

By Senator Bennett

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1 A bill to be entitled
2 An act relating to the Florida Funeral, Cemetery, and
3 Consumer Services Act; amending s. 497.005, F.S.;
4 defining the terms "direct supervision" and "general
5 supervision" as they relate to supervision by funeral
6 directors and embalmers; amending s. 497.101, F.S.;
7 revising qualifications for the membership of the
8 Board of Funeral, Cemetery, and Consumer Services;
9 amending s. 497.103, F.S.; authorizing the waiver of
10 certain provisions during a state of emergency;
11 amending s. 497.140, F.S.; authorizing fees for
12 certain inspections of licensees; amending s. 497.141,
13 F.S.; prohibiting the issuance or renewal of a license
14 to an applicant that has specified criminal records
15 under certain circumstances; authorizing a licensing
16 authority of the Department of Financial Services to
17 adopt rules; authorizing the licensing authority to
18 require the submission of applications in an online
19 electronic format; authorizing fees for applications
20 submitted in a paper format; amending s. 497.142,
21 F.S.; requiring an applicant for renewal of a license
22 to disclose certain criminal records; requiring an
23 applicant for issuance or renewal of a license to
24 disclose certain criminal pleas; requiring the
25 licensing authority to adopt rules for the disclosure
26 of criminal records; authorizing an exception from
27 disclosure requirements for previously disclosed
28 criminal records; amending s. 497.143, F.S.; revising
29 legislative intent; authorizing the licensing

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30 authority to adopt rules for the issuance of limited
31 licenses to certain persons licensed outside the
32 state; revising eligibility and application
33 requirements for a limited license; amending s.
34 497.147, F.S.; deleting limits on the continuing
35 education credit provided for attendance at board
36 meetings; amending s. 497.152, F.S.; providing that
37 certain criminal pleas are a ground for denial of an
38 application or discipline of a licensee under chapter
39 497, F.S.; amending s. 497.161, F.S.; authorizing the
40 department to adopt rules that temporarily suspend or
41 modify certain provisions during and following a state
42 of emergency; amending s. 497.162, F.S.; revising
43 which nonlicensed personnel are required to complete a
44 course on communicable diseases; extending time for
45 completion of the course; amending s. 497.166, F.S.;
46 conforming terminology to changes made by the act;
47 amending s. 497.277, F.S.; authorizing a cemetery
48 company to charge a fee for performing specified
49 duties related to certain cemetery sales contracts;
50 requiring disclosure of the charges; exempting charges
51 from certain trust deposit requirements; authorizing
52 the department to adopt rules; amending s. 497.278,
53 F.S.; authorizing a cemetery company to require
54 certain persons and firms to show proof of certain
55 insurance coverage; prohibiting a cemetery company
56 from setting certain insurance coverage limits;
57 amending s. 497.372, F.S.; revising the acts which are
58 exempt from regulation as the practice of funeral

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59 directing; amending s. 497.373, F.S.; revising the
60 educational and examination requirements for licensure
61 of funeral directors by examination; revising
62 requirements for supervision of provisional licensees;
63 amending s. 497.374, F.S.; revising the examination
64 requirements for licensure of funeral directors by
65 endorsement; amending s. 497.375, F.S.; establishing
66 educational requirements for funeral director intern
67 licenses; revising the application requirements for
68 funeral director intern licensees; revising
69 requirements for supervision of funeral director
70 interns; providing for the expiration of funeral
71 director intern licenses; prohibiting the renewal of
72 funeral director intern licenses except under certain
73 circumstances; authorizing rules for the renewal of
74 funeral director intern licenses; providing for
75 license renewal fees; amending s. 497.376, F.S.;
76 deleting provisions requiring rules for the display of
77 certain licenses; amending s. 497.378, F.S.;
78 conforming the continuing education requirements for
79 funeral directors and embalmers to the repeal by the
80 act of provisions requiring a course on HIV and AIDS;
81 authorizing the licensing authority to adopt rules for
82 the renewal of funeral director and embalmer licenses;
83 amending s. 497.380, F.S.; providing duties of a
84 funeral director in charge of a funeral establishment;
85 requiring a funeral director in charge to have an
86 embalmer license and providing exceptions; requiring
87 the reporting of a change in the funeral director in

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88 charge of a funeral establishment; requiring certain
89 licensees to display their licenses in funeral
90 establishments; creating s. 497.4555, F.S.;
91 authorizing a preneed licensee to charge a fee for
92 performing certain duties related to a preneed
93 contract; requiring disclosure of the charges;
94 exempting charges from certain trust deposit
95 requirements; authorizing the department to adopt
96 rules; amending s. 497.456, F.S.; authorizing
97 requirements that certain claims forms be sworn and
98 notarized; amending s. 497.464, F.S.; deleting a
99 requirement that trust payments for preneed contracts
100 be deposited in this state; requiring that funds
101 discharging a preneed contract be disbursed from the
102 trust under certain circumstances; amending s.
103 497.602, F.S.; revising the course requirements for a
104 direct disposer license; deleting provisions requiring
105 rules for the display of certain licenses; amending s.
106 497.603, F.S.; requiring the licensing authority to
107 adopt rules for the renewal of direct disposer
108 licenses; requiring a course on communicable diseases;
109 conforming the continuing education requirements for
110 direct disposers to the repeal by the act of
111 provisions requiring a course on HIV and AIDS;
112 amending s. 497.604, F.S.; requiring a direct disposal
113 establishment to have a licensed funeral director act
114 as the direct disposer in charge and providing
115 exceptions; requiring certain licensees to display
116 their licenses in direct disposal establishments;

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117 repealing s. 497.367, F.S., relating to a continuing
118 education course required for funeral directors and
119 embalmers on HIV and AIDS; providing an effective
120 date.

121

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

123

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

126 497.005 Definitions.—As used in this chapter, the term:

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

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

137 (3) "Bank of belowground crypts" means any construction
138 unit of belowground crypts that is acceptable to the department
139 and that a cemetery uses to initiate its belowground crypt
140 program or to add to existing belowground crypt structures.

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

145 (5) "Board" means the Board of Funeral, Cemetery, and

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146 Consumer Services.

147 (6) "Burial merchandise," "funeral merchandise," or
148 "merchandise" means any personal property offered or sold by any
149 person for use in connection with the final disposition,
150 memorialization, interment, entombment, or inurnment of human
151 remains or cremated remains, including, but not limited to,
152 caskets, outer burial containers, alternative containers,
153 cremation containers, cremation interment containers, urns,
154 monuments, private mausoleums, flowers, benches, vases,
155 acknowledgment cards, register books, memory folders, prayer
156 cards, and clothing.

157 (7) "Burial right" means the right to use a grave space,
158 mausoleum, columbarium, ossuary, or scattering garden for the
159 interment, entombment, inurnment, or other disposition of human
160 remains or cremated remains.

161 (8) "Burial service" or "service" means any service offered
162 or provided in connection with the final disposition,
163 memorialization, interment, entombment, or inurnment of human
164 remains or cremated remains.

165 (9) "Care and maintenance" means the perpetual process of
166 keeping a cemetery and its lots, graves, grounds, landscaping,
167 roads, paths, parking lots, fences, mausoleums, columbaria,
168 vaults, crypts, utilities, and other improvements, structures,
169 and embellishments in a well-cared-for and dignified condition,
170 so that the cemetery does not become a nuisance or place of
171 reproach and desolation in the community. As specified in the
172 rules of the licensing authority, "care and maintenance" may
173 include, but is not limited to, any or all of the following
174 activities: mowing the grass at reasonable intervals; raking and

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175 cleaning the grave spaces and adjacent areas; pruning of shrubs
176 and trees; suppression of weeds and exotic flora; and
177 maintenance, upkeep, and repair of drains, water lines, roads,
178 buildings, and other improvements. "Care and maintenance" may
179 include, but is not limited to, reasonable overhead expenses
180 necessary for such purposes, including maintenance of machinery,
181 tools, and equipment used for such purposes. "Care and
182 maintenance" may also include repair or restoration of
183 improvements necessary or desirable as a result of wear,
184 deterioration, accident, damage, or destruction. "Care and
185 maintenance" does not include expenses for the construction and
186 development of new grave spaces or interment structures to be
187 sold to the public.

188 (10) "Casket" means a rigid container that is designed for
189 the encasement of human remains and that is usually constructed
190 of wood or metal, ornamented, and lined with fabric.

191 (11) "Cemetery" means a place dedicated to and used or
192 intended to be used for the permanent interment of human remains
193 or cremated remains. A cemetery may contain land or earth
194 interment; mausoleum, vault, or crypt interment; a columbarium,
195 ossuary, scattering garden, or other structure or place used or
196 intended to be used for the interment or disposition of cremated
197 remains; or any combination of one or more of such structures or
198 places.

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

201 (13) "Centralized embalming facility" means a facility in
202 which embalming takes place that operates independently of a
203 funeral establishment licensee and that offers embalming

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204 services to funeral directors for a fee.

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

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

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

213 (17) "Common business enterprise" means a group of two or
214 more business entities that share common ownership in excess of
215 50 percent.

216 (18) "Control" means the possession, directly or
217 indirectly, through the ownership of voting shares, by contract,
218 arrangement, understanding, relationship, or otherwise, of the
219 power to direct or cause the direction of the management and
220 policies of a person or entity. However, a person or entity
221 shall not be deemed to have control if the person or entity
222 holds voting shares, in good faith and not for the purpose of
223 circumventing this definition, as an agent, bank, broker,
224 nominee, custodian, or trustee for one or more beneficial owners
225 who do not individually or as a group have control.

226 (19) "Cremated remains" means all the remains of the human
227 body recovered after the completion of the cremation process,
228 including processing or pulverization that leaves only bone
229 fragments reduced to unidentifiable dimensions and may include
230 the residue of any foreign matter, including casket material,
231 bridgework, or eyeglasses that were cremated with the human
232 remains.

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233 (20) "Cremation" means any mechanical or thermal process
234 whereby a dead human body is reduced to ashes and bone
235 fragments. Cremation also includes any other mechanical or
236 thermal process whereby human remains are pulverized, burned,
237 cremated, or otherwise further reduced in size or quantity.

238 (21) "Cremation chamber" means the enclosed space within
239 which the cremation process takes place. Cremation chambers
240 covered by these procedures shall be used exclusively for the
241 cremation of human remains.

242 (22) "Cremation container" means the casket or alternative
243 container in which the human remains are transported to and
244 placed in the cremation chamber for a cremation. A cremation
245 container should meet substantially all of the following
246 standards:

247 (a) Be composed of readily combustible or consumable
248 materials suitable for cremation.

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

251 (c) Be resistant to leakage or spillage.

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

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

255 (23) "Cremation interment container" means a rigid outer
256 container that, subject to a cemetery's rules and regulations,
257 is composed of concrete, steel, fiberglass, or some similar
258 material in which an urn is placed prior to being interred in
259 the ground and that is designed to support the earth above the
260 urn.

261 (24) "Department" means the Department of Financial

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262 Services.

263 (25) "Direct disposal establishment" means a facility
264 licensed under this chapter where a direct disposer practices
265 direct disposition.

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

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

269 (a) Funeral director who provides initial direction and
270 periodic inspection of the arrangements and who is physically
271 present or on the premises of the funeral establishment at all
272 times when the tasks, functions, and duties relating to funeral
273 directing are performed; or

274 (b) Embalmer who provides initial direction and instruction
275 regarding the preservation of a dead human body in its entirety
276 or in part and who is physically present or on the premises of
277 the funeral establishment or embalming facility at all times
278 when the tasks, functions, and duties relating to embalming are
279 performed.

280 (28)~~(27)~~ "Director" means the director of the Division of
281 Funeral, Cemetery, and Consumer Services.

282 (29)~~(28)~~ "Disinterment" means removal of a dead human body
283 from earth interment or aboveground interment.

284 (30)~~(29)~~ "Division" means the Division of Funeral,
285 Cemetery, and Consumer Services within the Department of
286 Financial Services.

287 (31)~~(30)~~ "Embalmer" means any person licensed under this
288 chapter to practice embalming in this state.

289 (32)~~(31)~~ "Final disposition" means the final disposal of a
290 dead human body by earth interment, aboveground interment,

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291 cremation, burial at sea, or delivery to a medical institution
292 for lawful dissection if the medical institution assumes
293 responsibility for disposal. "Final disposition" does not
294 include the disposal or distribution of cremated remains and
295 residue of cremated remains.

296 (33)~~(32)~~ "Funeral" or "funeral service" means the
297 observances, services, or ceremonies held to commemorate the
298 life of a specific deceased human being and at which the human
299 remains are present.

300 (34)~~(33)~~ "Funeral director" means any person licensed under
301 this chapter to practice funeral directing in this state.

302 (35)~~(34)~~ "Funeral establishment" means a facility licensed
303 under this chapter where a funeral director or embalmer
304 practices funeral directing or embalming.

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

306 (a) Funeral director who is reasonably available and in a
307 position to provide direction and guidance by being physically
308 present, being on the premises of the funeral establishment, or
309 being in proximity to the funeral establishment and available
310 telephonically or by electronic communication at all times when
311 the tasks, functions, and duties relating to funeral directing
312 are performed; or

313 (b) Embalmer who is reasonably available and in a position
314 to provide direction and guidance by being physically present,
315 being on the premises of the funeral establishment or embalming
316 facility, or being in proximity to the funeral establishment or
317 embalming facility and available telephonically or by electronic
318 communication at all times when the tasks, functions, and duties
319 relating to embalming are performed.

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320 (37)~~(35)~~ "Grave space" means a space of ground in a
321 cemetery intended to be used for the interment in the ground of
322 human remains.

323 (38)~~(36)~~ "Human remains" or "remains," or "dead human body"
324 or "dead human bodies," means the body of a deceased human
325 person for which a death certificate or fetal death certificate
326 is required under chapter 382 and includes the body in any stage
327 of decomposition.

328 (39)~~(37)~~ "Legally authorized person" means, in the priority
329 listed, the decedent, when written inter vivos authorizations
330 and directions are provided by the decedent; the surviving
331 spouse, unless the spouse has been arrested for committing
332 against the deceased an act of domestic violence as defined in
333 s. 741.28 that resulted in or contributed to the death of the
334 deceased; a son or daughter who is 18 years of age or older; a
335 parent; a brother or sister who is 18 years of age or older; a
336 grandchild who is 18 years of age or older; a grandparent; or
337 any person in the next degree of kinship. In addition, the term
338 may include, if no family member exists or is available, the
339 guardian of the dead person at the time of death; the personal
340 representative of the deceased; the attorney in fact of the dead
341 person at the time of death; the health surrogate of the dead
342 person at the time of death; a public health officer; the
343 medical examiner, county commission, or administrator acting
344 under part II of chapter 406 or other public administrator; a
345 representative of a nursing home or other health care
346 institution in charge of final disposition; or a friend or other
347 person not listed in this subsection who is willing to assume
348 the responsibility as the legally authorized person. Where there

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349 is a person in any priority class listed in this subsection, the
350 funeral establishment shall rely upon the authorization of any
351 one legally authorized person of that class if that person
352 represents that she or he is not aware of any objection to the
353 cremation of the deceased's human remains by others in the same
354 class of the person making the representation or of any person
355 in a higher priority class.

356 (40)~~(38)~~ "License" includes all authorizations required or
357 issued under this chapter, except where expressly indicated
358 otherwise, and shall be understood to include authorizations
359 previously referred to as registrations or certificates of
360 authority in chapters 470 and 497 as those chapters appeared in
361 the 2004 edition of the Florida Statutes.

362 (41)~~(39)~~ "Licensee" means the person or entity holding any
363 license or other authorization issued under this chapter, except
364 where expressly indicated otherwise.

365 (42)~~(40)~~ "Mausoleum" means a structure or building that is
366 substantially exposed above the ground and that is intended to
367 be used for the entombment of human remains.

368 (43)~~(41)~~ "Mausoleum section" means any construction unit of
369 a mausoleum that is acceptable to the department and that a
370 cemetery uses to initiate its mausoleum program or to add to its
371 existing mausoleum structures.

372 (44)~~(42)~~ "Monument" means any product used for identifying
373 a grave site and cemetery memorials of all types, including
374 monuments, markers, and vases.

375 (45)~~(43)~~ "Monument establishment" means a facility that
376 operates independently of a cemetery or funeral establishment
377 and that offers to sell monuments or monument services to the

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378 public for placement in a cemetery.

379 (46)~~(44)~~ "Net assets" means the amount by which the total
380 assets of a licensee, excluding goodwill, franchises, customer
381 lists, patents, trademarks, and receivables from or advances to
382 officers, directors, employees, salespersons, and affiliated
383 companies, exceed total liabilities of the licensee. For
384 purposes of this definition, the term "total liabilities" does
385 not include the capital stock, paid-in capital, or retained
386 earnings of the licensee.

387 (47)~~(45)~~ "Net worth" means total assets minus total
388 liabilities pursuant to generally accepted accounting
389 principles.

390 (48)~~(46)~~ "Niche" means a compartment or cubicle for the
391 memorialization or permanent placement of a container or urn
392 containing cremated remains.

393 (49)~~(47)~~ "Ossuary" means a receptacle used for the communal
394 placement of cremated remains without benefit of an urn or any
395 other container in which cremated remains may be commingled with
396 other cremated remains and are nonrecoverable. It may or may not
397 include memorialization.

398 (50)~~(48)~~ "Outer burial container" means an enclosure into
399 which a casket is placed and includes, but is not limited to,
400 vaults made of concrete, steel, fiberglass, or copper; sectional
401 concrete enclosures; crypts; and wooden enclosures.

402 (51)~~(49)~~ "Person," when used without qualification such as
403 "natural" or "individual," includes both natural persons and
404 legal entities.

405 (52)~~(50)~~ "Personal residence" means any residential
406 building in which one temporarily or permanently maintains her

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407 or his abode, including, but not limited to, an apartment or a
408 hotel, motel, nursing home, convalescent home, home for the
409 aged, or a public or private institution.

410 (53)~~(51)~~ "Practice of direct disposition" means the
411 cremation of human remains without preparation of the human
412 remains by embalming and without any attendant services or rites
413 such as funeral or graveside services or the making of
414 arrangements for such final disposition.

415 (54)~~(52)~~ "Practice of embalming" means disinfecting or
416 preserving or attempting to disinfect or preserve dead human
417 bodies by replacing certain body fluids with preserving and
418 disinfecting chemicals.

419 (55)~~(53)~~ "Practice of funeral directing" means the
420 performance by a licensed funeral director of any of those
421 functions authorized by s. 497.372.

422 (56)~~(54)~~ "Preneed contract" means any arrangement or
423 method, of which the provider of funeral merchandise or services
424 has actual knowledge, whereby any person agrees to furnish
425 funeral merchandise or service in the future.

426 (57)~~(55)~~ "Preneed sales agent" means any person who is
427 licensed under this chapter to sell preneed burial or funeral
428 service and merchandise contracts or direct disposition
429 contracts in this state.

430 (58)~~(56)~~ "Principal" means and includes the sole proprietor
431 of a sole proprietorship; all partners of a partnership; all
432 members of a limited liability company; regarding a corporation,
433 all directors and officers, and all stockholders controlling
434 more than 10 percent of the voting stock; and all other persons
435 who can exercise control over the person or entity.

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436 (59)~~(57)~~ "Processing" means the reduction of identifiable
437 bone fragments after the completion of the cremation process to
438 unidentifiable bone fragments by manual means.

439 (60)~~(58)~~ "Profession" and "occupation" are used
440 interchangeably in this chapter. The use of the word
441 "profession" in this chapter with respect to any activities
442 regulated under this chapter shall not be deemed to mean that
443 such activities are not occupations for other purposes in state
444 or federal law.

445 (61)~~(59)~~ "Pulverization" means the reduction of
446 identifiable bone fragments after the completion of the
447 cremation and processing to granulated particles by manual or
448 mechanical means.

449 (62)~~(60)~~ "Refrigeration facility" means a facility that is
450 operated independently of a funeral establishment, crematory, or
451 direct disposal establishment, that maintains space and
452 equipment for the storage and refrigeration of dead human
453 bodies, and that offers its service to funeral directors,
454 funeral establishments, direct disposers, direct disposal
455 establishments, or crematories for a fee.

456 (63)~~(61)~~ "Religious institution" means an organization
457 formed primarily for religious purposes that has qualified for
458 exemption from federal income tax as an exempt organization
459 under the provisions of s. 501(c)(3) of the Internal Revenue
460 Code of 1986, as amended.

461 (64)~~(62)~~ "Removal service" means any service that operates
462 independently of a funeral establishment or a direct disposal
463 establishment, that handles the initial removal of dead human
464 bodies, and that offers its service to funeral establishments

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465 and direct disposal establishments for a fee.

466 (65)~~(63)~~ "Rules" refers to rules adopted under this chapter
467 unless expressly indicated to the contrary.

468 (66)~~(64)~~ "Scattering garden" means a location set aside,
469 within a cemetery, that is used for the spreading or
470 broadcasting of cremated remains that have been removed from
471 their container and can be mixed with or placed on top of the
472 soil or ground cover or buried in an underground receptacle on a
473 commingled basis and that are nonrecoverable. It may or may not
474 include memorialization.

475 (67)~~(65)~~ "Servicing agent" means any person acting as an
476 independent contractor whose fiduciary responsibility is to
477 assist both the trustee and licensee in administrating their
478 responsibilities pursuant to this chapter.

479 (68)~~(66)~~ "Solicitation" means any communication that
480 directly or implicitly requests an immediate oral response from
481 the recipient.

482 (69)~~(67)~~ "Statutory accounting" means generally accepted
483 accounting principles, except as modified by this chapter.

484 (70)~~(68)~~ "Temporary container" means a receptacle for
485 cremated remains usually made of cardboard, plastic, or similar
486 material designated to hold the cremated remains until an urn or
487 other permanent container is acquired.

488 (71)~~(69)~~ "Urn" means a receptacle designed to permanently
489 encase cremated remains.

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

492 497.101 Board of Funeral, Cemetery, and Consumer Services;
493 membership; appointment; terms.-

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494 (2) Two members of the board shall be funeral directors
495 licensed under part III of this chapter who are associated with
496 a funeral establishment. One member of the board shall be a
497 funeral director licensed under part III of this chapter who is
498 associated with a funeral establishment licensed under part III
499 of this chapter that has a valid preneed license issued pursuant
500 to this chapter and who owns or operates a cinerator facility
501 approved under chapter 403 and licensed under part VI of this
502 chapter. Two members of the board shall be persons whose primary
503 occupation is associated with a cemetery company licensed
504 pursuant to this chapter. Three members of the board shall be
505 consumers who are residents of the state, have never been
506 licensed as funeral directors or embalmers, are not connected
507 with a cemetery or cemetery company licensed pursuant to this
508 chapter, and are not connected with the death care industry or
509 the practice of embalming, funeral directing, or direct
510 disposition. One of the consumer members shall be at least 60
511 years of age, and one shall be licensed as a certified public
512 accountant under chapter 473. One member of the board shall be a
513 principal of a monument establishment licensed under this
514 chapter as a monument builder ~~or, for board appointments made~~
515 ~~before June 1, 2006, a licensed monument establishment certified~~
516 ~~by the department to be eligible for licensure as a monument~~
517 ~~builder~~. One member shall be the State Health Officer or her or
518 his designee. There shall not be two or more board members who
519 are principals or employees of the same company or partnership
520 or group of companies or partnerships under common control.

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

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523 497.103 Authority of board and department; Chief Financial
524 Officer recommendations.—

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

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

532 497.140 Fees.—

533 (9) The licensing authority may impose a fee upon a
534 licensee for conducting an inspection of the licensee's
535 facilities if required under this chapter following a change in
536 ownership or control or a change in location. The fee may not
537 exceed the amount of the licensee's annual inspection fee.

538 Section 5. Subsection (5) of section 497.141, Florida
539 Statutes, is amended, and subsection (13) is added to that
540 section, to read:

541 497.141 Licensing; general application procedures.—

542 (5) (a) The licensing authority may not issue, and effective
543 July 1, 2011, may not renew, a license under this chapter to an
544 applicant that has a criminal record required to be disclosed
545 under s. 497.142(10) unless the applicant demonstrates that
546 issuance of the license, according to rules adopted by the
547 licensing authority, does not create a threat to the public.
548 This paragraph does not require a licensee who previously
549 disclosed a criminal record upon initial application or renewal
550 of a license to redisclose the criminal record.

551 (b) The board may refuse to rule on an initial application

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552 for licensure by any applicant who is under investigation or
553 prosecution in any jurisdiction for an action which there is
554 reasonable cause to believe would constitute a violation of this
555 chapter if committed in this state, until such time as such
556 investigation or prosecution is completed and the results of the
557 investigation or prosecution are reviewed by the board.

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

562 (b) The online electronic format for renewal of a license
563 must not allow submission of an improperly prepared renewal
564 application. Upon an applicant's submission of his or her
565 renewal application, the online electronic format must allow the
566 applicant to print a receipt of the properly prepared renewal
567 application.

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

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

574 497.142 Licensing; fingerprinting and criminal background
575 checks.—

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

580 (b) The criminal record required to be disclosed shall be

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581 any crime listed in paragraph (c) for ~~of~~ which the person or
582 entity required to make disclosure has been convicted or to
583 which that person or entity entered a plea ~~in the nature~~ of
584 guilty or no contest. Disclosure is ~~shall be~~ required pursuant
585 ~~to this subsection regardless of~~ whether adjudication is ~~was~~
586 entered or withheld by the court ~~in which the case was~~
587 prosecuted.

588 (g) The licensing authority shall ~~may~~ adopt rules
589 specifying forms and procedures to be used ~~utilized~~ by persons
590 required to disclose criminal records under this subsection. The
591 rules may require a licensee to disclose only those criminal
592 records that have not previously been disclosed under this
593 subsection at the renewal of his or her license or, if the
594 license has not been renewed, at the initial issuance of the
595 license. The licensing authority may conduct investigation and
596 further inquiry of any person regarding any criminal record
597 disclosed pursuant to this section.

598 Section 7. Subsections (1), (2), and (3) of section
599 497.143, Florida Statutes, are amended to read:

600 497.143 Licensing; limited licenses for times of critical
601 need ~~retired professionals.~~

602 (1) It is the intent of the Legislature that, absent a
603 threat to the health, safety, and welfare of the public, ~~the use~~
604 ~~of~~ retired Florida licensees ~~professionals~~ in good standing and
605 active licensees in good standing from other jurisdictions, be
606 able to serve this state during times of critical need ~~should be~~
607 ~~encouraged. To that end, rules may be adopted to permit practice~~
608 ~~by retired professionals as limited licensees under this~~
609 ~~section.~~

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

614 (3) The licensing authority may adopt rules for the
615 issuance of limited licenses in accordance with this section. A
616 Any person seeking ~~desiring to obtain~~ a limited license, when
617 permitted by rule, shall submit to the department an application
618 ~~and fee, not to exceed \$300,~~ and an affidavit stating that the
619 applicant is a retired Florida licensee or holds an active
620 license has been licensed to practice in another any
621 jurisdiction of ~~in~~ the United States ~~for at least 10 years~~ in
622 the profession for which the applicant seeks the a limited
623 license. The affidavit shall also state that the applicant ~~has~~
624 ~~retired from the practice of that profession and~~ intends to
625 practice only pursuant to the restrictions of the limited
626 license granted under ~~pursuant to~~ this section. ~~If the applicant~~
627 ~~for a limited license submits a notarized statement from the~~
628 ~~employer stating that the applicant will not receive monetary~~
629 ~~compensation for any service involving the practice of her or~~
630 ~~his profession, all licensure fees shall be waived. In no event~~
631 ~~may~~ A person holding a limited license under this section may
632 not engage in preneed sales under the ~~such~~ limited license.

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

635 497.147 Continuing education; general provisions.—

636 (5) The board may by rule provide ~~up to 5 hours of~~
637 continuing education credit for each ~~per~~ continuing education
638 reporting period for licensees attending board meetings or

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639 selected types or portions of board meetings, as specified by
640 such rules. ~~The rules may limit the number of times such credit~~
641 ~~may be utilized by a licensee.~~ The rules may include provisions
642 that establish ~~as to~~ the minimum amount of time that must be
643 spent in the board meeting room viewing proceedings, ~~which may~~
644 ~~be more than 5 hours of attendance,~~ requirements for advance
645 notice by licensees to department staff of proposed attendance,
646 requirements to sign in and out of the meeting room on lists
647 maintained at the meeting site by department staff, forms that
648 must be completed by the licensee to obtain such credit, and
649 such other requirements deemed by the board to be advisable or
650 necessary to prevent abuse of such rules and to ensure that
651 useful information is obtained by licensees as a result of
652 attendance. Procedural requirements of such rules requiring
653 action by the department are ~~shall be~~ subject to approval by the
654 department before ~~prior to~~ promulgation.

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

657 497.152 Disciplinary grounds.—This section sets forth
658 conduct that is prohibited and that shall constitute grounds for
659 denial of any application, imposition of discipline, or other
660 enforcement action against the licensee or other person
661 committing such conduct. For purposes of this section, the
662 requirements of this chapter include the requirements of rules
663 adopted under authority of this chapter. No subsection heading
664 in this section shall be interpreted as limiting the
665 applicability of any paragraph within the subsection.

666 (2) CRIMINAL ACTIVITY.—Being convicted or found guilty of,
667 or entering a plea of guilty or nolo contendere to, regardless

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668 of adjudication, a crime in any jurisdiction that relates to the
669 practice of, or the ability to practice, a licensee's profession
670 or occupation under this chapter.

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

673 497.161 Other rulemaking provisions.—

674 (4) The department may, subject to approval by the board,
675 adopt rules that temporarily suspend or modify any provision of
676 this chapter during a state of emergency declared pursuant to s.
677 252.36. The rules may only allow the suspension or modification
678 of a provision which is necessary or advisable to allow
679 licensees under this chapter to provide essential services to
680 the public under the emergency conditions. The rules may be
681 adopted before any emergency exists but may not take effect
682 until the Governor issues an executive order or proclamation
683 declaring a state of emergency. The rules may remain in effect
684 after a state of emergency is terminated but only for the
685 limited period necessary to allow transition back to normal
686 operations under the nonemergency requirements of this chapter.
687 However, a rule suspending or modifying any provision of this
688 chapter may not remain in effect for more than 12 months after
689 the state of emergency is terminated.

690 Section 11. Section 497.162, Florida Statutes, is amended
691 to read:

692 497.162 Health and safety education.—All individuals not
693 licensed under this chapter who intend to be employed as
694 operational personnel affiliated with a direct disposal
695 establishment, cinerator facility, removal service,
696 refrigeration facility, or centralized embalming facility who

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697 have direct contact with, ~~as well as all nonlicensed individuals~~
698 ~~who intend to be involved in the removal or transportation of~~
699 human remains on behalf of a funeral establishment, direct
700 disposal establishment, or cinerator facility shall complete one
701 course approved by the licensing authority on communicable
702 diseases, within 30 ~~40~~ days after the date that they begin
703 functioning as operational personnel on behalf of any entity
704 that is regulated by this chapter. The course shall not exceed 3
705 hours and shall be offered at approved locations throughout the
706 state. Such locations may include establishments that are
707 licensed under this chapter. The licensing authority shall adopt
708 rules to implement and enforce this provision, which rules shall
709 include provisions that provide for the use of approved
710 videocassette courses and other types of audio, video, Internet,
711 or home study courses to fulfill the continuing education
712 requirements of this section.

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

715 497.166 Preneed sales.—

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

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

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

725 497.277 Other charges.—Other than the fees for the sale of

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726 burial rights, burial merchandise, and burial services, no other
727 fee may be directly or indirectly charged, contracted for, or
728 received by a cemetery company as a condition for a customer to
729 use any burial right, burial merchandise, or burial service,
730 except for:

731 (6) Charges paid for processing, filing, and archiving a
732 cemetery sales contract and for performing other administrative
733 duties related to the contract. However, these charges may not
734 be imposed on a cemetery sales contract for the opening and
735 closing of a grave or other burial right or for the installation
736 of a vault in a grave for which burial rights were previously
737 purchased. A cemetery company must disclose these charges to the
738 customer and include them on its standard printed price lists
739 and other disclosure information provided to the public under s.
740 497.282. These charges are not subject to the trust deposit
741 requirements in s. 497.458. The department may, subject to
742 approval by the board, adopt rules to administer this
743 subsection.

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

746 497.278 Monuments; installation fees.-

747 (3) A cemetery company may ~~not~~ require any person or firm
748 that delivers, installs, places, or sets a monument to show
749 proof of liability ~~obtain any form of insurance coverage and, if~~
750 required by law, workers' compensation insurance coverage.
751 However, a cemetery company may not set liability insurance
752 coverage limits or require any person or firm to obtain any form
753 of bond, or surety, or make any form of pledge, deposit, or
754 monetary guarantee, as a condition for entry on or access to

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755 cemetery property.

756 Section 15. Paragraph (a) of subsection (2) of section
757 497.372, Florida Statutes, is amended to read:

758 497.372 Funeral directing; conduct constituting funeral
759 directing.—

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

762 (a) The phoning-in, ~~or~~ faxing, or electronic transmission
763 of obituary notices; ordering of flowers or merchandise;
764 delivery of death certificates to attending physicians; or
765 clerical preparation and processing of death certificates,
766 insurance forms, and any clerical tasks that record the
767 information compiled by the funeral director or that are
768 incidental to any of the functions specified above.

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

772 497.373 Funeral directing; licensure as a funeral director
773 by examination; provisional license.—

774 (1) Any person desiring to be licensed as a funeral
775 director shall apply to the licensing authority to take the
776 licensure examination. The licensing authority shall examine
777 each applicant who has remitted an examination fee set by rule
778 of the licensing authority not to exceed \$200 plus the actual
779 per applicant cost to the licensing authority for portions of
780 the examination and who the licensing authority certifies has:

781 (d)1. Received an associate in arts degree, associate in
782 science degree, or an associate in applied science degree in
783 mortuary science approved by the licensing authority; or

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784 2. Holds an associate degree or higher from a college or
785 university accredited by a regional accrediting agency
786 ~~association of colleges and schools~~ recognized by the United
787 States Department of Education and is a graduate of a at least
788 ~~an approved 1-year~~ course of study in mortuary science or
789 funeral service arts approved by the licensing authority from a
790 college or university accredited by the American Board of
791 Funeral Service Education.

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

794 (a) Passes an examination on ~~the subjects of~~ the theory and
795 practice of funeral directing and funeral service arts, ~~public~~
796 ~~health and sanitation, and local, state, and federal laws and~~
797 ~~rules relating to the disposition of dead human bodies; however,~~
798 the licensing authority may approve there may be approved by
799 rule the use of a national examination, such as the funeral
800 service arts examination prepared by the Conference of Funeral
801 Service Examining Boards, in lieu of ~~part of~~ this examination
802 requirement.

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

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

808 (3) Any applicant who has completed the required 1-year
809 internship and has been approved for examination as a funeral
810 director may qualify for a provisional license to work in a
811 licensed funeral establishment, under the direct supervision of
812 a licensed funeral director for ~~a limited period of~~ 6 months as

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813 provided by rule of the licensing authority. However, a
814 provisional licensee may work under the general supervision of a
815 licensed funeral director upon passage of the laws-and-rules
816 examination required under paragraph (2) (b). The fee for
817 provisional licensure shall be set by rule of the licensing
818 authority but may not exceed \$200. The fee required in this
819 subsection shall be nonrefundable and in addition to the fee
820 required by subsection (1). This provisional license may be
821 renewed no more than one time.

822 Section 17. Paragraph (b) of subsection (1) of section
823 497.374, Florida Statutes, is amended to read:

824 497.374 Funeral directing; licensure as a funeral director
825 by endorsement; licensure of a temporary funeral director.—

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

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

835 2. Meets the qualifications for licensure in s. 497.373 and
836 has successfully completed a state, regional, or national
837 examination in mortuary science or funeral service arts, which,
838 as determined by rule of the licensing authority, is
839 substantially equivalent to or more stringent than the
840 examination given by the licensing authority.

841 Section 18. Section 497.375, Florida Statutes, is amended

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842 to read:

843 497.375 Funeral directing; licensure of a funeral director
844 intern.—

845 (1) (a) Any person desiring to become a funeral director
846 intern must apply to the licensing authority ~~shall make~~
847 ~~application~~ on forms prescribed ~~as required~~ by rule of the
848 licensing authority, together with a nonrefundable fee set as
849 ~~determined~~ by rule of the licensing authority ~~but~~ not to exceed
850 \$200.

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

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

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

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

864 c. Has taken and received a passing grade in a college
865 credit course in mortuary law or funeral service law and has
866 taken and received a passing grade in a college credit course in
867 ethics.

868 (c) An ~~The~~ application must include ~~shall indicate~~ the name
869 and address of the ~~licensed~~ funeral director licensed under s.
870 497.373 or s. 497.374(1) under whose supervision the intern will

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871 receive training and the name of the licensed funeral
872 establishment where the ~~such~~ training will ~~is to~~ be conducted.

873 (d) A ~~The~~ funeral director intern may perform only the
874 tasks, functions, and duties relating to funeral directing that
875 are performed ~~shall intern~~ under the direct supervision of a
876 licensed funeral director who has an active, valid license under
877 s. 497.373 or s. 497.374(1). ~~However, a funeral director intern~~
878 may perform those tasks, functions, and duties under the general
879 supervision of a licensed funeral director upon graduation from
880 a licensing authority-approved course of study in mortuary
881 science or funeral service arts required under s.
882 497.373(1)(d)2. and passage of the laws-and-rules examination
883 required under s. 497.373(2)(b), if the funeral director in
884 charge of the funeral director internship training agency, after
885 6 months of direct supervision, certifies to the licensing
886 agency that the intern is competent to complete the internship
887 under general supervision.

888 (2) Rules shall be adopted establishing a funeral director
889 internship program and criteria for funeral director intern
890 training agencies and supervisors. Any funeral establishment
891 where funeral directing is conducted may apply to the licensing
892 authority for approval as a funeral director intern training
893 agency.

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

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

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900 (b) A funeral director intern who is eligible for licensure
901 under subparagraph (1)(b)2. may renew his or her funeral
902 director intern license for an additional 1-year period if the
903 funeral director in charge of the funeral director intern
904 training agency certifies to the licensing authority that the
905 intern has completed at least one-half of the course of study in
906 mortuary science or funeral service arts.

907 (c) The licensing authority may adopt rules that allow a
908 funeral director intern to renew his or her funeral director
909 intern license for an additional 1-year period if the funeral
910 director intern demonstrates his or her failure to complete the
911 internship before expiration of the license due to illness,
912 personal injury, or other substantial hardship beyond his or her
913 reasonable control or demonstrates that he or she has completed
914 the requirements for licensure as a funeral director but is
915 awaiting the results of a licensure examination. However, a
916 funeral director intern who renews his or her license under
917 paragraph (b) is not eligible to renew the license under this
918 paragraph.

919 (d) The licensing authority may require payment of a
920 nonrefundable fee for the renewal of any funeral director intern
921 license. The fee shall be set by rule of the licensing authority
922 but may not exceed the fee set pursuant to paragraph (1)(a) for
923 an initial funeral director intern license.

924 Section 19. Section 497.376, Florida Statutes, is amended
925 to read:

926 497.376 License as funeral director and embalmer permitted;
927 ~~display of license.-~~

928 ~~(1) Nothing in This chapter does not may be construed to~~

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929 prohibit a person from holding a license as an embalmer and a
930 license as a funeral director at the same time. There may be
931 issued and renewed by the licensing authority a combination
932 license as both funeral director and embalmer to persons meeting
933 the separate requirements for both licenses as set forth in this
934 chapter. The licensing authority may adopt rules providing
935 procedures for applying for and renewing such combination
936 license. The licensing authority may by rule establish
937 application, renewal, and other fees for such combination
938 license, which fees shall not exceed the sum of the maximum fees
939 for the separate funeral director and embalmer license
940 categories as provided in this chapter. Persons holding a
941 combination license as a funeral director and an embalmer shall
942 be subject to regulation under this chapter both as a funeral
943 director and an embalmer.

944 ~~(2) There shall be adopted rules which require each license~~
945 ~~issued under this chapter to be displayed in such a manner as to~~
946 ~~make it visible to the public and to facilitate inspection by~~
947 ~~the licensing authority. However, each licensee shall~~
948 ~~permanently affix a recent photograph of the licensee to each~~
949 ~~displayed license issued to that licensee as a funeral director~~
950 ~~or embalmer.~~

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

953 497.378 Renewal of funeral director and embalmer licenses.-

954 (1) The licensing authority ~~There shall~~ renew ~~be renewed~~ a
955 funeral director or embalmer license upon receipt of the renewal
956 application and fee set by the licensing authority, not to
957 exceed \$500. The licensing authority may adopt rules for the

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958 renewal of a funeral director or embalmer license. The rules may
959 require ~~prescribe by rule~~ continuing education ~~requirements~~ of
960 up to 12 classroom hours and may ~~by rule~~ establish criteria for
961 accepting alternative nonclassroom continuing education on an
962 hour-for-hour basis, in addition to a licensing authority-
963 approved course on communicable diseases ~~that includes the~~
964 ~~course on human immunodeficiency virus and acquired immune~~
965 ~~deficiency syndrome required by s. 497.367,~~ for the renewal of a
966 funeral director or embalmer license. The rules ~~rule~~ may also
967 provide for the waiver of continuing education requirements in
968 circumstances that would justify the waiver, such as hardship,
969 disability, or illness. The continuing education requirement is
970 not required for a licensee who is over the age of 75 years if
971 the licensee does not qualify as the sole person in charge of an
972 establishment or facility.

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

976 497.380 Funeral establishment; licensure; display of
977 license.—

978 (7) Each licensed funeral establishment shall have one
979 full-time funeral director in charge and shall have a licensed
980 funeral director reasonably available to the public during
981 normal business hours for the ~~that~~ establishment. The full-time
982 funeral director in charge is responsible for ensuring that the
983 facility, its operation, and all persons employed in the
984 facility comply with all applicable state and federal laws and
985 rules. The full-time funeral director in charge must have an
986 active license and may not be the full-time funeral director in

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987 charge of any other funeral establishment or of any other direct
988 disposal establishment. Effective October 1, 2010, the full-time
989 funeral director in charge must hold an active, valid embalmer
990 license or combination license as a funeral director and an
991 embalmer. However, a funeral director may continue as the full-
992 time funeral director in charge without an embalmer or
993 combination license if, as of September 30, 2010:

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

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

998 (c) The name of the funeral director was included, as
999 required in subsection (4), in the funeral establishment's most
1000 recent application for issuance or renewal of its license or was
1001 included in the establishment's report of change provided under
1002 paragraph (12)(c).

1003 (12)(a) A change in ownership of a funeral establishment
1004 shall be promptly reported pursuant to procedures established by
1005 rule and shall require the relicensure of the funeral
1006 establishment, including reinspection and payment of applicable
1007 fees.

1008 (b) A change in location of a funeral establishment shall
1009 be promptly reported to the licensing authority pursuant to
1010 procedures established by rule. Operations by the licensee at a
1011 new location may not commence until an inspection by the
1012 licensing authority of the facilities, pursuant to rules of the
1013 licensing authority, has been conducted and passed at the new
1014 location.

1015 (c) A change in the funeral director in charge of a funeral

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1016 establishment shall be promptly reported pursuant to procedures
1017 established by rule.

1018 (15) (a) A funeral establishment and each funeral director
1019 and, if applicable, embalmer employed at the establishment must
1020 display their current licenses in a conspicuous place within the
1021 establishment in such a manner as to make the licenses visible
1022 to the public and to facilitate inspection by the licensing
1023 authority. If a licensee is simultaneously employed at more than
1024 one location, the licensee may display a copy of the license in
1025 lieu of the original.

1026 (b) Each licensee shall permanently affix a photograph
1027 taken of the licensee within the previous 6 years to each
1028 displayed license issued to that licensee as a funeral director
1029 or embalmer.

1030 Section 22. Section 497.4555, Florida Statutes, is created
1031 to read:

1032 497.4555 Charges for preneed contract.—A preneed licensee
1033 may charge the purchaser of a preneed contract for processing,
1034 filing, and archiving the contract and for performing other
1035 administrative duties related to the contract. A preneed
1036 licensee must disclose these charges to the purchaser and
1037 include them on its standard printed price lists and other
1038 disclosure information provided to the public under s. 497.468.
1039 These charges are not subject to the trust deposit requirements
1040 in s. 497.458. The department may, subject to approval by the
1041 board, adopt rules to administer this section.

1042 Section 23. Paragraph (a) of subsection (13) of section
1043 497.456, Florida Statutes, is amended to read:

1044 497.456 Preneed Funeral Contract Consumer Protection Trust

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Fund.—

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

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

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

497.464 Alternative preneed contracts.—

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

(7) The trustee shall disburse ~~Disbursement of funds~~ discharging a any preneed contract ~~shall be made by the trustee~~ to the person issuing or writing the ~~such~~ contract upon the trustee's receipt of a certified copy of the contract beneficiary's death certificate or satisfactory ~~of the contract~~

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1074 ~~beneficiary and evidence, as the licensing authority shall~~
1075 ~~define by rule, satisfactory to the trustee~~ that the preneed
1076 contract has been ~~fully~~ performed in whole or in part. However,
1077 if the contract is only partially performed, the disbursement
1078 shall only cover that portion of the contract performed. In the
1079 event of any contract default by the contract purchaser, or in
1080 the event that the funeral merchandise or service contracted for
1081 is not provided or is not desired by the purchaser or the heirs
1082 or personal representative of the contract beneficiary, the
1083 trustee shall return, within 30 days after its receipt of a
1084 written request therefor, funds paid on the contract to the
1085 contract purchaser or to her or his assigns, heirs, or personal
1086 representative, subject to the lawful liquidation damage
1087 provision in the contract.

1088 Section 25. Paragraph (b) of subsection (3) and subsection
1089 (5) of section 497.602, Florida Statutes, are amended to read:

1090 497.602 Direct disposers, license required; licensing
1091 procedures and criteria; regulation.—

1092 (3) ACTION CONCERNING APPLICATIONS.—A duly completed
1093 application for licensure under this section, accompanied by the
1094 required fees, shall be approved if the licensing authority
1095 determines that the following conditions are met:

1096 (b) The applicant has taken and received a passing grade in
1097 a college credit course in ~~Florida~~ mortuary law and has taken
1098 and received a passing grade in a college credit course in
1099 ethics.

1100 ~~(5) DISPLAY OF LICENSE.—There shall be adopted rules which~~
1101 ~~require each license issued under this section to be displayed~~
1102 ~~in such a manner as to make it visible to the public and to~~

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1103 ~~facilitate inspection by the department. Each licensee shall~~
 1104 ~~permanently affix a recent photograph of the licensee to each~~
 1105 ~~displayed license issued to that licensee as a direct disposer.~~

1106 Section 26. Subsection (2) of section 497.603, Florida
 1107 Statutes, is amended to read:

1108 497.603 Direct disposers, renewal of license.—

1109 (2) The licensing authority ~~There shall adopt~~ ~~be adopted~~
 1110 ~~rules establishing~~ procedures, forms, and a schedule and forms
 1111 ~~and procedure~~ for the biennial renewal of direct disposer
 1112 ~~licenses as direct disposers.~~ The rules ~~There shall require~~ ~~be~~
 1113 ~~adopted by rule~~ continuing education ~~requirements~~ of up to 6
 1114 classroom hours, including, but not limited to, a course on
 1115 communicable diseases approved by the licensing authority, and
 1116 ~~there may establish~~ ~~by rule~~ ~~be established~~ criteria for
 1117 accepting alternative nonclassroom continuing education on an
 1118 hour-for-hour basis, ~~in addition to an approved course on~~
 1119 ~~communicable diseases that includes the course on human~~
 1120 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
 1121 ~~required by s. 497.367, for the renewal of a license as a direct~~
 1122 ~~disposer.~~

1123 Section 27. Paragraph (c) of subsection (2), subsection
 1124 (8), and paragraph (d) of subsection (9) of section 497.604,
 1125 Florida Statutes, are amended, and subsection (10) is added to
 1126 that section, to read:

1127 497.604 Direct disposal establishments, license required;
 1128 licensing procedures and criteria; license renewal; regulation;
 1129 display of license.—

1130 (2) APPLICATION PROCEDURES.—

1131 (c) The application shall name the licensed direct disposer

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1132 or licensed funeral director ~~who will be~~ acting as the a direct
1133 disposer in charge of the direct disposal establishment.

1134 (8) SUPERVISION OF FACILITIES.—

1135 (a) Effective October 1, 2010, each direct disposal
1136 establishment shall have one full-time ~~licensed direct disposer~~
1137 ~~or~~ licensed funeral director acting as the a direct disposer in
1138 charge. However, a licensed direct disposer may continue acting
1139 as the direct disposer in charge, if, as of September 30, 2010:

1140 1. The direct disposal establishment and the licensed
1141 direct disposer both have active, valid licenses.

1142 2. The licensed direct disposer is currently acting as the
1143 direct disposer in charge of the direct disposal establishment.

1144 3. The name of the licensed direct disposer was included,
1145 as required in paragraph (2) (c), in the direct disposal
1146 establishment's most recent application for issuance or renewal
1147 of its license or was included in the establishment's notice of
1148 change provided under subsection (7).

1149 (b) The licensed funeral director or licensed direct
1150 disposer in charge of a direct disposal establishment must be
1151 ~~and~~ reasonably available to the public during normal business
1152 hours for the ~~that~~ establishment and. ~~Such person~~ may be in
1153 charge of only one direct disposal establishment facility. The
1154 ~~Such~~ licensed funeral director or licensed direct disposer in
1155 charge of the establishment is ~~shall be~~ responsible for making
1156 sure the facility, its operations, and all persons employed in
1157 the facility comply with all applicable state and federal laws
1158 and rules.

1159 (9) REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.—

1160 (d) Each direct disposal establishment must display at the

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1161 public entrance the name of the establishment and the name of
1162 the licensed direct disposer or licensed funeral director acting
1163 as the a direct disposer in charge of the ~~responsible for that~~
1164 establishment. A direct disposal establishment must transact its
1165 business under the name by which it is licensed.

1166 (10) DISPLAY OF LICENSE.—

1167 (a) A direct disposer establishment and each direct
1168 disposer, or funeral director acting as a direct disposer,
1169 employed at the establishment must display their current
1170 licenses in a conspicuous place within the establishment in such
1171 a manner as to make the licenses visible to the public and to
1172 facilitate inspection by the licensing authority. If a licensee
1173 is simultaneously employed at more than one location, the
1174 licensee may display a copy of the license in lieu of the
1175 original.

1176 (b) Each licensee shall permanently affix a photograph
1177 taken of the licensee within the previous 6 years to each
1178 displayed license issued to that licensee as a direct disposer
1179 or funeral director acting as a direct disposer.

1180 Section 28. Section 497.367, Florida Statutes, is repealed.

1181 Section 29. This act shall take effect July 1, 2010.