facility comply with all applicable state and federal laws and
873 rules. The full-time funeral director in charge must have an
874 active license and may not be the full-time funeral director in
875 charge of any other funeral establishment or of any other direct
876 disposal establishment. Effective October 1, 2010, the full-time
877 funeral director in charge must hold an active, valid embalmer
878 license or combination license as a funeral director and an
879 embalmer. However, a funeral director may continue as the full-
880 time funeral director in charge without an embalmer or
881 combination license if, as of September 30, 2010:

882 (a) The funeral establishment and the funeral director both



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883 have active, valid licenses.

884 (b) The funeral director is currently the full-time funeral
885 director in charge of the funeral establishment.

886 (c) The name of the funeral director was included, as
887 required in subsection (4), in the funeral establishment's most
888 recent application for issuance or renewal of its license or was
889 included in the establishment's report of change provided under
890 paragraph (12) (c).

891 (12) (a) A change in ownership of a funeral establishment
892 shall be promptly reported pursuant to procedures established by
893 rule and shall require the relicensure of the funeral
894 establishment, including reinspection and payment of applicable
895 fees.

896 (b) A change in location of a funeral establishment shall
897 be promptly reported to the licensing authority pursuant to
898 procedures established by rule. Operations by the licensee at a
899 new location may not commence until an inspection by the
900 licensing authority of the facilities, pursuant to rules of the
901 licensing authority, has been conducted and passed at the new
902 location.

903 (c) A change in the funeral director in charge of a funeral
904 establishment shall be promptly reported pursuant to procedures
905 established by rule.

906 (15) (a) A funeral establishment and each funeral director
907 and, if applicable, embalmer employed at the establishment must
908 display their current licenses in a conspicuous place within the
909 establishment in such a manner as to make the licenses visible
910 to the public and to facilitate inspection by the licensing
911 authority. If a licensee is simultaneously employed at more than



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912 one location, the licensee may display a copy of the license in
913 lieu of the original.

914 (b) Each licensee shall permanently affix a photograph
915 taken of the licensee within the previous 6 years to each
916 displayed license issued to that licensee as a funeral director
917 or embalmer.

918 Section 22. Section 497.4555, Florida Statutes, is created
919 to read:

920 497.4555 Charges for preneed contract.—A preneed licensee
921 may charge the purchaser of a preneed contract for processing,
922 filing, and archiving the contract and for performing other
923 administrative duties related to the contract. A preneed
924 licensee must disclose these charges to the purchaser and
925 include them on its standard printed price lists and other
926 disclosure information provided to the public under s. 497.468.
927 These charges are not subject to the trust deposit requirements
928 in s. 497.458. The department may, subject to approval by the
929 board, adopt rules to administer this section.

930 Section 23. Paragraph (a) of subsection (13) of section
931 497.456, Florida Statutes, is amended to read:

932 497.456 Preneed Funeral Contract Consumer Protection Trust
933 Fund.—

934 (13) Regarding the Preneed Funeral Contract Consumer
935 Protection Trust Fund, the licensing authority shall have
936 authority to adopt rules for the implementation of this section,
937 including:

938 (a) Forms to be used in filing claims against the trust
939 fund, which may require that the claims be sworn to or affirmed,
940 and that the forms be signed, before a notary public.



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941 Section 24. Subsections (3) and (7) of section 497.464,
942 Florida Statutes, are amended to read:

943 497.464 Alternative preneed contracts.—

944 (3) The contract must require that the purchaser make all
945 payments required by the contract directly to the trustee or its
946 qualified servicing agent ~~and that the funds shall be deposited~~
947 ~~in this state~~, subject to the terms of a trust instrument
948 approved by the licensing authority. The licensing authority may
949 adopt rules establishing procedures and forms for the submission
950 of trust instruments for approval by the licensing authority,
951 establishing criteria for the approval of such trust
952 instruments, and specifying information required to be provided
953 by the applicant in connection with submission of a trust
954 instrument for approval. A copy of the trust instrument shall be
955 made available to the purchaser, at any reasonable time, upon
956 request.

957 (7) The trustee shall disburse ~~Disbursement of funds~~
958 ~~discharging a any preneed contract shall be made by the trustee~~
959 ~~to the person issuing or writing the such contract upon the~~
960 trustee's receipt of a certified copy of the contract
961 beneficiary's death certificate or satisfactory of the contract
962 beneficiary and evidence, as the licensing authority shall
963 define by rule, satisfactory to the trustee that the preneed
964 contract has been ~~fully~~ performed in whole or in part. However,
965 if the contract is only partially performed, the disbursement
966 shall only cover that portion of the contract performed. In the
967 event of any contract default by the contract purchaser, or in
968 the event that the funeral merchandise or service contracted for
969 is not provided or is not desired by the purchaser or the heirs



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970 or personal representative of the contract beneficiary, the
971 trustee shall return, within 30 days after its receipt of a
972 written request therefor, funds paid on the contract to the
973 contract purchaser or to her or his assigns, heirs, or personal
974 representative, subject to the lawful liquidation damage
975 provision in the contract.

976 Section 25. Paragraph (b) of subsection (3) and subsection
977 (5) of section 497.602, Florida Statutes, are amended to read:

978 497.602 Direct disposers, license required; licensing
979 procedures and criteria; regulation.—

980 (3) ACTION CONCERNING APPLICATIONS.—A duly completed
981 application for licensure under this section, accompanied by the
982 required fees, shall be approved if the licensing authority
983 determines that the following conditions are met:

984 (b) The applicant has taken and received a passing grade in
985 a college credit course in ~~Florida~~ mortuary law and has taken
986 and received a passing grade in a college credit course in
987 ethics.

988 ~~(5) DISPLAY OF LICENSE. There shall be adopted rules which~~
989 ~~require each license issued under this section to be displayed~~
990 ~~in such a manner as to make it visible to the public and to~~
991 ~~facilitate inspection by the department. Each licensee shall~~
992 ~~permanently affix a recent photograph of the licensee to each~~
993 ~~displayed license issued to that licensee as a direct disposer.~~

994 Section 26. Subsection (2) of section 497.603, Florida
995 Statutes, is amended to read:

996 497.603 Direct disposers, renewal of license.—

997 (2) The licensing authority ~~There shall adopt be adopted~~
998 rules establishing procedures, forms, and a schedule ~~and forms~~



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999 ~~and procedure~~ for the biennial renewal of direct disposer
1000 licenses as ~~direct disposers~~. The rules There shall require ~~be~~
1001 ~~adopted by rule~~ continuing education ~~requirements~~ of up to 6
1002 classroom hours, including, but not limited to, a course on
1003 communicable diseases approved by the licensing authority, and
1004 ~~there may establish by rule be established~~ criteria for
1005 accepting alternative nonclassroom continuing education on an
1006 hour-for-hour basis, ~~in addition to an approved course on~~
1007 ~~communicable diseases that includes the course on human~~
1008 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
1009 ~~required by s. 497.367, for the renewal of a license as a direct~~
1010 ~~disposer.~~

1011 Section 27. Paragraph (c) of subsection (2), subsection
1012 (8), and paragraph (d) of subsection (9) of section 497.604,
1013 Florida Statutes, are amended, and subsection (10) is added to
1014 that section, to read:

1015 497.604 Direct disposal establishments, license required;
1016 licensing procedures and criteria; license renewal; regulation;
1017 display of license.-

1018 (2) APPLICATION PROCEDURES.-

1019 (c) The application shall name the licensed direct disposer
1020 or licensed funeral director ~~who will be acting as~~ the ~~a~~ direct
1021 disposer in charge of the direct disposal establishment.

1022 (8) SUPERVISION OF FACILITIES.-

1023 (a) Effective October 1, 2010, each direct disposal
1024 establishment shall have one full-time ~~licensed direct disposer~~
1025 ~~or~~ licensed funeral director acting as the ~~a~~ direct disposer in
1026 charge. However, a licensed direct disposer may continue acting
1027 as the direct disposer in charge, if, as of September 30, 2010:



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1028 1. The direct disposal establishment and the licensed
1029 direct disposer both have active, valid licenses.

1030 2. The licensed direct disposer is currently acting as the
1031 direct disposer in charge of the direct disposal establishment.

1032 3. The name of the licensed direct disposer was included,
1033 as required in paragraph (2) (c), in the direct disposal
1034 establishment's most recent application for issuance or renewal
1035 of its license or was included in the establishment's notice of
1036 change provided under subsection (7).

1037 (b) The licensed funeral director or licensed direct
1038 disposer in charge of a direct disposal establishment must be
1039 and reasonably available to the public during normal business
1040 hours for the that establishment and. Such person may be in
1041 charge of only one direct disposal establishment facility. The
1042 Such licensed funeral director or licensed direct disposer in
1043 charge of the establishment is shall be responsible for making
1044 sure the facility, its operations, and all persons employed in
1045 the facility comply with all applicable state and federal laws
1046 and rules.

1047 (9) REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.—

1048 (d) Each direct disposal establishment must display at the
1049 public entrance the name of the establishment and the name of
1050 the licensed direct disposer or licensed funeral director acting
1051 as the a direct disposer in charge of the ~~responsible for that~~
1052 establishment. A direct disposal establishment must transact its
1053 business under the name by which it is licensed.

1054 (10) DISPLAY OF LICENSE.—

1055 (a) A direct disposer establishment and each direct
1056 disposer, or funeral director acting as a direct disposer,



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1057 employed at the establishment must display their current
1058 licenses in a conspicuous place within the establishment in such
1059 a manner as to make the licenses visible to the public and to
1060 facilitate inspection by the licensing authority. If a licensee
1061 is simultaneously employed at more than one location, the
1062 licensee may display a copy of the license in lieu of the
1063 original.

1064 (b) Each licensee shall permanently affix a photograph
1065 taken of the licensee within the previous 6 years to each
1066 displayed license issued to that licensee as a direct disposer
1067 or funeral director acting as a direct disposer.

1068 Section 28. Section 497.367, Florida Statutes, is repealed.

1069 Section 29. This act shall take effect July 1, 2010.

1070
1071 ===== T I T L E A M E N D M E N T =====

1072 And the title is amended as follows:

1073 Delete everything before the enacting clause
1074 and insert:

1075 A bill to be entitled
1076 An act relating to the Florida Funeral, Cemetery, and
1077 Consumer Services Act; amending s. 497.005, F.S.;
1078 defining the terms "direct supervision" and "general
1079 supervision" as they relate to supervision by funeral
1080 directors and embalmers; amending s. 497.101, F.S.;
1081 revising qualifications for the membership of the
1082 Board of Funeral, Cemetery, and Consumer Services;
1083 amending s. 497.103, F.S.; authorizing the waiver of
1084 certain provisions during a state of emergency;
1085 amending s. 497.140, F.S.; authorizing fees for



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1086 certain inspections of licensees; amending s. 497.141,
1087 F.S.; prohibiting the issuance or renewal of a license
1088 to an applicant that has specified criminal records
1089 under certain circumstances; authorizing a licensing
1090 authority of the Department of Financial Services to
1091 adopt rules; authorizing the licensing authority to
1092 require the submission of applications in an online
1093 electronic format; authorizing fees for applications
1094 submitted in a paper format; amending s. 497.142,
1095 F.S.; requiring an applicant for renewal of a license
1096 to disclose certain criminal offenses; requiring an
1097 applicant for issuance or renewal of a license to
1098 disclose certain criminal pleas; requiring the
1099 licensing authority to adopt rules for the disclosure
1100 of criminal records; authorizing an exception from
1101 disclosure requirements for previously disclosed
1102 criminal records; amending s. 497.143, F.S.; revising
1103 legislative intent; authorizing the licensing
1104 authority to adopt rules for the issuance of limited
1105 licenses to certain persons licensed outside the
1106 state; revising eligibility and application
1107 requirements for a limited license; amending s.
1108 497.147, F.S.; deleting limits on the continuing
1109 education credit provided for attendance at board
1110 meetings; amending s. 497.152, F.S.; providing that
1111 certain criminal pleas are a ground for denial of an
1112 application or discipline of a licensee under chapter
1113 497, F.S.; amending s. 497.161, F.S.; authorizing the
1114 department to adopt rules that temporarily suspend or



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1115 modify certain provisions during and following a state
1116 of emergency; amending s. 497.162, F.S.; revising
1117 which nonlicensed personnel are required to complete a
1118 course on communicable diseases; extending time for
1119 completion of the course; amending s. 497.166, F.S.;
1120 conforming terminology to changes made by the act;
1121 amending s. 497.277, F.S.; authorizing a cemetery
1122 company to charge a fee for performing specified
1123 duties related to certain cemetery sales contracts;
1124 requiring disclosure of the charges; exempting charges
1125 from certain trust deposit requirements; authorizing
1126 the department to adopt rules; amending s. 497.278,
1127 F.S.; authorizing a cemetery company to require
1128 certain persons and firms to show proof of certain
1129 insurance coverage; prohibiting a cemetery company
1130 from setting certain insurance coverage limits;
1131 amending s. 497.372, F.S.; revising the acts which are
1132 exempt from regulation as the practice of funeral
1133 directing; amending s. 497.373, F.S.; revising the
1134 educational and examination requirements for licensure
1135 of funeral directors by examination; revising
1136 requirements for supervision of provisional licensees;
1137 amending s. 497.374, F.S.; revising the examination
1138 requirements for licensure of funeral directors by
1139 endorsement; amending s. 497.375, F.S.; establishing
1140 educational requirements for funeral director intern
1141 licenses; revising the application requirements for
1142 funeral director intern licensees; revising
1143 requirements for supervision of funeral director



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1144 interns; providing for the expiration of funeral
1145 director intern licenses; prohibiting the renewal of
1146 funeral director intern licenses except under certain
1147 circumstances; authorizing rules for the renewal of
1148 funeral director intern licenses; providing for
1149 license renewal fees; amending s. 497.376, F.S.;

1150 deleting provisions requiring rules for the display of
1151 certain licenses; amending s. 497.378, F.S.;

1152 conforming the continuing education requirements for
1153 funeral directors and embalmers to the repeal by the
1154 act of provisions requiring a course on HIV and AIDS;

1155 authorizing the licensing authority to adopt rules for
1156 the renewal of funeral director and embalmer licenses;

1157 amending s. 497.380, F.S.; providing duties of a
1158 funeral director in charge of a funeral establishment;

1159 requiring a funeral director in charge to have an
1160 embalmer license and providing exceptions; requiring
1161 the reporting of a change in the funeral director in
1162 charge of a funeral establishment; requiring certain
1163 licensees to display their licenses in funeral
1164 establishments; creating s. 497.4555, F.S.;

1165 authorizing a preneed licensee to charge a fee for
1166 performing certain duties related to a preneed
1167 contract; requiring disclosure of the charges;

1168 exempting charges from certain trust deposit
1169 requirements; authorizing the department to adopt
1170 rules; amending s. 497.456, F.S.; authorizing
1171 requirements that certain claims forms be sworn and
1172 notarized; amending s. 497.464, F.S.; deleting a



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1173 requirement that trust payments for preneed contracts
1174 be deposited in this state; requiring that funds
1175 discharging a preneed contract be disbursed from the
1176 trust under certain circumstances; amending s.
1177 497.602, F.S.; revising the course requirements for a
1178 direct disposer license; deleting provisions requiring
1179 rules for the display of certain licenses; amending s.
1180 497.603, F.S.; requiring the licensing authority to
1181 adopt rules for the renewal of direct disposer
1182 licenses; requiring a course on communicable diseases;
1183 conforming the continuing education requirements for
1184 direct disposers to the repeal by the act of
1185 provisions requiring a course on HIV and AIDS;
1186 amending s. 497.604, F.S.; requiring a direct disposal
1187 establishment to have a licensed funeral director act
1188 as the direct disposer in charge and providing
1189 exceptions; requiring certain licensees to display
1190 their licenses in direct disposal establishments;
1191 repealing s. 497.367, F.S., relating to a continuing
1192 education course required for funeral directors and
1193 embalmers on HIV and AIDS; providing an effective
1194 date.