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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
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 disclose only 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 allow only the suspension or modification  
566 of a provision that is necessary or advisable to allow licensees  
567 under this chapter to provide essential services to the public  
568 under the emergency conditions. The rules may be adopted before  
569 any emergency exists, but may not take effect until the Governor  
570 issues an executive order or proclamation declaring a state of  
571 emergency. The rules may remain in effect after a state of  
572 emergency is terminated but only for the limited period  
573 necessary to allow for the transition back to normal operations  
574 under the nonemergency requirements of this chapter. However, a  
575 rule suspending or modifying any provision of this chapter may  
576 not remain in effect for more than 12 months after the state of  
577 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 ~~40~~ 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. Subsection (13) is added to section 497.365,  
645 Florida Statutes, to read:

646 497.365 Licensure; inactive and delinquent status.-

647 (13) A person may not embalm human remains unless he or she  
648 is licensed under this chapter as:

649 (a) An embalmer;

650 (b) A funeral director and embalmer; or



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651           (c) An embalmer intern or embalmer apprentice, while under  
652 the direct supervision or general supervision of a licensed  
653 embalmer or licensed funeral director and embalmer as required  
654 by this chapter.

655           Section 16. Section 497.372, Florida Statutes, is amended  
656 to read:

657           497.372 Funeral directing; conduct constituting practice of  
658 funeral directing.—

659           (1) The practice of funeral directing shall be construed to  
660 consist of the following functions, which may be performed only  
661 by a licensed funeral director:

662           (a) Selling or offering to sell funeral services,  
663 embalming, cremation, or other services relating to the final  
664 disposition of human remains, including the removal of such  
665 remains from the state, on an at-need basis.

666           (b) Planning or arranging, on an at-need basis, the details  
667 of ~~a~~ funeral services, embalming, cremation, or other services  
668 relating to the final disposition of human remains, including  
669 the removal of such remains from the state, ~~service~~ with the  
670 family or friends of the decedent or any other person  
671 responsible for such services ~~service~~; setting the time of the  
672 services ~~service~~; establishing the type of services ~~service~~ to  
673 be rendered; acquiring the services of the clergy; and obtaining  
674 vital information for the filing of death certificates and  
675 obtaining of burial transit permits.

676           (c) Making, negotiating, or completing the financial  
677 arrangements for ~~a~~ funeral services, embalming, cremation, or  
678 other services relating to the final disposition of human  
679 remains, including the removal of such remains from the state,





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680 ~~service~~ on an at-need basis, except provided that nonlicensed  
681 personnel may assist the funeral director in performing such  
682 tasks.

683 (2) A funeral director may not engage in the practice of  
684 funeral directing except through affiliation with a funeral  
685 establishment licensed under this chapter. The board shall adopt  
686 by rule criteria for determining whether such an affiliation  
687 exists through the funeral director's ownership of, employment  
688 by, or contractual relationship with, a funeral establishment.  
689 This subsection does not prohibit a funeral director from being  
690 designated the licensed funeral director in charge of a  
691 cineration facility.

692 (3)~~(2)~~ The practice of funeral directing shall not be  
693 construed to consist of the following functions:

694 (a) The phoning-in, ~~or~~ faxing, or electronic transmission  
695 of obituary notices; ordering of flowers or merchandise;  
696 delivery of death certificates to attending physicians; or  
697 clerical preparation and processing of death certificates,  
698 insurance forms, and any clerical tasks that record the  
699 information compiled by the funeral director or that are  
700 incidental to any of the functions specified above.

701 (b) Furnishing standard printed price lists and other  
702 disclosure information to the public by telephone or by  
703 providing such lists to persons making inquiry.

704 (c) Removing or transporting human remains from the place  
705 of death, or removing or transporting human remains from or to a  
706 funeral establishment, centralized embalming facility,  
707 refrigeration facility, cemetery, crematory, medical examiner's  
708 office, common carrier, or other locations as authorized and



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709 provided by law.

710 (d) Arranging, coordinating, or employing licensed removal  
711 services, licensed refrigeration facilities, or licensed  
712 centralized embalming facilities.

713 (e) Any aspect of making preneed funeral arrangements or  
714 entering into preneed contracts.

715 (f) Any functions normally performed by cemetery or  
716 crematory personnel.

717 Section 17. Paragraph (d) of subsection (1) and subsections  
718 (2) and (3) of section 497.373, Florida Statutes, are amended to  
719 read:

720 497.373 Funeral directing; licensure as a funeral director  
721 by examination; provisional license.—

722 (1) Any person desiring to be licensed as a funeral  
723 director shall apply to the licensing authority to take the  
724 licensure examination. The licensing authority shall examine  
725 each applicant who has remitted an examination fee set by rule  
726 of the licensing authority not to exceed \$200 plus the actual  
727 per applicant cost to the licensing authority for portions of  
728 the examination and who the licensing authority certifies has:

729 (d)1. Received an associate in arts degree, associate in  
730 science degree, or an associate in applied science degree in  
731 mortuary science approved by the licensing authority; or

732 2. Holds an associate degree or higher from a college or  
733 university accredited by a regional accrediting agency  
734 ~~association of colleges and schools~~ recognized by the United  
735 States Department of Education and is a graduate of a ~~at least~~  
736 ~~an approved 1-year~~ course of study in mortuary science or  
737 funeral service arts approved by the licensing authority from a



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738 college or university accredited by the American Board of  
739 Funeral Service Education.

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

742 (a) Passes an examination on ~~the subjects of~~ the theory and  
743 practice of funeral directing and funeral service arts, public  
744 ~~health and sanitation, and local, state, and federal laws and~~  
745 ~~rules relating to the disposition of dead human bodies;~~ however,  
746 the licensing authority may approve ~~there may be approved~~ by  
747 rule the use of a national examination, such as the funeral  
748 service arts examination prepared by the Conference of Funeral  
749 Service Examining Boards, in lieu of ~~part of~~ this examination  
750 requirement.

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

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

756 (3) Any applicant who has completed the required 1-year  
757 internship and has been approved for examination as a funeral  
758 director may qualify for a provisional license to work in a  
759 licensed funeral establishment, under the direct supervision of  
760 a licensed funeral director for ~~a limited period of~~ 6 months as  
761 provided by rule of the licensing authority. However, a  
762 provisional licensee may work under the general supervision of a  
763 licensed funeral director upon passage of the laws-and-rules  
764 examination required under paragraph (2) (b). The fee for  
765 provisional licensure shall be set by rule of the licensing  
766 authority but may not exceed \$200. The fee required in this



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767 subsection shall be nonrefundable and in addition to the fee  
768 required by subsection (1). This provisional license may be  
769 renewed no more than one time.

770 Section 18. Paragraph (b) of subsection (1) of section  
771 497.374, Florida Statutes, is amended to read:

772 497.374 Funeral directing; licensure as a funeral director  
773 by endorsement; licensure of a temporary funeral director.—

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

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

783 2. Meets the qualifications for licensure in s. 497.373 and  
784 has successfully completed a state, regional, or national  
785 examination in mortuary science or funeral service arts, which,  
786 as determined by rule of the licensing authority, is  
787 substantially equivalent to or more stringent than the  
788 examination given by the licensing authority.

789 Section 19. Section 497.375, Florida Statutes, is amended  
790 to read:

791 497.375 Funeral directing; licensure of a funeral director  
792 intern.—

793 (1) (a) Any person desiring to become a funeral director  
794 intern must apply to the licensing authority ~~shall make~~  
795 ~~application~~ on forms prescribed ~~as required~~ by rule of the



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796 licensing authority, together with a nonrefundable fee set as  
797 determined by rule of the licensing authority but not to exceed  
798 \$200.

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

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

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

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

812 c. Has taken and received a passing grade in a college  
813 credit course in mortuary law or funeral service law and has  
814 taken and received a passing grade in a college credit course in  
815 ethics.

816 (c) An ~~The~~ application must include ~~shall indicate~~ the name  
817 and address of the ~~licensed~~ funeral director licensed under s.  
818 497.373 or s. 497.374(1) under whose supervision the intern will  
819 receive training and the name of the licensed funeral  
820 establishment where the such training will ~~is to~~ be conducted.

821 (d) A ~~The~~ funeral director intern may perform only the  
822 tasks, functions, and duties relating to funeral directing which  
823 are performed ~~shall intern~~ under the direct supervision of a  
824 licensed funeral director who has an active, valid license under



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825 s. 497.373 or s. 497.374(1). However, a funeral director intern  
826 may perform those tasks, functions, and duties under the general  
827 supervision of a licensed funeral director upon graduation from  
828 a licensing authority-approved course of study in mortuary  
829 science or funeral service arts required under s.  
830 497.373(1)(d)2. and passage of the laws-and-rules examination  
831 required under s. 497.373(2)(b), if the funeral director in  
832 charge of the funeral director internship training agency, after  
833 6 months of direct supervision, certifies to the licensing  
834 agency that the intern is competent to complete the internship  
835 under general supervision.

836 (2) Rules shall be adopted establishing a funeral director  
837 internship program and criteria for funeral director intern  
838 training agencies and supervisors. Any funeral establishment  
839 where funeral directing is conducted may apply to the licensing  
840 authority for approval as a funeral director intern training  
841 agency.

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

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

848 (b) A funeral director intern who is eligible for licensure  
849 under subparagraph (1)(b)2. may renew her or his funeral  
850 director intern license for an additional 1-year period if the  
851 funeral director in charge of the funeral director intern  
852 training agency certifies to the licensing authority that the  
853 intern has completed at least one-half of the course of study in



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854 mortuary science or funeral service arts.

855 (c) The licensing authority may adopt rules that allow a  
856 funeral director intern to renew her or his funeral director  
857 intern license for an additional 1-year period if the funeral  
858 director intern demonstrates her or his failure to complete the  
859 internship before expiration of the license due to illness,  
860 personal injury, or other substantial hardship beyond her or his  
861 reasonable control or demonstrates that she or he has completed  
862 the requirements for licensure as a funeral director but is  
863 awaiting the results of a licensure examination. However, a  
864 funeral director intern who renews her or his license under  
865 paragraph (b) is not eligible to renew the license under this  
866 paragraph.

867 (d) The licensing authority may require payment of a  
868 nonrefundable fee for the renewal of any funeral director intern  
869 license. The fee shall be set by rule of the licensing authority  
870 but may not exceed the fee set pursuant to paragraph (1)(a) for  
871 an initial funeral director intern license.

872 Section 20. Section 497.376, Florida Statutes, is amended  
873 to read:

874 497.376 License as funeral director and embalmer permitted~~+~~  
875 ~~display of license.-~~

876 ~~(1) Nothing in~~ This chapter does not ~~may be construed to~~  
877 prohibit a person from holding a license as an embalmer and a  
878 license as a funeral director at the same time. There may be  
879 issued and renewed by the licensing authority a combination  
880 license as both funeral director and embalmer to persons meeting  
881 the separate requirements for both licenses as set forth in this  
882 chapter. The licensing authority may adopt rules providing



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883 procedures for applying for and renewing such combination  
884 license. The licensing authority may by rule establish  
885 application, renewal, and other fees for such combination  
886 license, which fees shall not exceed the sum of the maximum fees  
887 for the separate funeral director and embalmer license  
888 categories as provided in this chapter. Persons holding a  
889 combination license as a funeral director and an embalmer shall  
890 be subject to regulation under this chapter both as a funeral  
891 director and an embalmer.

892 ~~(2) There shall be adopted rules which require each license~~  
893 ~~issued under this chapter to be displayed in such a manner as to~~  
894 ~~make it visible to the public and to facilitate inspection by~~  
895 ~~the licensing authority. However, each licensee shall~~  
896 ~~permanently affix a recent photograph of the licensee to each~~  
897 ~~displayed license issued to that licensee as a funeral director~~  
898 ~~or embalmer.~~

899 Section 21. Subsection (1) of section 497.378, Florida  
900 Statutes, is amended to read:

901 497.378 Renewal of funeral director and embalmer licenses.-

902 (1) The licensing authority ~~There shall~~ renew ~~be renewed~~ a  
903 funeral director or embalmer license upon receipt of the renewal  
904 application and fee set by the licensing authority, not to  
905 exceed \$500. The licensing authority may adopt rules for the  
906 renewal of a funeral director or embalmer license. The rules may  
907 require ~~prescribe by rule~~ continuing education ~~requirements~~ of  
908 up to 12 classroom hours and may ~~by rule~~ establish criteria for  
909 accepting alternative nonclassroom continuing education on an  
910 hour-for-hour basis, in addition to a licensing authority-  
911 approved course on communicable diseases ~~that includes the~~





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912 ~~course on human immunodeficiency virus and acquired immune~~  
913 ~~deficiency syndrome required by s. 497.367, for the renewal of a~~  
914 funeral director or embalmer license. The rules ~~rule~~ may also  
915 provide for the waiver of continuing education requirements in  
916 circumstances that would justify the waiver, such as hardship,  
917 disability, or illness. The continuing education requirement is  
918 not required for a licensee who is over the age of 75 years if  
919 the licensee does not qualify as the sole person in charge of an  
920 establishment or facility.

921 Section 22. Subsections (7) and (12) of section 497.380,  
922 Florida Statutes, are amended, and subsection (15) is added to  
923 that section, to read:

924 497.380 Funeral establishment; licensure; display of  
925 license.—

926 (7) Each licensed funeral establishment shall have one  
927 full-time funeral director in charge and shall have a licensed  
928 funeral director reasonably available to the public during  
929 normal business hours for the ~~that~~ establishment. The full-time  
930 funeral director in charge is responsible for ensuring that the  
931 facility, its operation, and all persons employed in the  
932 facility comply with all applicable state and federal laws and  
933 rules. The full-time funeral director in charge must have an  
934 active license and may not be the full-time funeral director in  
935 charge of any other funeral establishment or of any other direct  
936 disposal establishment. Effective October 1, 2010, the full-time  
937 funeral director in charge must hold an active, valid embalmer  
938 license or combination license as a funeral director and an  
939 embalmer. However, a funeral director may continue as the full-  
940 time funeral director in charge without an embalmer or



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941 combination license if, as of September 30, 2010:

942 (a) The funeral establishment and the funeral director both  
943 have active, valid licenses.

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

946 (c) The name of the funeral director was included, as  
947 required in subsection (4), in the funeral establishment's most  
948 recent application for issuance or renewal of its license or was  
949 included in the establishment's report of change provided under  
950 paragraph (12) (c).

951 (12) (a) A change in ownership of a funeral establishment  
952 shall be promptly reported pursuant to procedures established by  
953 rule and shall require the relicensure of the funeral  
954 establishment, including reinspection and payment of applicable  
955 fees.

956 (b) A change in location of a funeral establishment shall  
957 be promptly reported to the licensing authority pursuant to  
958 procedures established by rule. Operations by the licensee at a  
959 new location may not commence until an inspection by the  
960 licensing authority of the facilities, pursuant to rules of the  
961 licensing authority, has been conducted and passed at the new  
962 location.

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

966 (15) (a) A funeral establishment and each funeral director  
967 and, if applicable, embalmer employed at the establishment must  
968 display their current licenses in a conspicuous place within the  
969 establishment in such a manner as to make the licenses visible



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970 to the public and to facilitate inspection by the licensing  
971 authority. If a licensee is simultaneously employed at more than  
972 one location, the licensee may display a copy of the license in  
973 lieu of the original.

974 (b) Each licensee shall permanently affix a photograph  
975 taken of the licensee within the previous 6 years to each  
976 displayed license issued to that licensee as a funeral director  
977 or embalmer.

978 Section 23. Section 497.4555, Florida Statutes, is created  
979 to read:

980 497.4555 Charges for preneed contract.—A preneed licensee  
981 may charge the purchaser of a preneed contract for processing,  
982 filing, and archiving the contract and for performing other  
983 administrative duties related to the contract. A preneed  
984 licensee must disclose these charges to the purchaser and  
985 include them on its standard printed price lists and other  
986 disclosure information provided to the public under s. 497.468.  
987 These charges are not subject to the trust deposit requirements  
988 in s. 497.458. The department may, subject to approval by the  
989 board, adopt rules to administer this section.

990 Section 24. Paragraph (a) of subsection (13) of section  
991 497.456, Florida Statutes, is amended to read:

992 497.456 Preneed Funeral Contract Consumer Protection Trust  
993 Fund.—

994 (13) Regarding the Preneed Funeral Contract Consumer  
995 Protection Trust Fund, the licensing authority shall have  
996 authority to adopt rules for the implementation of this section,  
997 including:

998 (a) Forms to be used in filing claims against the trust



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999 fund, which may require that the claims be sworn to or affirmed,  
1000 and that the forms be signed, before a notary public.

1001 Section 25. Subsections (3) and (7) of section 497.464,  
1002 Florida Statutes, are amended to read:

1003 497.464 Alternative preneed contracts.-

1004 (3) The contract must require that the purchaser make all  
1005 payments required by the contract directly to the trustee or its  
1006 qualified servicing agent ~~and that the funds shall be deposited~~  
1007 ~~in this state,~~ subject to the terms of a trust instrument  
1008 approved by the licensing authority. The licensing authority may  
1009 adopt rules establishing procedures and forms for the submission  
1010 of trust instruments for approval by the licensing authority,  
1011 establishing criteria for the approval of such trust  
1012 instruments, and specifying information required to be provided  
1013 by the applicant in connection with submission of a trust  
1014 instrument for approval. A copy of the trust instrument shall be  
1015 made available to the purchaser, at any reasonable time, upon  
1016 request.

1017 (7) The trustee shall disburse ~~Disbursement of funds~~  
1018 ~~discharging a any preneed contract shall be made by the trustee~~  
1019 ~~to the person issuing or writing the such contract upon the~~  
1020 trustee's receipt of a certified copy of the contract  
1021 beneficiary's death certificate or satisfactory of the contract  
1022 ~~beneficiary and evidence,~~ as the licensing authority shall  
1023 define by rule, satisfactory to the trustee that the preneed  
1024 contract has been fully performed in whole or in part. However,  
1025 if the contract is only partially performed, the disbursement  
1026 shall cover only that portion of the contract performed. In the  
1027 event of any contract default by the contract purchaser, or in



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1028 the event that the funeral merchandise or service contracted for  
1029 is not provided or is not desired by the purchaser or the heirs  
1030 or personal representative of the contract beneficiary, the  
1031 trustee shall return, within 30 days after its receipt of a  
1032 written request therefor, funds paid on the contract to the  
1033 contract purchaser or to her or his assigns, heirs, or personal  
1034 representative, subject to the lawful liquidation damage  
1035 provision in the contract.

1036 Section 26. Paragraph (b) of subsection (3) and subsection  
1037 (5) of section 497.602, Florida Statutes, are amended to read:

1038 497.602 Direct disposers, license required; licensing  
1039 procedures and criteria; regulation.-

1040 (3) ACTION CONCERNING APPLICATIONS.-A duly completed  
1041 application for licensure under this section, accompanied by the  
1042 required fees, shall be approved if the licensing authority  
1043 determines that the following conditions are met:

1044 (b) The applicant has taken and received a passing grade in  
1045 a college credit course in ~~Florida~~ mortuary law and has taken  
1046 and received a passing grade in a college credit course in  
1047 ethics.

1048 ~~(5) DISPLAY OF LICENSE.-There shall be adopted rules which~~  
1049 ~~require each license issued under this section to be displayed~~  
1050 ~~in such a manner as to make it visible to the public and to~~  
1051 ~~facilitate inspection by the department. Each licensee shall~~  
1052 ~~permanently affix a recent photograph of the licensee to each~~  
1053 ~~displayed license issued to that licensee as a direct disposer.-~~

1054 Section 27. Subsection (2) of section 497.603, Florida  
1055 Statutes, is amended to read:

1056 497.603 Direct disposers, renewal of license.-



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1057           (2) The licensing authority ~~There shall adopt be adopted~~  
1058 rules establishing procedures, forms, and a schedule and forms  
1059 ~~and procedure~~ for the biennial renewal of direct disposer  
1060 licenses ~~as direct disposers~~. The rules ~~There shall require be~~  
1061 ~~adopted by rule~~ continuing education ~~requirements~~ of up to 6  
1062 classroom hours, including, but not limited to, a course on  
1063 communicable diseases approved by the licensing authority, and  
1064 ~~there may establish by rule be established~~ criteria for  
1065 accepting alternative nonclassroom continuing education on an  
1066 hour-for-hour basis, ~~in addition to an approved course on~~  
1067 ~~communicable diseases that includes the course on human~~  
1068 ~~immunodeficiency virus and acquired immune deficiency syndrome~~  
1069 ~~required by s. 497.367, for the renewal of a license as a direct~~  
1070 ~~disposer.~~

1071           Section 28. Paragraph (c) of subsection (2), subsection  
1072 (8), and paragraph (d) of subsection (9) of section 497.604,  
1073 Florida Statutes, are amended, and subsection (10) is added to  
1074 that section, to read:

1075           497.604 Direct disposal establishments, license required;  
1076 licensing procedures and criteria; license renewal; regulation;  
1077 display of license.—

1078           (2) APPLICATION PROCEDURES.—

1079           (c) The application shall name the licensed direct disposer  
1080 or licensed funeral director ~~who will be acting as the~~ a direct  
1081 disposer in charge of the direct disposal establishment.

1082           (8) SUPERVISION OF FACILITIES.—

1083           (a) Effective October 1, 2010, each direct disposal  
1084 establishment shall have one full-time ~~licensed direct disposer~~  
1085 ~~or~~ licensed funeral director acting as the ~~a~~ direct disposer in



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1086 charge. However, a licensed direct disposer may continue acting  
1087 as the direct disposer in charge, if, as of September 30, 2010:

1088 1. The direct disposal establishment and the licensed  
1089 direct disposer both have active, valid licenses.

1090 2. The licensed direct disposer is currently acting as the  
1091 direct disposer in charge of the direct disposal establishment.

1092 3. The name of the licensed direct disposer was included,  
1093 as required in paragraph (2) (c), in the direct disposal  
1094 establishment's most recent application for issuance or renewal  
1095 of its license or was included in the establishment's notice of  
1096 change provided under subsection (7).

1097 (b) The licensed funeral director or licensed direct  
1098 disposer in charge of a direct disposal establishment must be  
1099 and reasonably available to the public during normal business  
1100 hours for the that establishment and. Such person may be in  
1101 charge of only one direct disposal establishment facility. The  
1102 Such licensed funeral director or licensed direct disposer in  
1103 charge of the establishment is shall be responsible for making  
1104 sure the facility, its operations, and all persons employed in  
1105 the facility comply with all applicable state and federal laws  
1106 and rules.

1107 (9) REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.—

1108 (d) Each direct disposal establishment must display at the  
1109 public entrance the name of the establishment and the name of  
1110 the licensed direct disposer or licensed funeral director acting  
1111 as the a direct disposer in charge of the ~~responsible for that~~  
1112 establishment. A direct disposal establishment must transact its  
1113 business under the name by which it is licensed.

1114 (10) DISPLAY OF LICENSE.—







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1144 certain provisions during a state of emergency;  
1145 amending s. 497.140, F.S.; authorizing fees for  
1146 certain inspections of licensees; amending s. 497.141,  
1147 F.S.; prohibiting the issuance or renewal of a license  
1148 to an applicant that has specified criminal records  
1149 under certain circumstances; authorizing a licensing  
1150 authority of the Department of Financial Services to  
1151 adopt rules; authorizing the licensing authority to  
1152 require the submission of applications in an online  
1153 electronic format; authorizing fees for applications  
1154 submitted in a paper format; amending s. 497.142,  
1155 F.S.; requiring an applicant for renewal of a license  
1156 to disclose certain criminal offenses; requiring an  
1157 applicant for issuance or renewal of a license to  
1158 disclose certain criminal pleas; requiring the  
1159 licensing authority to adopt rules for the disclosure  
1160 of criminal records; authorizing an exception from  
1161 disclosure requirements for previously disclosed  
1162 criminal records; amending s. 497.143, F.S.; revising  
1163 legislative intent; authorizing the licensing  
1164 authority to adopt rules for the issuance of limited  
1165 licenses to certain persons licensed outside the  
1166 state; revising eligibility and application  
1167 requirements for a limited license; amending s.  
1168 497.147, F.S.; deleting limits on the continuing  
1169 education credit provided for attendance at board  
1170 meetings; amending s. 497.152, F.S.; providing that  
1171 certain criminal pleas are a ground for denial of an  
1172 application or discipline of a licensee under ch. 497,



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1173 F.S.; amending s. 497.161, F.S.; authorizing the  
1174 department to adopt rules that temporarily suspend or  
1175 modify certain provisions during and following a state  
1176 of emergency; amending s. 497.162, F.S.; revising  
1177 which nonlicensed personnel are required to complete a  
1178 course on communicable diseases; extending the time  
1179 for completion of the course; amending s. 497.166,  
1180 F.S.; conforming terminology to changes made by the  
1181 act; amending s. 497.277, F.S.; authorizing a cemetery  
1182 company to charge a fee for performing specified  
1183 duties related to certain cemetery sales contracts;  
1184 requiring disclosure of the charges; exempting charges  
1185 from certain trust deposit requirements; authorizing  
1186 the department to adopt rules; amending s. 497.278,  
1187 F.S.; authorizing a cemetery company to require  
1188 certain persons and firms to show proof of certain  
1189 insurance coverage; prohibiting a cemetery company  
1190 from setting certain insurance coverage limits;  
1191 amending s. 497.365, F.S.; prohibiting the embalming  
1192 of human remains except by certain licensees; amending  
1193 s. 497.372, F.S.; revising certain functions construed  
1194 to be the practice of funeral directing; prohibiting a  
1195 funeral director from engaging in the practice of  
1196 funeral directing except under certain circumstances;  
1197 providing an exception; requiring that the Board of  
1198 Funeral, Cemetery, and Consumer Services adopt rules;  
1199 providing that certain provisions of state law do not  
1200 prohibit a funeral director from being designated the  
1201 licensed funeral director in charge of a cineration



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1202 facility; revising the acts that are exempt from  
1203 regulation as the practice of funeral directing;  
1204 amending s. 497.373, F.S.; revising the educational  
1205 and examination requirements for licensure of funeral  
1206 directors by examination; revising requirements for  
1207 the supervision of provisional licensees; amending s.  
1208 497.374, F.S.; revising the examination requirements  
1209 for licensure of funeral directors by endorsement;  
1210 amending s. 497.375, F.S.; establishing educational  
1211 requirements for funeral director intern licenses;  
1212 revising the application requirements for funeral  
1213 director intern licensees; revising requirements for  
1214 the supervision of funeral director interns; providing  
1215 for the expiration of funeral director intern  
1216 licenses; prohibiting the renewal of funeral director  
1217 intern licenses except under certain circumstances;  
1218 authorizing rules for the renewal of funeral director  
1219 intern licenses; providing for license renewal fees;  
1220 amending s. 497.376, F.S.; deleting provisions  
1221 requiring rules for the display of certain licenses;  
1222 amending s. 497.378, F.S.; conforming the continuing  
1223 education requirements for funeral directors and  
1224 embalmers to the repeal by the act of provisions  
1225 requiring a course on HIV and AIDS; authorizing the  
1226 licensing authority to adopt rules for the renewal of  
1227 funeral director and embalmer licenses; amending s.  
1228 497.380, F.S.; providing duties of a funeral director  
1229 in charge of a funeral establishment; requiring a  
1230 funeral director in charge to have an embalmer license



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1231 and providing exceptions; requiring the reporting of a  
1232 change in the funeral director in charge of a funeral  
1233 establishment; requiring certain licensees to display  
1234 their licenses in funeral establishments; creating s.  
1235 497.4555, F.S.; authorizing a preneed licensee to  
1236 charge a fee for performing certain duties related to  
1237 a preneed contract; requiring disclosure of the  
1238 charges; exempting charges from certain trust deposit  
1239 requirements; authorizing the department to adopt  
1240 rules; amending s. 497.456, F.S.; authorizing  
1241 requirements that certain claims forms be sworn and  
1242 notarized; amending s. 497.464, F.S.; deleting a  
1243 requirement that trust payments for preneed contracts  
1244 be deposited in this state; requiring that funds  
1245 discharging a preneed contract be disbursed from the  
1246 trust under certain circumstances; amending s.  
1247 497.602, F.S.; revising the course requirements for a  
1248 direct disposer license; deleting provisions requiring  
1249 rules for the display of certain licenses; amending s.  
1250 497.603, F.S.; requiring the licensing authority to  
1251 adopt rules for the renewal of direct disposer  
1252 licenses; requiring a course on communicable diseases;  
1253 conforming the continuing education requirements for  
1254 direct disposers to the repeal by the act of  
1255 provisions requiring a course on HIV and AIDS;  
1256 amending s. 497.604, F.S.; requiring a direct disposal  
1257 establishment to have a licensed funeral director act  
1258 as the direct disposer in charge and providing  
1259 exceptions; requiring certain licensees to display



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1260 their licenses in direct disposal establishments;  
1261 repealing s. 497.367, F.S., relating to a continuing  
1262 education course required for funeral directors and  
1263 embalmers on HIV and AIDS; providing an effective  
1264 date.