

By the Committee on Banking and Insurance; and Senators Bennett and Negron

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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 offenses; 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 ch. 497,
39 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 the time
45 for completion of the course; amending s. 497.166,
46 F.S.; conforming terminology to changes made by the
47 act; 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. 497.365, F.S.; prohibiting the embalming
58 of human remains except by certain licensees; amending

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59 s. 497.372, F.S.; revising certain functions construed
60 to be the practice of funeral directing; prohibiting a
61 funeral director from engaging in the practice of
62 funeral directing except under certain circumstances;
63 providing an exception; requiring that the Board of
64 Funeral, Cemetery, and Consumer Services adopt rules;
65 providing that certain provisions of state law do not
66 prohibit a funeral director from being designated the
67 licensed funeral director in charge of a cineration
68 facility; revising the acts that are exempt from
69 regulation as the practice of funeral directing;
70 amending s. 497.373, F.S.; revising the educational
71 and examination requirements for licensure of funeral
72 directors by examination; revising requirements for
73 the supervision of provisional licensees; amending s.
74 497.374, F.S.; revising the examination requirements
75 for licensure of funeral directors by endorsement;
76 amending s. 497.375, F.S.; establishing educational
77 requirements for funeral director intern licenses;
78 revising the application requirements for funeral
79 director intern licensees; revising requirements for
80 the supervision of funeral director interns; providing
81 for the expiration of funeral director intern
82 licenses; prohibiting the renewal of funeral director
83 intern licenses except under certain circumstances;
84 authorizing rules for the renewal of funeral director
85 intern licenses; providing for license renewal fees;
86 amending s. 497.376, F.S.; deleting provisions
87 requiring rules for the display of certain licenses;

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88 amending s. 497.378, F.S.; conforming the continuing
89 education requirements for funeral directors and
90 embalmers to the repeal by the act of provisions
91 requiring a course on HIV and AIDS; authorizing the
92 licensing authority to adopt rules for the renewal of
93 funeral director and embalmer licenses; amending s.
94 497.380, F.S.; providing duties of a funeral director
95 in charge of a funeral establishment; requiring a
96 funeral director in charge to have an embalmer license
97 and providing exceptions; requiring the reporting of a
98 change in the funeral director in charge of a funeral
99 establishment; requiring certain licensees to display
100 their licenses in funeral establishments; creating s.
101 497.4555, F.S.; authorizing a preneed licensee to
102 charge a fee for performing certain duties related to
103 a preneed contract; requiring disclosure of the
104 charges; exempting charges from certain trust deposit
105 requirements; authorizing the department to adopt
106 rules; amending s. 497.456, F.S.; authorizing
107 requirements that certain claims forms be sworn and
108 notarized; amending s. 497.464, F.S.; deleting a
109 requirement that trust payments for preneed contracts
110 be deposited in this state; requiring that funds
111 discharging a preneed contract be disbursed from the
112 trust under certain circumstances; amending s.
113 497.602, F.S.; revising the course requirements for a
114 direct disposer license; deleting provisions requiring
115 rules for the display of certain licenses; amending s.
116 497.603, F.S.; requiring the licensing authority to

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117 adopt rules for the renewal of direct disposer
118 licenses; requiring a course on communicable diseases;
119 conforming the continuing education requirements for
120 direct disposers to the repeal by the act of
121 provisions requiring a course on HIV and AIDS;
122 amending s. 497.604, F.S.; requiring a direct disposal
123 establishment to have a licensed funeral director act
124 as the direct disposer in charge and providing
125 exceptions; requiring certain licensees to display
126 their licenses in direct disposal establishments;
127 repealing s. 497.367, F.S., relating to a continuing
128 education course required for funeral directors and
129 embalmers on HIV and AIDS; providing an effective
130 date.

131

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

133

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

136 497.005 Definitions.—As used in this chapter, the term:

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

143 (2) "At-need solicitation" means any uninvited contact by a
144 licensee or her or his agent for the purpose of the sale of
145 burial services or merchandise to the family or next of kin of a

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146 person after her or his death has occurred.

147 (3) "Bank of belowground crypts" means any construction
148 unit of belowground crypts that is acceptable to the department
149 and that a cemetery uses to initiate its belowground crypt
150 program or to add to existing belowground crypt structures.

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

155 (5) "Board" means the Board of Funeral, Cemetery, and
156 Consumer Services.

157 (6) "Burial merchandise," "funeral merchandise," or
158 "merchandise" means any personal property offered or sold by any
159 person for use in connection with the final disposition,
160 memorialization, interment, entombment, or inurnment of human
161 remains or cremated remains, including, but not limited to,
162 caskets, outer burial containers, alternative containers,
163 cremation containers, cremation interment containers, urns,
164 monuments, private mausoleums, flowers, benches, vases,
165 acknowledgment cards, register books, memory folders, prayer
166 cards, and clothing.

167 (7) "Burial right" means the right to use a grave space,
168 mausoleum, columbarium, ossuary, or scattering garden for the
169 interment, entombment, inurnment, or other disposition of human
170 remains or cremated remains.

171 (8) "Burial service" or "service" means any service offered
172 or provided in connection with the final disposition,
173 memorialization, interment, entombment, or inurnment of human
174 remains or cremated remains.

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175 (9) "Care and maintenance" means the perpetual process of
176 keeping a cemetery and its lots, graves, grounds, landscaping,
177 roads, paths, parking lots, fences, mausoleums, columbaria,
178 vaults, crypts, utilities, and other improvements, structures,
179 and embellishments in a well-cared-for and dignified condition,
180 so that the cemetery does not become a nuisance or place of
181 reproach and desolation in the community. As specified in the
182 rules of the licensing authority, "care and maintenance" may
183 include, but is not limited to, any or all of the following
184 activities: mowing the grass at reasonable intervals; raking and
185 cleaning the grave spaces and adjacent areas; pruning of shrubs
186 and trees; suppression of weeds and exotic flora; and
187 maintenance, upkeep, and repair of drains, water lines, roads,
188 buildings, and other improvements. "Care and maintenance" may
189 include, but is not limited to, reasonable overhead expenses
190 necessary for such purposes, including maintenance of machinery,
191 tools, and equipment used for such purposes. "Care and
192 maintenance" may also include repair or restoration of
193 improvements necessary or desirable as a result of wear,
194 deterioration, accident, damage, or destruction. "Care and
195 maintenance" does not include expenses for the construction and
196 development of new grave spaces or interment structures to be
197 sold to the public.

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

201 (11) "Cemetery" means a place dedicated to and used or
202 intended to be used for the permanent interment of human remains
203 or cremated remains. A cemetery may contain land or earth

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204 interment; mausoleum, vault, or crypt interment; a columbarium,
205 ossuary, scattering garden, or other structure or place used or
206 intended to be used for the interment or disposition of cremated
207 remains; or any combination of one or more of such structures or
208 places.

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

211 (13) "Centralized embalming facility" means a facility in
212 which embalming takes place that operates independently of a
213 funeral establishment licensee and that offers embalming
214 services to funeral directors for a fee.

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

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

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

223 (17) "Common business enterprise" means a group of two or
224 more business entities that share common ownership in excess of
225 50 percent.

226 (18) "Control" means the possession, directly or
227 indirectly, through the ownership of voting shares, by contract,
228 arrangement, understanding, relationship, or otherwise, of the
229 power to direct or cause the direction of the management and
230 policies of a person or entity. However, a person or entity
231 shall not be deemed to have control if the person or entity
232 holds voting shares, in good faith and not for the purpose of

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233 circumventing this definition, as an agent, bank, broker,
234 nominee, custodian, or trustee for one or more beneficial owners
235 who do not individually or as a group have control.

236 (19) "Cremated remains" means all the remains of the human
237 body recovered after the completion of the cremation process,
238 including processing or pulverization that leaves only bone
239 fragments reduced to unidentifiable dimensions and may include
240 the residue of any foreign matter, including casket material,
241 bridgework, or eyeglasses that were cremated with the human
242 remains.

243 (20) "Cremation" means any mechanical or thermal process
244 whereby a dead human body is reduced to ashes and bone
245 fragments. Cremation also includes any other mechanical or
246 thermal process whereby human remains are pulverized, burned,
247 cremated, or otherwise further reduced in size or quantity.

248 (21) "Cremation chamber" means the enclosed space within
249 which the cremation process takes place. Cremation chambers
250 covered by these procedures shall be used exclusively for the
251 cremation of human remains.

252 (22) "Cremation container" means the casket or alternative
253 container in which the human remains are transported to and
254 placed in the cremation chamber for a cremation. A cremation
255 container should meet substantially all of the following
256 standards:

257 (a) Be composed of readily combustible or consumable
258 materials suitable for cremation.

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

261 (c) Be resistant to leakage or spillage.

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

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

265 (23) "Cremation interment container" means a rigid outer
266 container that, subject to a cemetery's rules and regulations,
267 is composed of concrete, steel, fiberglass, or some similar
268 material in which an urn is placed prior to being interred in
269 the ground and that is designed to support the earth above the
270 urn.

271 (24) "Department" means the Department of Financial
272 Services.

273 (25) "Direct disposal establishment" means a facility
274 licensed under this chapter where a direct disposer practices
275 direct disposition.

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

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

279 (a) Funeral director who provides initial direction and
280 periodic inspection of the arrangements and who is physically
281 present or on the premises of the funeral establishment at all
282 times when the tasks, functions, and duties relating to funeral
283 directing are performed; or

284 (b) Embalmer who provides initial direction and instruction
285 regarding the preservation of a dead human body in its entirety
286 or in part and who is physically present or on the premises of
287 the funeral establishment or embalming facility at all times
288 when the tasks, functions, and duties relating to embalming are
289 performed.

290 (28)~~(27)~~ "Director" means the director of the Division of

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291 Funeral, Cemetery, and Consumer Services.

292 (29)~~(28)~~ "Disinterment" means removal of a dead human body
293 from earth interment or aboveground interment.

294 (30)~~(29)~~ "Division" means the Division of Funeral,
295 Cemetery, and Consumer Services within the Department of
296 Financial Services.

297 (31)~~(30)~~ "Embalmer" means any person licensed under this
298 chapter to practice embalming in this state.

299 (32)~~(31)~~ "Final disposition" means the final disposal of a
300 dead human body by earth interment, aboveground interment,
301 cremation, burial at sea, or delivery to a medical institution
302 for lawful dissection if the medical institution assumes
303 responsibility for disposal. "Final disposition" does not
304 include the disposal or distribution of cremated remains and
305 residue of cremated remains.

306 (33)~~(32)~~ "Funeral" or "funeral service" means the
307 observances, services, or ceremonies held to commemorate the
308 life of a specific deceased human being and at which the human
309 remains are present.

310 (34)~~(33)~~ "Funeral director" means any person licensed under
311 this chapter to practice funeral directing in this state.

312 (35)~~(34)~~ "Funeral establishment" means a facility licensed
313 under this chapter where a funeral director or embalmer
314 practices funeral directing or embalming.

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

316 (a) Funeral director who is reasonably available and in a
317 position to provide direction and guidance by being physically
318 present, being on the premises of the funeral establishment, or
319 being in proximity to the funeral establishment and available

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320 telephonically or by electronic communication at all times when
321 the tasks, functions, and duties relating to funeral directing
322 are performed; or

323 (b) Embalmer who is reasonably available and in a position
324 to provide direction and guidance by being physically present,
325 being on the premises of the funeral establishment or embalming
326 facility, or being in proximity to the funeral establishment or
327 embalming facility and available telephonically or by electronic
328 communication at all times when the tasks, functions, and duties
329 relating to embalming are performed.

330 (37)-(35) "Grave space" means a space of ground in a
331 cemetery intended to be used for the interment in the ground of
332 human remains.

333 (38)-(36) "Human remains" or "remains," or "dead human body"
334 or "dead human bodies," means the body of a deceased human
335 person for which a death certificate or fetal death certificate
336 is required under chapter 382 and includes the body in any stage
337 of decomposition.

338 (39)-(37) "Legally authorized person" means, in the priority
339 listed, the decedent, when written inter vivos authorizations
340 and directions are provided by the decedent; the surviving
341 spouse, unless the spouse has been arrested for committing
342 against the deceased an act of domestic violence as defined in
343 s. 741.28 that resulted in or contributed to the death of the
344 deceased; a son or daughter who is 18 years of age or older; a
345 parent; a brother or sister who is 18 years of age or older; a
346 grandchild who is 18 years of age or older; a grandparent; or
347 any person in the next degree of kinship. In addition, the term
348 may include, if no family member exists or is available, the

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349 guardian of the dead person at the time of death; the personal
350 representative of the deceased; the attorney in fact of the dead
351 person at the time of death; the health surrogate of the dead
352 person at the time of death; a public health officer; the
353 medical examiner, county commission, or administrator acting
354 under part II of chapter 406 or other public administrator; a
355 representative of a nursing home or other health care
356 institution in charge of final disposition; or a friend or other
357 person not listed in this subsection who is willing to assume
358 the responsibility as the legally authorized person. Where there
359 is a person in any priority class listed in this subsection, the
360 funeral establishment shall rely upon the authorization of any
361 one legally authorized person of that class if that person
362 represents that she or he is not aware of any objection to the
363 cremation of the deceased's human remains by others in the same
364 class of the person making the representation or of any person
365 in a higher priority class.

366 (40)~~(38)~~ "License" includes all authorizations required or
367 issued under this chapter, except where expressly indicated
368 otherwise, and shall be understood to include authorizations
369 previously referred to as registrations or certificates of
370 authority in chapters 470 and 497 as those chapters appeared in
371 the 2004 edition of the Florida Statutes.

372 (41)~~(39)~~ "Licensee" means the person or entity holding any
373 license or other authorization issued under this chapter, except
374 where expressly indicated otherwise.

375 (42)~~(40)~~ "Mausoleum" means a structure or building that is
376 substantially exposed above the ground and that is intended to
377 be used for the entombment of human remains.

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378 (43)~~(41)~~ "Mausoleum section" means any construction unit of
379 a mausoleum that is acceptable to the department and that a
380 cemetery uses to initiate its mausoleum program or to add to its
381 existing mausoleum structures.

382 (44)~~(42)~~ "Monument" means any product used for identifying
383 a grave site and cemetery memorials of all types, including
384 monuments, markers, and vases.

385 (45)~~(43)~~ "Monument establishment" means a facility that
386 operates independently of a cemetery or funeral establishment
387 and that offers to sell monuments or monument services to the
388 public for placement in a cemetery.

389 (46)~~(44)~~ "Net assets" means the amount by which the total
390 assets of a licensee, excluding goodwill, franchises, customer
391 lists, patents, trademarks, and receivables from or advances to
392 officers, directors, employees, salespersons, and affiliated
393 companies, exceed total liabilities of the licensee. For
394 purposes of this definition, the term "total liabilities" does
395 not include the capital stock, paid-in capital, or retained
396 earnings of the licensee.

397 (47)~~(45)~~ "Net worth" means total assets minus total
398 liabilities pursuant to generally accepted accounting
399 principles.

400 (48)~~(46)~~ "Niche" means a compartment or cubicle for the
401 memorialization or permanent placement of a container or urn
402 containing cremated remains.

403 (49)~~(47)~~ "Ossuary" means a receptacle used for the communal
404 placement of cremated remains without benefit of an urn or any
405 other container in which cremated remains may be commingled with
406 other cremated remains and are nonrecoverable. It may or may not

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407 include memorialization.

408 (50)~~(48)~~ "Outer burial container" means an enclosure into
409 which a casket is placed and includes, but is not limited to,
410 vaults made of concrete, steel, fiberglass, or copper; sectional
411 concrete enclosures; crypts; and wooden enclosures.

412 (51)~~(49)~~ "Person," when used without qualification such as
413 "natural" or "individual," includes both natural persons and
414 legal entities.

415 (52)~~(50)~~ "Personal residence" means any residential
416 building in which one temporarily or permanently maintains her
417 or his abode, including, but not limited to, an apartment or a
418 hotel, motel, nursing home, convalescent home, home for the
419 aged, or a public or private institution.

420 (53)~~(51)~~ "Practice of direct disposition" means the
421 cremation of human remains without preparation of the human
422 remains by embalming and without any attendant services or rites
423 such as funeral or graveside services or the making of
424 arrangements for such final disposition.

425 (54)~~(52)~~ "Practice of embalming" means disinfecting or
426 preserving or attempting to disinfect or preserve dead human
427 bodies by replacing certain body fluids with preserving and
428 disinfecting chemicals.

429 (55)~~(53)~~ "Practice of funeral directing" means the
430 performance by a licensed funeral director of any of those
431 functions authorized by s. 497.372.

432 (56)~~(54)~~ "Preneed contract" means any arrangement or
433 method, of which the provider of funeral merchandise or services
434 has actual knowledge, whereby any person agrees to furnish
435 funeral merchandise or service in the future.

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436 (57)~~(55)~~ "Preneed sales agent" means any person who is
437 licensed under this chapter to sell preneed burial or funeral
438 service and merchandise contracts or direct disposition
439 contracts in this state.

440 (58)~~(56)~~ "Principal" means and includes the sole proprietor
441 of a sole proprietorship; all partners of a partnership; all
442 members of a limited liability company; regarding a corporation,
443 all directors and officers, and all stockholders controlling
444 more than 10 percent of the voting stock; and all other persons
445 who can exercise control over the person or entity.

446 (59)~~(57)~~ "Processing" means the reduction of identifiable
447 bone fragments after the completion of the cremation process to
448 unidentifiable bone fragments by manual means.

449 (60)~~(58)~~ "Profession" and "occupation" are used
450 interchangeably in this chapter. The use of the word
451 "profession" in this chapter with respect to any activities
452 regulated under this chapter shall not be deemed to mean that
453 such activities are not occupations for other purposes in state
454 or federal law.

455 (61)~~(59)~~ "Pulverization" means the reduction of
456 identifiable bone fragments after the completion of the
457 cremation and processing to granulated particles by manual or
458 mechanical means.

459 (62)~~(60)~~ "Refrigeration facility" means a facility that is
460 operated independently of a funeral establishment, crematory, or
461 direct disposal establishment, that maintains space and
462 equipment for the storage and refrigeration of dead human
463 bodies, and that offers its service to funeral directors,
464 funeral establishments, direct disposers, direct disposal

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465 establishments, or crematories for a fee.

466 (63)~~(61)~~ "Religious institution" means an organization
467 formed primarily for religious purposes that has qualified for
468 exemption from federal income tax as an exempt organization
469 under the provisions of s. 501(c)(3) of the Internal Revenue
470 Code of 1986, as amended.

471 (64)~~(62)~~ "Removal service" means any service that operates
472 independently of a funeral establishment or a direct disposal
473 establishment, that handles the initial removal of dead human
474 bodies, and that offers its service to funeral establishments
475 and direct disposal establishments for a fee.

476 (65)~~(63)~~ "Rules" refers to rules adopted under this chapter
477 unless expressly indicated to the contrary.

478 (66)~~(64)~~ "Scattering garden" means a location set aside,
479 within a cemetery, that is used for the spreading or
480 broadcasting of cremated remains that have been removed from
481 their container and can be mixed with or placed on top of the
482 soil or ground cover or buried in an underground receptacle on a
483 commingled basis and that are nonrecoverable. It may or may not
484 include memorialization.

485 (67)~~(65)~~ "Servicing agent" means any person acting as an
486 independent contractor whose fiduciary responsibility is to
487 assist both the trustee and licensee in administrating their
488 responsibilities pursuant to this chapter.

489 (68)~~(66)~~ "Solicitation" means any communication that
490 directly or implicitly requests an immediate oral response from
491 the recipient.

492 (69)~~(67)~~ "Statutory accounting" means generally accepted
493 accounting principles, except as modified by this chapter.

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494 (70)~~(68)~~ "Temporary container" means a receptacle for
495 cremated remains usually made of cardboard, plastic, or similar
496 material designated to hold the cremated remains until an urn or
497 other permanent container is acquired.

498 (71)~~(69)~~ "Urn" means a receptacle designed to permanently
499 encase cremated remains.

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

502 497.101 Board of Funeral, Cemetery, and Consumer Services;
503 membership; appointment; terms.—

504 (2) Two members of the board shall be funeral directors
505 licensed under part III of this chapter who are associated with
506 a funeral establishment. One member of the board shall be a
507 funeral director licensed under part III of this chapter who is
508 associated with a funeral establishment licensed under part III
509 of this chapter that has a valid preneed license issued pursuant
510 to this chapter and who owns or operates a cinerator facility
511 approved under chapter 403 and licensed under part VI of this
512 chapter. Two members of the board shall be persons whose primary
513 occupation is associated with a cemetery company licensed
514 pursuant to this chapter. Three members of the board shall be
515 consumers who are residents of the state, have never been
516 licensed as funeral directors or embalmers, are not connected
517 with a cemetery or cemetery company licensed pursuant to this
518 chapter, and are not connected with the death care industry or
519 the practice of embalming, funeral directing, or direct
520 disposition. One of the consumer members shall be at least 60
521 years of age, and one shall be licensed as a certified public
522 accountant under chapter 473. One member of the board shall be a

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523 principal of a monument establishment licensed under this
524 chapter as a monument builder ~~or, for board appointments made~~
525 ~~before June 1, 2006, a licensed monument establishment certified~~
526 ~~by the department to be eligible for licensure as a monument~~
527 ~~builder.~~ One member shall be the State Health Officer or her or
528 his designee. There shall not be two or more board members who
529 are principals or employees of the same company or partnership
530 or group of companies or partnerships under common control.

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

533 497.103 Authority of board and department; Chief Financial
534 Officer recommendations.—

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

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

542 497.140 Fees.—

543 (9) The licensing authority may impose a fee upon a
544 licensee for conducting an inspection of the licensee's
545 facilities if required under this chapter following a change in
546 ownership or control or a change in location. The fee may not
547 exceed the amount of the licensee's annual inspection fee.

548 Section 5. Subsection (5) of section 497.141, Florida
549 Statutes, is amended, and subsection (13) is added to that
550 section, to read:

551 497.141 Licensing; general application procedures.—

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552 (5) (a) The licensing authority may not issue, and effective
553 July 1, 2011, may not renew, a license under this chapter to an
554 applicant that has a criminal record required to be disclosed
555 under s. 497.142(10) unless the applicant demonstrates that
556 issuance of the license, according to rules adopted by the
557 licensing authority, does not create a danger to the public. A
558 licensee who previously disclosed her or his criminal record
559 upon initial application or renewal of her or his license must
560 disclose only a criminal offense for which the licensee was
561 convicted or entered a plea of guilty or nolo contendere since
562 the most recent renewal of her or his license or, if the license
563 has not been renewed, since the licensee's initial application.

564 (b) The board may refuse to rule on an initial application
565 for licensure by any applicant who is under investigation or
566 prosecution in any jurisdiction for an action which there is
567 reasonable cause to believe would constitute a violation of this
568 chapter if committed in this state, until such time as such
569 investigation or prosecution is completed and the results of the
570 investigation or prosecution are reviewed by the board.

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

575 (b) The online electronic format for renewal of a license
576 must not allow submission of an improperly prepared renewal
577 application. Upon an applicant's submission of her or his
578 renewal application, the online electronic format must allow the
579 applicant to print a receipt of the properly prepared renewal
580 application.

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

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

587 497.142 Licensing; fingerprinting and criminal background
588 checks.—

589 (10) (a) When applying for any license under this chapter,
590 every applicant must ~~shall be required to~~ disclose the
591 applicant's criminal records in accordance with this subsection.
592 When applying for renewal of any license under this chapter,
593 every licensee must disclose only those criminal offenses
594 required to be disclosed under this subsection since the most
595 recent renewal of her or his license or, if the license has not
596 been renewed, since the licensee's initial application.

597 (b) The criminal record required to be disclosed shall be
598 any crime listed in paragraph (c) for ~~of~~ which the person or
599 entity required to make disclosure has been convicted or to
600 which that person or entity entered a plea ~~in the nature of~~
601 guilty or nolo contendere ~~no contest~~. Disclosure is ~~shall be~~
602 ~~required pursuant to this subsection~~ regardless of whether
603 adjudication is ~~was~~ entered or withheld by the court ~~in which~~
604 ~~the case was prosecuted.~~

605 (g) The licensing authority shall ~~may~~ adopt rules
606 specifying forms and procedures to be used ~~utilized~~ by persons
607 required to disclose criminal records under this subsection. The
608 rules may require a licensee to disclose only those criminal
609 records that have not previously been disclosed under this

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610 subsection at the renewal of her or his license or, if the
611 license has not been renewed, at the initial issuance of the
612 license. The licensing authority may conduct investigation and
613 further inquiry of any person regarding any criminal record
614 disclosed pursuant to this section.

615 Section 7. Subsections (1), (2), and (3) of section
616 497.143, Florida Statutes, are amended to read:

617 497.143 Licensing; limited licenses for times of critical
618 need ~~retired professionals.~~

619 (1) It is the intent of the Legislature that, absent a
620 threat to the health, safety, and welfare of the public, ~~the use~~
621 ~~of retired~~ Florida licensees ~~professionals~~ in good standing, and
622 active licensees in good standing from other jurisdictions, be
623 able to serve this state during times of critical need ~~should be~~
624 ~~encouraged. To that end, rules may be adopted to permit practice~~
625 ~~by retired professionals as limited licensees under this~~
626 ~~section.~~

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

631 (3) The licensing authority may adopt rules for the
632 issuance of limited licenses in accordance with this section. A
633 ~~Any person~~ seeking ~~desiring to obtain~~ a limited license, when
634 permitted by rule, shall submit to the department an application
635 ~~and fee, not to exceed \$300,~~ and an affidavit stating that the
636 applicant is a retired Florida licensee or holds an active
637 license ~~has been licensed~~ to practice in another ~~any~~
638 jurisdiction of ~~in~~ the United States ~~for at least 10 years in~~

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639 the profession for which the applicant seeks the a limited
640 license. The affidavit shall also state that the applicant ~~has~~
641 ~~retired from the practice of that profession and~~ intends to
642 practice only pursuant to the restrictions of the limited
643 license granted under ~~pursuant to~~ this section. ~~If the applicant~~
644 ~~for a limited license submits a notarized statement from the~~
645 ~~employer stating that the applicant will not receive monetary~~
646 ~~compensation for any service involving the practice of her or~~
647 ~~his profession, all licensure fees shall be waived. In no event~~
648 ~~may~~ A person holding a limited license under this section may
649 not engage in preneed sales under the ~~such~~ limited license.

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

652 497.147 Continuing education; general provisions.—

653 (5) The board may by rule provide ~~up to 5 hours of~~
654 continuing education credit for each ~~per~~ continuing education
655 reporting period for licensees attending board meetings or
656 selected types or portions of board meetings, as specified by
657 such rules. ~~The rules may limit the number of times such credit~~
658 ~~may be utilized by a licensee.~~ The rules may include provisions
659 that establish ~~as to~~ the minimum amount of time that must be
660 spent in the board meeting room viewing proceedings, ~~which may~~
661 ~~be more than 5 hours of attendance,~~ requirements for advance
662 notice by licensees to department staff of proposed attendance,
663 requirements to sign in and out of the meeting room on lists
664 maintained at the meeting site by department staff, forms that
665 must be completed by the licensee to obtain such credit, and
666 such other requirements deemed by the board to be advisable or
667 necessary to prevent abuse of such rules and to ensure that

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668 useful information is obtained by licensees as a result of
669 attendance. Procedural requirements of such rules requiring
670 action by the department are ~~shall be~~ subject to approval by the
671 department before ~~prior to~~ promulgation.

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

674 497.152 Disciplinary grounds.—This section sets forth
675 conduct that is prohibited and that shall constitute grounds for
676 denial of any application, imposition of discipline, or other
677 enforcement action against the licensee or other person
678 committing such conduct. For purposes of this section, the
679 requirements of this chapter include the requirements of rules
680 adopted under authority of this chapter. No subsection heading
681 in this section shall be interpreted as limiting the
682 applicability of any paragraph within the subsection.

683 (2) CRIMINAL ACTIVITY.—Being convicted or found guilty of,
684 or entering a plea of guilty or nolo contendere to, regardless
685 of adjudication, a crime in any jurisdiction that relates to the
686 practice of, or the ability to practice, a licensee's profession
687 or occupation under this chapter.

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

690 497.161 Other rulemaking provisions.—

691 (4) The department may, subject to approval by the board,
692 adopt rules that temporarily suspend or modify any provision of
693 this chapter during a state of emergency declared pursuant to s.
694 252.36. The rules may allow only the suspension or modification
695 of a provision that is necessary or advisable to allow licensees
696 under this chapter to provide essential services to the public

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697 under the emergency conditions. The rules may be adopted before
698 any emergency exists, but may not take effect until the Governor
699 issues an executive order or proclamation declaring a state of
700 emergency. The rules may remain in effect after a state of
701 emergency is terminated but only for the limited period
702 necessary to allow for the transition back to normal operations
703 under the nonemergency requirements of this chapter. However, a
704 rule suspending or modifying any provision of this chapter may
705 not remain in effect for more than 12 months after the state of
706 emergency is terminated.

707 Section 11. Section 497.162, Florida Statutes, is amended
708 to read:

709 497.162 Health and safety education.—All individuals not
710 licensed under this chapter who intend to be employed as
711 operational personnel affiliated with a direct disposal
712 establishment, cinerator facility, removal service,
713 refrigeration facility, or centralized embalming facility who
714 have direct contact with, ~~as well as all nonlicensed individuals~~
715 ~~who intend to be involved in the removal or transportation of~~
716 human remains on behalf of a funeral establishment, direct
717 disposal establishment, or cinerator facility shall complete one
718 course approved by the licensing authority on communicable
719 diseases, within 30 ~~10~~ days after the date that they begin
720 functioning as operational personnel on behalf of any entity
721 that is regulated by this chapter. The course shall not exceed 3
722 hours and shall be offered at approved locations throughout the
723 state. Such locations may include establishments that are
724 licensed under this chapter. The licensing authority shall adopt
725 rules to implement and enforce this provision, which rules shall

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726 include provisions that provide for the use of approved
727 videocassette courses and other types of audio, video, Internet,
728 or home study courses to fulfill the continuing education
729 requirements of this section.

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

732 497.166 Preneed sales.—

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

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

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

742 497.277 Other charges.—Other than the fees for the sale of
743 burial rights, burial merchandise, and burial services, no other
744 fee may be directly or indirectly charged, contracted for, or
745 received by a cemetery company as a condition for a customer to
746 use any burial right, burial merchandise, or burial service,
747 except for:

748 (6) Charges paid for processing, filing, and archiving a
749 cemetery sales contract and for performing other administrative
750 duties related to the contract. However, these charges may not
751 be imposed on a cemetery sales contract for the opening and
752 closing of a grave or other burial right or for the installation
753 of a vault in a grave for which burial rights were previously
754 purchased. A cemetery company must disclose these charges to the

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755 customer and include them on its standard printed price lists
756 and other disclosure information provided to the public under s.
757 497.282. These charges are not subject to the trust deposit
758 requirements in s. 497.458. The department may, subject to
759 approval by the board, adopt rules to administer this
760 subsection.

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

763 497.278 Monuments; installation fees.—

764 (3) A cemetery company may ~~not~~ require any person or firm
765 that delivers, installs, places, or sets a monument to show
766 proof of liability ~~obtain any form of insurance coverage and, if~~
767 required by law, workers' compensation insurance coverage.
768 However, a cemetery company may not set liability insurance
769 coverage limits or require any person or firm to obtain any form
770 of bond, or surety, or make any form of pledge, deposit, or
771 monetary guarantee, as a condition for entry on or access to
772 cemetery property.

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

775 497.365 Licensure; inactive and delinquent status.—

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

778 (a) An embalmer;

779 (b) A funeral director and embalmer; or

780 (c) An embalmer intern or embalmer apprentice, while under
781 the direct supervision or general supervision of a licensed
782 embalmer or licensed funeral director and embalmer as required
783 by this chapter.

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784 Section 16. Section 497.372, Florida Statutes, is amended
785 to read:

786 497.372 Funeral directing; conduct constituting practice of
787 funeral directing.—

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

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

795 (b) Planning or arranging, on an at-need basis, the details
796 of ~~a~~ funeral services, embalming, cremation, or other services
797 relating to the final disposition of human remains, including
798 the removal of such remains from the state, ~~service~~ with the
799 family or friends of the decedent or any other person
800 responsible for such services ~~service~~; setting the time of the
801 services ~~service~~; establishing the type of services ~~service~~ to
802 be rendered; acquiring the services of the clergy; and obtaining
803 vital information for the filing of death certificates and
804 obtaining of burial transit permits.

805 (c) Making, negotiating, or completing the financial
806 arrangements for ~~a~~ funeral services, embalming, cremation, or
807 other services relating to the final disposition of human
808 remains, including the removal of such remains from the state,
809 ~~service~~ on an at-need basis, except ~~provided~~ that nonlicensed
810 personnel may assist the funeral director in performing such
811 tasks.

812 (2) A funeral director may not engage in the practice of

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813 funeral directing except through affiliation with a funeral
814 establishment licensed under this chapter. The board shall adopt
815 by rule criteria for determining whether such an affiliation
816 exists through the funeral director's ownership of, employment
817 by, or contractual relationship with, a funeral establishment.
818 This subsection does not prohibit a funeral director from being
819 designated the licensed funeral director in charge of a
820 cineration facility.

821 (3)~~(2)~~ The practice of funeral directing shall not be
822 construed to consist of the following functions:

823 (a) The phoning-in, ~~or~~ faxing, or electronic transmission
824 of obituary notices; ordering of flowers or merchandise;
825 delivery of death certificates to attending physicians; or
826 clerical preparation and processing of death certificates,
827 insurance forms, and any clerical tasks that record the
828 information compiled by the funeral director or that are
829 incidental to any of the functions specified above.

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

833 (c) Removing or transporting human remains from the place
834 of death, or removing or transporting human remains from or to a
835 funeral establishment, centralized embalming facility,
836 refrigeration facility, cemetery, crematory, medical examiner's
837 office, common carrier, or other locations as authorized and
838 provided by law.

839 (d) Arranging, coordinating, or employing licensed removal
840 services, licensed refrigeration facilities, or licensed
841 centralized embalming facilities.

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842 (e) Any aspect of making preneed funeral arrangements or
843 entering into preneed contracts.

844 (f) Any functions normally performed by cemetery or
845 crematory personnel.

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

849 497.373 Funeral directing; licensure as a funeral director
850 by examination; provisional license.—

851 (1) Any person desiring to be licensed as a funeral
852 director shall apply to the licensing authority to take the
853 licensure examination. The licensing authority shall examine
854 each applicant who has remitted an examination fee set by rule
855 of the licensing authority not to exceed \$200 plus the actual
856 per applicant cost to the licensing authority for portions of
857 the examination and who the licensing authority certifies has:

858 (d)1. Received an associate in arts degree, associate in
859 science degree, or an associate in applied science degree in
860 mortuary science approved by the licensing authority; or

861 2. Holds an associate degree or higher from a college or
862 university accredited by a regional accrediting agency
863 ~~association of colleges and schools~~ recognized by the United
864 States Department of Education and is a graduate of a ~~at least~~
865 ~~an approved 1-year~~ course of study in mortuary science or
866 funeral service arts approved by the licensing authority from a
867 college or university accredited by the American Board of
868 Funeral Service Education.

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

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871 (a) Passes an examination on ~~the subjects of~~ the theory and
872 practice of funeral directing and funeral service arts, ~~public~~
873 ~~health and sanitation, and local, state, and federal laws and~~
874 ~~rules relating to the disposition of dead human bodies~~; however,
875 the licensing authority may approve ~~there may be approved~~ by
876 rule the use of a national examination, such as the funeral
877 service arts examination prepared by the Conference of Funeral
878 Service Examining Boards, in lieu of ~~part of~~ this examination
879 requirement.

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

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

885 (3) Any applicant who has completed the required 1-year
886 internship and has been approved for examination as a funeral
887 director may qualify for a provisional license to work in a
888 licensed funeral establishment, under the direct supervision of
889 a licensed funeral director for ~~a limited period of~~ 6 months as
890 provided by rule of the licensing authority. However, a
891 provisional licensee may work under the general supervision of a
892 licensed funeral director upon passage of the laws-and-rules
893 examination required under paragraph (2) (b). The fee for
894 provisional licensure shall be set by rule of the licensing
895 authority but may not exceed \$200. The fee required in this
896 subsection shall be nonrefundable and in addition to the fee
897 required by subsection (1). This provisional license may be
898 renewed no more than one time.

899 Section 18. Paragraph (b) of subsection (1) of section

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900 497.374, Florida Statutes, is amended to read:

901 497.374 Funeral directing; licensure as a funeral director
902 by endorsement; licensure of a temporary funeral director.—

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

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

912 2. Meets the qualifications for licensure in s. 497.373 and
913 has successfully completed a state, regional, or national
914 examination in mortuary science or funeral service arts, which,
915 as determined by rule of the licensing authority, is
916 substantially equivalent to or more stringent than the
917 examination given by the licensing authority.

918 Section 19. Section 497.375, Florida Statutes, is amended
919 to read:

920 497.375 Funeral directing; licensure of a funeral director
921 intern.—

922 (1) (a) Any person desiring to become a funeral director
923 intern must apply to the licensing authority ~~shall make~~
924 ~~application~~ on forms prescribed as required by rule of the
925 licensing authority, together with a nonrefundable fee set as
926 ~~determined~~ by rule of the licensing authority ~~but~~ not to exceed
927 \$200.

928 (b)1. Except as provided in subparagraph 2., an applicant

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929 must hold the educational credentials required for licensure of
930 a funeral director under s. 497.373(1)(d).

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

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

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

941 c. Has taken and received a passing grade in a college
942 credit course in mortuary law or funeral service law and has
943 taken and received a passing grade in a college credit course in
944 ethics.

945 (c) An ~~The~~ application must include ~~shall indicate~~ the name
946 and address of the ~~licensed~~ funeral director licensed under s.
947 497.373 or s. 497.374(1) under whose supervision the intern will
948 receive training and the name of the licensed funeral
949 establishment where the ~~such~~ training will ~~is to~~ be conducted.

950 (d) A ~~The~~ funeral director intern may perform only the
951 tasks, functions, and duties relating to funeral directing which
952 are performed ~~shall intern~~ under the direct supervision of a
953 licensed funeral director who has an active, valid license under
954 s. 497.373 or s. 497.374(1). However, a funeral director intern
955 may perform those tasks, functions, and duties under the general
956 supervision of a licensed funeral director upon graduation from
957 a licensing authority-approved course of study in mortuary

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958 science or funeral service arts required under s.
959 497.373(1)(d)2. and passage of the laws-and-rules examination
960 required under s. 497.373(2)(b), if the funeral director in
961 charge of the funeral director internship training agency, after
962 6 months of direct supervision, certifies to the licensing
963 agency that the intern is competent to complete the internship
964 under general supervision.

965 (2) Rules shall be adopted establishing a funeral director
966 internship program and criteria for funeral director intern
967 training agencies and supervisors. Any funeral establishment
968 where funeral directing is conducted may apply to the licensing
969 authority for approval as a funeral director intern training
970 agency.

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

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

977 (b) A funeral director intern who is eligible for licensure
978 under subparagraph (1)(b)2. may renew her or his funeral
979 director intern license for an additional 1-year period if the
980 funeral director in charge of the funeral director intern
981 training agency certifies to the licensing authority that the
982 intern has completed at least one-half of the course of study in
983 mortuary science or funeral service arts.

984 (c) The licensing authority may adopt rules that allow a
985 funeral director intern to renew her or his funeral director
986 intern license for an additional 1-year period if the funeral

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987 director intern demonstrates her or his failure to complete the
988 internship before expiration of the license due to illness,
989 personal injury, or other substantial hardship beyond her or his
990 reasonable control or demonstrates that she or he has completed
991 the requirements for licensure as a funeral director but is
992 awaiting the results of a licensure examination. However, a
993 funeral director intern who renews her or his license under
994 paragraph (b) is not eligible to renew the license under this
995 paragraph.

996 (d) The licensing authority may require payment of a
997 nonrefundable fee for the renewal of any funeral director intern
998 license. The fee shall be set by rule of the licensing authority
999 but may not exceed the fee set pursuant to paragraph (1)(a) for
1000 an initial funeral director intern license.

1001 Section 20. Section 497.376, Florida Statutes, is amended
1002 to read:

1003 497.376 License as funeral director and embalmer permitted,
1004 ~~display of license.-~~

1005 ~~(1) Nothing in~~ This chapter does not ~~may be construed to~~
1006 prohibit a person from holding a license as an embalmer and a
1007 license as a funeral director at the same time. There may be
1008 issued and renewed by the licensing authority a combination
1009 license as both funeral director and embalmer to persons meeting
1010 the separate requirements for both licenses as set forth in this
1011 chapter. The licensing authority may adopt rules providing
1012 procedures for applying for and renewing such combination
1013 license. The licensing authority may by rule establish
1014 application, renewal, and other fees for such combination
1015 license, which fees shall not exceed the sum of the maximum fees

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1016 for the separate funeral director and embalmer license
1017 categories as provided in this chapter. Persons holding a
1018 combination license as a funeral director and an embalmer shall
1019 be subject to regulation under this chapter both as a funeral
1020 director and an embalmer.

1021 ~~(2) There shall be adopted rules which require each license~~
1022 ~~issued under this chapter to be displayed in such a manner as to~~
1023 ~~make it visible to the public and to facilitate inspection by~~
1024 ~~the licensing authority. However, each licensee shall~~
1025 ~~permanently affix a recent photograph of the licensee to each~~
1026 ~~displayed license issued to that licensee as a funeral director~~
1027 ~~or embalmer.~~

1028 Section 21. Subsection (1) of section 497.378, Florida
1029 Statutes, is amended to read:

1030 497.378 Renewal of funeral director and embalmer licenses.-

1031 (1) The licensing authority ~~There shall~~ renew ~~be renewed~~ a
1032 funeral director or embalmer license upon receipt of the renewal
1033 application and fee set by the licensing authority, not to
1034 exceed \$500. The licensing authority may adopt rules for the
1035 renewal of a funeral director or embalmer license. The rules may
1036 require ~~prescribe by rule~~ continuing education ~~requirements~~ of
1037 up to 12 classroom hours and may ~~by rule~~ establish criteria for
1038 accepting alternative nonclassroom continuing education on an
1039 hour-for-hour basis, in addition to a licensing authority-
1040 approved course on communicable diseases ~~that includes the~~
1041 ~~course on human immunodeficiency virus and acquired immune~~
1042 ~~deficiency syndrome required by s. 497.367~~, for the renewal of a
1043 funeral director or embalmer license. The rules ~~rule~~ may also
1044 provide for the waiver of continuing education requirements in

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1045 circumstances that would justify the waiver, such as hardship,
1046 disability, or illness. The continuing education requirement is
1047 not required for a licensee who is over the age of 75 years if
1048 the licensee does not qualify as the sole person in charge of an
1049 establishment or facility.

1050 Section 22. Subsections (7) and (12) of section 497.380,
1051 Florida Statutes, are amended, and subsection (15) is added to
1052 that section, to read:

1053 497.380 Funeral establishment; licensure; display of
1054 license.—

1055 (7) Each licensed funeral establishment shall have one
1056 full-time funeral director in charge and shall have a licensed
1057 funeral director reasonably available to the public during
1058 normal business hours for the ~~that~~ establishment. The full-time
1059 funeral director in charge is responsible for ensuring that the
1060 facility, its operation, and all persons employed in the
1061 facility comply with all applicable state and federal laws and
1062 rules. The full-time funeral director in charge must have an
1063 active license and may not be the full-time funeral director in
1064 charge of any other funeral establishment or of any other direct
1065 disposal establishment. Effective October 1, 2010, the full-time
1066 funeral director in charge must hold an active, valid embalmer
1067 license or combination license as a funeral director and an
1068 embalmer. However, a funeral director may continue as the full-
1069 time funeral director in charge without an embalmer or
1070 combination license if, as of September 30, 2010:

1071 (a) The funeral establishment and the funeral director both
1072 have active, valid licenses.

1073 (b) The funeral director is currently the full-time funeral

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1074 director in charge of the funeral establishment.

1075 (c) The name of the funeral director was included, as
1076 required in subsection (4), in the funeral establishment's most
1077 recent application for issuance or renewal of its license or was
1078 included in the establishment's report of change provided under
1079 paragraph (12) (c).

1080 (12) (a) A change in ownership of a funeral establishment
1081 shall be promptly reported pursuant to procedures established by
1082 rule and shall require the relicensure of the funeral
1083 establishment, including reinspection and payment of applicable
1084 fees.

1085 (b) A change in location of a funeral establishment shall
1086 be promptly reported to the licensing authority pursuant to
1087 procedures established by rule. Operations by the licensee at a
1088 new location may not commence until an inspection by the
1089 licensing authority of the facilities, pursuant to rules of the
1090 licensing authority, has been conducted and passed at the new
1091 location.

1092 (c) A change in the funeral director in charge of a funeral
1093 establishment shall be promptly reported pursuant to procedures
1094 established by rule.

1095 (15) (a) A funeral establishment and each funeral director
1096 and, if applicable, embalmer employed at the establishment must
1097 display their current licenses in a conspicuous place within the
1098 establishment in such a manner as to make the licenses visible
1099 to the public and to facilitate inspection by the licensing
1100 authority. If a licensee is simultaneously employed at more than
1101 one location, the licensee may display a copy of the license in
1102 lieu of the original.

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1103 (b) Each licensee shall permanently affix a photograph
1104 taken of the licensee within the previous 6 years to each
1105 displayed license issued to that licensee as a funeral director
1106 or embalmer.

1107 Section 23. Section 497.4555, Florida Statutes, is created
1108 to read:

1109 497.4555 Charges for preneed contract.—A preneed licensee
1110 may charge the purchaser of a preneed contract for processing,
1111 filing, and archiving the contract and for performing other
1112 administrative duties related to the contract. A preneed
1113 licensee must disclose these charges to the purchaser and
1114 include them on its standard printed price lists and other
1115 disclosure information provided to the public under s. 497.468.
1116 These charges are not subject to the trust deposit requirements
1117 in s. 497.458. The department may, subject to approval by the
1118 board, adopt rules to administer this section.

1119 Section 24. Paragraph (a) of subsection (13) of section
1120 497.456, Florida Statutes, is amended to read:

1121 497.456 Preneed Funeral Contract Consumer Protection Trust
1122 Fund.—

1123 (13) Regarding the Preneed Funeral Contract Consumer
1124 Protection Trust Fund, the licensing authority shall have
1125 authority to adopt rules for the implementation of this section,
1126 including:

1127 (a) Forms to be used in filing claims against the trust
1128 fund, which may require that the claims be sworn to or affirmed,
1129 and that the forms be signed, before a notary public.

1130 Section 25. Subsections (3) and (7) of section 497.464,
1131 Florida Statutes, are amended to read:

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1132 497.464 Alternative preneed contracts.-

1133 (3) The contract must require that the purchaser make all
1134 payments required by the contract directly to the trustee or its
1135 qualified servicing agent ~~and that the funds shall be deposited~~
1136 ~~in this state~~, subject to the terms of a trust instrument
1137 approved by the licensing authority. The licensing authority may
1138 adopt rules establishing procedures and forms for the submission
1139 of trust instruments for approval by the licensing authority,
1140 establishing criteria for the approval of such trust
1141 instruments, and specifying information required to be provided
1142 by the applicant in connection with submission of a trust
1143 instrument for approval. A copy of the trust instrument shall be
1144 made available to the purchaser, at any reasonable time, upon
1145 request.

1146 (7) The trustee shall disburse ~~Disbursement of funds~~
1147 ~~discharging a any~~ preneed contract ~~shall be made by the trustee~~
1148 to the person issuing or writing the such contract upon the
1149 trustee's receipt of a certified copy of the contract
1150 beneficiary's death certificate or satisfactory of the contract
1151 ~~beneficiary and~~ evidence, as the licensing authority shall
1152 define by rule, satisfactory to the trustee that the preneed
1153 contract has been ~~fully~~ performed in whole or in part. However,
1154 if the contract is only partially performed, the disbursement
1155 shall cover only that portion of the contract performed. In the
1156 event of any contract default by the contract purchaser, or in
1157 the event that the funeral merchandise or service contracted for
1158 is not provided or is not desired by the purchaser or the heirs
1159 or personal representative of the contract beneficiary, the
1160 trustee shall return, within 30 days after its receipt of a

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1161 written request therefor, funds paid on the contract to the
 1162 contract purchaser or to her or his assigns, heirs, or personal
 1163 representative, subject to the lawful liquidation damage
 1164 provision in the contract.

1165 Section 26. Paragraph (b) of subsection (3) and subsection
 1166 (5) of section 497.602, Florida Statutes, are amended to read:

1167 497.602 Direct disposers, license required; licensing
 1168 procedures and criteria; regulation.—

1169 (3) ACTION CONCERNING APPLICATIONS.—A duly completed
 1170 application for licensure under this section, accompanied by the
 1171 required fees, shall be approved if the licensing authority
 1172 determines that the following conditions are met:

1173 (b) The applicant has taken and received a passing grade in
 1174 a college credit course in ~~Florida~~ mortuary law and has taken
 1175 and received a passing grade in a college credit course in
 1176 ethics.

1177 ~~(5) DISPLAY OF LICENSE. There shall be adopted rules which~~
 1178 ~~require each license issued under this section to be displayed~~
 1179 ~~in such a manner as to make it visible to the public and to~~
 1180 ~~facilitate inspection by the department. Each licensee shall~~
 1181 ~~permanently affix a recent photograph of the licensee to each~~
 1182 ~~displayed license issued to that licensee as a direct disposer.~~

1183 Section 27. Subsection (2) of section 497.603, Florida
 1184 Statutes, is amended to read:

1185 497.603 Direct disposers, renewal of license.—

1186 (2) The licensing authority ~~There shall adopt be adopted~~
 1187 ~~rules establishing~~ procedures, forms, and a schedule ~~and forms~~
 1188 ~~and procedure~~ for the biennial renewal of direct disposer
 1189 ~~licenses as direct disposers.~~ The rules ~~There shall require be~~

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1190 ~~adopted by rule~~ continuing education ~~requirements~~ of up to 6
1191 classroom hours, including, but not limited to, a course on
1192 communicable diseases approved by the licensing authority, and
1193 ~~there may establish by rule be established~~ criteria for
1194 accepting alternative nonclassroom continuing education on an
1195 hour-for-hour basis, ~~in addition to an approved course on~~
1196 ~~communicable diseases that includes the course on human~~
1197 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
1198 ~~required by s. 497.367, for the renewal of a license as a direct~~
1199 ~~disposer.~~

1200 Section 28. Paragraph (c) of subsection (2), subsection
1201 (8), and paragraph (d) of subsection (9) of section 497.604,
1202 Florida Statutes, are amended, and subsection (10) is added to
1203 that section, to read:

1204 497.604 Direct disposal establishments, license required;
1205 licensing procedures and criteria; license renewal; regulation;
1206 display of license.—

1207 (2) APPLICATION PROCEDURES.—

1208 (c) The application shall name the licensed direct disposer
1209 or licensed funeral director ~~who will be~~ acting as the a direct
1210 disposer in charge of the direct disposal establishment.

1211 (8) SUPERVISION OF FACILITIES.—

1212 (a) Effective October 1, 2010, each direct disposal
1213 establishment shall have one full-time ~~licensed direct disposer~~
1214 ~~or~~ licensed funeral director acting as the a direct disposer in
1215 charge. However, a licensed direct disposer may continue acting
1216 as the direct disposer in charge, if, as of September 30, 2010:

1217 1. The direct disposal establishment and the licensed
1218 direct disposer both have active, valid licenses.

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1219 2. The licensed direct disposer is currently acting as the
1220 direct disposer in charge of the direct disposal establishment.

1221 3. The name of the licensed direct disposer was included,
1222 as required in paragraph (2) (c), in the direct disposal
1223 establishment's most recent application for issuance or renewal
1224 of its license or was included in the establishment's notice of
1225 change provided under subsection (7).

1226 (b) The licensed funeral director or licensed direct
1227 disposer in charge of a direct disposal establishment must be
1228 and reasonably available to the public during normal business
1229 hours for the ~~that~~ establishment and. ~~Such person~~ may be in
1230 charge of only one direct disposal establishment facility. The
1231 ~~Such~~ licensed funeral director or licensed direct disposer in
1232 charge of the establishment is ~~shall be~~ responsible for making
1233 sure the facility, its operations, and all persons employed in
1234 the facility comply with all applicable state and federal laws
1235 and rules.

1236 (9) REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.—

1237 (d) Each direct disposal establishment must display at the
1238 public entrance the name of the establishment and the name of
1239 the licensed direct disposer or licensed funeral director acting
1240 as the a direct disposer in charge of the ~~responsible for that~~
1241 establishment. A direct disposal establishment must transact its
1242 business under the name by which it is licensed.

1243 (10) DISPLAY OF LICENSE.—

1244 (a) A direct disposer establishment and each direct
1245 disposer, or funeral director acting as a direct disposer,
1246 employed at the establishment must display their current
1247 licenses in a conspicuous place within the establishment in such

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1248 a manner as to make the licenses visible to the public and to
1249 facilitate inspection by the licensing authority. If a licensee
1250 is simultaneously employed at more than one location, the
1251 licensee may display a copy of the license in lieu of the
1252 original.

1253 (b) Each licensee shall permanently affix a photograph
1254 taken of the licensee within the previous 6 years to each
1255 displayed license issued to that licensee as a direct disposer
1256 or funeral director acting as a direct disposer.

1257 Section 29. Section 497.367, Florida Statutes, is repealed.

1258 Section 30. This act shall take effect July 1, 2010.