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LEGISLATIVE ACTION

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

1           **Senate Amendment to Amendment (264668) (with title**  
2 **amendment)**

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4           Delete lines 644 - 656  
5 and insert:

6           Section 15. Subsection (13) is added to section 497.365,  
7 Florida Statutes, to read:

8           497.365 Licensure; inactive and delinquent status.—

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

11           (a) An embalmer;

12           (b) A funeral director and embalmer; or



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13           (c) An embalmer intern, funeral director intern, or  
14 embalmer apprentice, while under the direct supervision or  
15 general supervision of a licensed embalmer or licensed funeral  
16 director as required by this chapter.

17           Section 16. Section 497.372, Florida Statutes, is amended  
18 to read:

19           497.372 Funeral directing; conduct constituting practice of  
20 funeral directing.—

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

24           (a) Selling or offering to sell funeral services,  
25 embalming, cremation, or other services relating to the final  
26 disposition of human remains, including the removal of such  
27 remains from this state, on an at-need basis.

28           (b) Planning or arranging, on an at-need basis, the details  
29 of ~~a~~ funeral services, embalming, cremation, or other services  
30 relating to the final disposition of human remains, including  
31 the removal of such remains from this state, ~~service~~ with the  
32 family or friends of the decedent or any other person  
33 responsible for such services ~~service~~; setting the time of the  
34 services ~~service~~; establishing the type of services ~~service~~ to  
35 be rendered; acquiring the services of the clergy; and obtaining  
36 vital information for the filing of death certificates and  
37 obtaining of burial transit permits.

38           (c) Making, negotiating, or completing the financial  
39 arrangements for ~~a~~ funeral services, embalming, cremation, or  
40 other services relating to the final disposition of human  
41 remains, including the removal of such remains from this state,



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

45 (d) Directing, being in charge or apparent charge of, or  
46 supervising, directly or indirectly, a visitation or viewing.  
47 Such functions shall not require that a licensed funeral  
48 director be physically present throughout the visitation or  
49 viewing, provided that the funeral director is readily available  
50 by telephone for consultation.

51 (e) Directing, being in charge or apparent charge of, or  
52 supervising, directly or indirectly, any funeral service held in  
53 a funeral establishment, cemetery, or elsewhere.

54 (f) Directing, being in charge or apparent charge of, or  
55 supervising, directly or indirectly, any memorial service held  
56 prior to or within 72 hours of the burial or cremation, if such  
57 memorial service is sold or arranged by a licensee.

58 (g) Using in connection with one's name or employment the  
59 words or terms "funeral director," "funeral establishment,"  
60 "undertaker," "mortician," or any other word, term, title, or  
61 picture, or combination of any of the above, that when  
62 considered in the context in which used would imply that such  
63 person is engaged in the practice of funeral directing or that  
64 such person is holding herself or himself out to the public as  
65 being engaged in the practice of funeral directing; provided,  
66 however, that nothing in this paragraph shall prevent using the  
67 name of any owner, officer, or corporate director of a funeral  
68 establishment, who is not a licensee, in connection with the  
69 name of the funeral establishment with which such individual is  
70 affiliated, so long as such individual's affiliation is properly



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71 specified.

72 (h) Managing or supervising the operation of a funeral  
73 establishment, except for administrative matters such as  
74 budgeting, accounting and personnel, maintenance of buildings,  
75 equipment and grounds, and routine clerical and recordkeeping  
76 functions.

77 (2) A funeral director may not engage in the practice of  
78 funeral directing except through affiliation with a funeral  
79 establishment licensed under this chapter. The board shall adopt  
80 by rule criteria for determining whether such an affiliation  
81 exists through the funeral director's ownership of, employment  
82 by, or contractual relationship with, a funeral establishment.  
83 This subsection does not prohibit a funeral director from being  
84 designated the licensed funeral director in charge of a  
85 cineration facility.

86 (3)~~(2)~~ The practice of funeral directing shall not be  
87 construed to consist of the following functions:

88 (a) The phoning-in, ~~or~~ faxing, or electronic transmission  
89 of obituary notices; ordering of flowers or merchandise;  
90 delivery of death certificates to attending physicians; or  
91 clerical preparation and processing of death certificates,  
92 insurance forms, and any clerical tasks that record the  
93 information compiled by the funeral director or that are  
94 incidental to any of the functions specified above.

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

98 (c) Removing or transporting human remains from the place  
99 of death, or removing or transporting human remains from or to a



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100 funeral establishment, centralized embalming facility,  
101 refrigeration facility, cemetery, crematory, medical examiner's  
102 office, common carrier, or other locations as authorized and  
103 provided by law.

104 (d) Arranging, coordinating, or employing licensed removal  
105 services, licensed refrigeration facilities, or licensed  
106 centralized embalming facilities.

107 (e) Any aspect of making preneed funeral arrangements or  
108 entering into preneed contracts.

109 (f) Any functions normally performed by cemetery or  
110 crematory personnel.

111

112 ===== T I T L E A M E N D M E N T =====

113 And the title is amended as follows:

114 Delete line 1131

115 and insert:

116 amending s. 497.365, F.S.; prohibiting the embalming  
117 of human remains except by certain licensees; amending  
118 s. 497.372, F.S.; revising the list of actions  
119 construed to constitute the practice of funeral  
120 directing; prohibiting a funeral director from  
121 engaging in the practice of funeral directing through  
122 affiliation with a funeral establishment licensed  
123 under applicable state law; requiring that the Board  
124 of Funeral, Cemetery, and Consumer Services adopt  
125 rules; providing that certain provisions of state law  
126 do not prohibit a funeral director from being  
127 designated the licensed funeral director in charge of  
128 a cineration facility; providing an exception;



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revising the acts that are