

By the Committees on Regulated Industries; and 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; expanding the definition of  
7           the term "legally authorized person" to include  
8           certain persons designated by a decedent pursuant to  
9           certain types of authority; amending s. 497.101, F.S.;  
10          revising qualifications for the membership of the  
11          Board of Funeral, Cemetery, and Consumer Services;  
12          amending s. 497.103, F.S.; authorizing the waiver of  
13          certain provisions during a state of emergency;  
14          amending s. 497.140, F.S.; authorizing fees for  
15          certain inspections of licensees; amending s. 497.141,  
16          F.S.; prohibiting the issuance or renewal of a license  
17          to an applicant that has specified criminal records  
18          under certain circumstances; authorizing a licensing  
19          authority of the Department of Financial Services to  
20          adopt rules; authorizing the licensing authority to  
21          require the submission of applications in an online  
22          electronic format; authorizing fees for applications  
23          submitted in a paper format; amending s. 497.142,  
24          F.S.; requiring an applicant for renewal of a license  
25          to disclose certain criminal offenses; requiring an  
26          applicant for issuance or renewal of a license to  
27          disclose certain criminal pleas; requiring the  
28          licensing authority to adopt rules for the disclosure  
29          of criminal records; authorizing an exception from

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30 disclosure requirements for previously disclosed  
31 criminal records; amending s. 497.143, F.S.; revising  
32 legislative intent; authorizing the licensing  
33 authority to adopt rules for the issuance of limited  
34 licenses to certain persons licensed outside the  
35 state; revising eligibility and application  
36 requirements for a limited license; amending s.  
37 497.147, F.S.; deleting limits on the continuing  
38 education credit provided for attendance at board  
39 meetings; amending s. 497.152, F.S.; providing that  
40 certain criminal pleas are a ground for denial of an  
41 application or discipline of a licensee under ch. 497,  
42 F.S.; amending s. 497.161, F.S.; authorizing the  
43 department to adopt rules that temporarily suspend or  
44 modify certain provisions during and following a state  
45 of emergency; amending s. 497.162, F.S.; revising  
46 which nonlicensed personnel are required to complete a  
47 course on communicable diseases; extending the time  
48 for completion of the course; amending s. 497.166,  
49 F.S.; conforming terminology to changes made by the  
50 act; amending s. 497.277, F.S.; authorizing a cemetery  
51 company to charge a fee for performing specified  
52 duties related to certain cemetery sales contracts;  
53 requiring disclosure of the charges; exempting charges  
54 from certain trust deposit requirements; authorizing  
55 the department to adopt rules; amending s. 497.278,  
56 F.S.; authorizing a cemetery company to require  
57 certain persons and firms to show proof of certain  
58 insurance coverage; prohibiting a cemetery company

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59 from setting certain insurance coverage limits;  
60 amending s. 497.365, F.S.; prohibiting the embalming  
61 of human remains except by certain licensees; amending  
62 s. 497.372, F.S.; revising certain functions construed  
63 to be the practice of funeral directing; prohibiting a  
64 funeral director from engaging in the practice of  
65 funeral directing except under certain circumstances;  
66 providing an exception; requiring that the Board of  
67 Funeral, Cemetery, and Consumer Services adopt rules;  
68 providing that certain provisions of state law do not  
69 prohibit a funeral director from being designated the  
70 licensed funeral director in charge of a cineration  
71 facility; revising the acts that are exempt from  
72 regulation as the practice of funeral directing;  
73 amending s. 497.373, F.S.; revising the educational  
74 and examination requirements for licensure of funeral  
75 directors by examination; revising requirements for  
76 the supervision of provisional licensees; amending s.  
77 497.374, F.S.; revising the examination requirements  
78 for licensure of funeral directors by endorsement;  
79 amending s. 497.375, F.S.; establishing educational  
80 requirements for funeral director intern licenses;  
81 revising the application requirements for funeral  
82 director intern licensees; revising requirements for  
83 the supervision of funeral director interns; providing  
84 for the expiration of funeral director intern  
85 licenses; prohibiting the renewal of funeral director  
86 intern licenses except under certain circumstances;  
87 authorizing rules for the renewal of funeral director

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88 intern licenses; providing for license renewal fees;  
89 amending s. 497.376, F.S.; deleting provisions  
90 requiring rules for the display of certain licenses;  
91 amending s. 497.378, F.S.; conforming the continuing  
92 education requirements for funeral directors and  
93 embalmers to the repeal by the act of provisions  
94 requiring a course on HIV and AIDS; authorizing the  
95 licensing authority to adopt rules for the renewal of  
96 funeral director and embalmer licenses; amending s.  
97 497.380, F.S.; providing duties of a funeral director  
98 in charge of a funeral establishment; requiring a  
99 funeral director in charge to have an embalmer license  
100 and providing exceptions; requiring the reporting of a  
101 change in the funeral director in charge of a funeral  
102 establishment; requiring certain licensees to display  
103 their licenses in funeral establishments; creating s.  
104 497.4555, F.S.; authorizing a preneed licensee to  
105 charge a fee for performing certain duties related to  
106 a preneed contract; requiring disclosure of the  
107 charges; exempting charges from certain trust deposit  
108 requirements; authorizing the department to adopt  
109 rules; amending s. 497.456, F.S.; authorizing  
110 requirements that certain claims forms be sworn and  
111 notarized; amending s. 497.464, F.S.; deleting a  
112 requirement that trust payments for preneed contracts  
113 be deposited in this state; requiring that funds  
114 discharging a preneed contract be disbursed from the  
115 trust under certain circumstances; amending s.  
116 497.602, F.S.; revising the course requirements for a

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117 direct disposer license; deleting provisions requiring  
118 rules for the display of certain licenses; amending s.  
119 497.603, F.S.; requiring the licensing authority to  
120 adopt rules for the renewal of direct disposer  
121 licenses; requiring a course on communicable diseases;  
122 conforming the continuing education requirements for  
123 direct disposers to the repeal by the act of  
124 provisions requiring a course on HIV and AIDS;  
125 amending s. 497.604, F.S.; requiring a direct disposal  
126 establishment to have a licensed funeral director act  
127 as the direct disposer in charge and providing  
128 exceptions; requiring certain licensees to display  
129 their licenses in direct disposal establishments;  
130 repealing s. 497.367, F.S., relating to a continuing  
131 education course required for funeral directors and  
132 embalmers on HIV and AIDS; providing an effective  
133 date.

134

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

136

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

139 497.005 Definitions.—As used in this chapter, the term:

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

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

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

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

158 (5) "Board" means the Board of Funeral, Cemetery, and  
159 Consumer Services.

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

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

174 (8) "Burial service" or "service" means any service offered

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175 or provided in connection with the final disposition,  
176 memorialization, interment, entombment, or inurnment of human  
177 remains or cremated remains.

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

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

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204 (11) "Cemetery" means a place dedicated to and used or  
205 intended to be used for the permanent interment of human remains  
206 or cremated remains. A cemetery may contain land or earth  
207 interment; mausoleum, vault, or crypt interment; a columbarium,  
208 ossuary, scattering garden, or other structure or place used or  
209 intended to be used for the interment or disposition of cremated  
210 remains; or any combination of one or more of such structures or  
211 places.

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

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

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

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

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

226 (17) "Common business enterprise" means a group of two or  
227 more business entities that share common ownership in excess of  
228 50 percent.

229 (18) "Control" means the possession, directly or  
230 indirectly, through the ownership of voting shares, by contract,  
231 arrangement, understanding, relationship, or otherwise, of the  
232 power to direct or cause the direction of the management and



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233 policies of a person or entity. However, a person or entity  
234 shall not be deemed to have control if the person or entity  
235 holds voting shares, in good faith and not for the purpose of  
236 circumventing this definition, as an agent, bank, broker,  
237 nominee, custodian, or trustee for one or more beneficial owners  
238 who do not individually or as a group have control.

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

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

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

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

260 (a) Be composed of readily combustible or consumable  
261 materials suitable for cremation.

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

264 (c) Be resistant to leakage or spillage.

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

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

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

274 (24) "Department" means the Department of Financial  
275 Services.

276 (25) "Direct disposal establishment" means a facility  
277 licensed under this chapter where a direct disposer practices  
278 direct disposition.

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

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

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

287 (b) Embalmer who provides initial direction and instruction  
288 regarding the preservation of a dead human body in its entirety  
289 or in part and who is physically present or on the premises of  
290 the funeral establishment or embalming facility at all times

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291 when the tasks, functions, and duties relating to embalming are  
292 performed.

293 (28)~~(27)~~ "Director" means the director of the Division of  
294 Funeral, Cemetery, and Consumer Services.

295 (29)~~(28)~~ "Disinterment" means removal of a dead human body  
296 from earth interment or aboveground interment.

297 (30)~~(29)~~ "Division" means the Division of Funeral,  
298 Cemetery, and Consumer Services within the Department of  
299 Financial Services.

300 (31)~~(30)~~ "Embalmer" means any person licensed under this  
301 chapter to practice embalming in this state.

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

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

313 (34)~~(33)~~ "Funeral director" means any person licensed under  
314 this chapter to practice funeral directing in this state.

315 (35)~~(34)~~ "Funeral establishment" means a facility licensed  
316 under this chapter where a funeral director or embalmer  
317 practices funeral directing or embalming.

318 (36) "General supervision" means supervision by a licensed:  
319 (a) Funeral director who is reasonably available and in a

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320 position to provide direction and guidance by being physically  
321 present, being on the premises of the funeral establishment, or  
322 being in proximity to the funeral establishment and available  
323 telephonically or by electronic communication at all times when  
324 the tasks, functions, and duties relating to funeral directing  
325 are performed; or

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

333 (37)-(35) "Grave space" means a space of ground in a  
334 cemetery intended to be used for the interment in the ground of  
335 human remains.

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

341 (39)-(37) "Legally authorized person" means, in the priority  
342 listed:

343 (a) The decedent, when written inter vivos authorizations  
344 and directions are provided by the decedent;

345 (b) The person designated by the decedent as authorized to  
346 direct disposition pursuant to Pub. L. No. 109-163, s. 564, as  
347 listed on the decedent's United States Department of Defense  
348 Record of Emergency Data, DD Form 93, or its successor form, if

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349 the decedent died while serving military service as described in  
350 10 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States  
351 Armed Forces, United States Reserve Forces, or National Guard;

352 (c) The surviving spouse, unless the spouse has been  
353 arrested for committing against the deceased an act of domestic  
354 violence as defined in s. 741.28 that resulted in or contributed  
355 to the death of the deceased;

356 (d) A son or daughter who is 18 years of age or older;

357 (e) A parent;

358 (f) A brother or sister who is 18 years of age or older;

359 (g) A grandchild who is 18 years of age or older;

360 (h) A grandparent; or

361 (i) Any person in the next degree of kinship.

362  
363 In addition, the term may include, if no family member exists or  
364 is available, the guardian of the dead person at the time of  
365 death; the personal representative of the deceased; the attorney  
366 in fact of the dead person at the time of death; the health  
367 surrogate of the dead person at the time of death; a public  
368 health officer; the medical examiner, county commission, or  
369 administrator acting under part II of chapter 406 or other  
370 public administrator; a representative of a nursing home or  
371 other health care institution in charge of final disposition; or  
372 a friend or other person not listed in this subsection who is  
373 willing to assume the responsibility as the legally authorized  
374 person. Where there is a person in any priority class listed in  
375 this subsection, the funeral establishment shall rely upon the  
376 authorization of any one legally authorized person of that class  
377 if that person represents that she or he is not aware of any

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378 objection to the cremation of the deceased's human remains by  
379 others in the same class of the person making the representation  
380 or of any person in a higher priority class.

381 (40)~~(38)~~ "License" includes all authorizations required or  
382 issued under this chapter, except where expressly indicated  
383 otherwise, and shall be understood to include authorizations  
384 previously referred to as registrations or certificates of  
385 authority in chapters 470 and 497 as those chapters appeared in  
386 the 2004 edition of the Florida Statutes.

387 (41)~~(39)~~ "Licensee" means the person or entity holding any  
388 license or other authorization issued under this chapter, except  
389 where expressly indicated otherwise.

390 (42)~~(40)~~ "Mausoleum" means a structure or building that is  
391 substantially exposed above the ground and that is intended to  
392 be used for the entombment of human remains.

393 (43)~~(41)~~ "Mausoleum section" means any construction unit of  
394 a mausoleum that is acceptable to the department and that a  
395 cemetery uses to initiate its mausoleum program or to add to its  
396 existing mausoleum structures.

397 (44)~~(42)~~ "Monument" means any product used for identifying  
398 a grave site and cemetery memorials of all types, including  
399 monuments, markers, and vases.

400 (45)~~(43)~~ "Monument establishment" means a facility that  
401 operates independently of a cemetery or funeral establishment  
402 and that offers to sell monuments or monument services to the  
403 public for placement in a cemetery.

404 (46)~~(44)~~ "Net assets" means the amount by which the total  
405 assets of a licensee, excluding goodwill, franchises, customer  
406 lists, patents, trademarks, and receivables from or advances to

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407 officers, directors, employees, salespersons, and affiliated  
408 companies, exceed total liabilities of the licensee. For  
409 purposes of this definition, the term "total liabilities" does  
410 not include the capital stock, paid-in capital, or retained  
411 earnings of the licensee.

412 (47)~~(45)~~ "Net worth" means total assets minus total  
413 liabilities pursuant to generally accepted accounting  
414 principles.

415 (48)~~(46)~~ "Niche" means a compartment or cubicle for the  
416 memorialization or permanent placement of a container or urn  
417 containing cremated remains.

418 (49)~~(47)~~ "Ossuary" means a receptacle used for the communal  
419 placement of cremated remains without benefit of an urn or any  
420 other container in which cremated remains may be commingled with  
421 other cremated remains and are nonrecoverable. It may or may not  
422 include memorialization.

423 (50)~~(48)~~ "Outer burial container" means an enclosure into  
424 which a casket is placed and includes, but is not limited to,  
425 vaults made of concrete, steel, fiberglass, or copper; sectional  
426 concrete enclosures; crypts; and wooden enclosures.

427 (51)~~(49)~~ "Person," when used without qualification such as  
428 "natural" or "individual," includes both natural persons and  
429 legal entities.

430 (52)~~(50)~~ "Personal residence" means any residential  
431 building in which one temporarily or permanently maintains her  
432 or his abode, including, but not limited to, an apartment or a  
433 hotel, motel, nursing home, convalescent home, home for the  
434 aged, or a public or private institution.

435 (53)~~(51)~~ "Practice of direct disposition" means the

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436 cremation of human remains without preparation of the human  
437 remains by embalming and without any attendant services or rites  
438 such as funeral or graveside services or the making of  
439 arrangements for such final disposition.

440 (54)~~(52)~~ "Practice of embalming" means disinfecting or  
441 preserving or attempting to disinfect or preserve dead human  
442 bodies by replacing certain body fluids with preserving and  
443 disinfecting chemicals.

444 (55)~~(53)~~ "Practice of funeral directing" means the  
445 performance by a licensed funeral director of any of those  
446 functions authorized by s. 497.372.

447 (56)~~(54)~~ "Preneed contract" means any arrangement or  
448 method, of which the provider of funeral merchandise or services  
449 has actual knowledge, whereby any person agrees to furnish  
450 funeral merchandise or service in the future.

451 (57)~~(55)~~ "Preneed sales agent" means any person who is  
452 licensed under this chapter to sell preneed burial or funeral  
453 service and merchandise contracts or direct disposition  
454 contracts in this state.

455 (58)~~(56)~~ "Principal" means and includes the sole proprietor  
456 of a sole proprietorship; all partners of a partnership; all  
457 members of a limited liability company; regarding a corporation,  
458 all directors and officers, and all stockholders controlling  
459 more than 10 percent of the voting stock; and all other persons  
460 who can exercise control over the person or entity.

461 (59)~~(57)~~ "Processing" means the reduction of identifiable  
462 bone fragments after the completion of the cremation process to  
463 unidentifiable bone fragments by manual means.

464 (60)~~(58)~~ "Profession" and "occupation" are used



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465 interchangeably in this chapter. The use of the word  
466 "profession" in this chapter with respect to any activities  
467 regulated under this chapter shall not be deemed to mean that  
468 such activities are not occupations for other purposes in state  
469 or federal law.

470 (61)~~(59)~~ "Pulverization" means the reduction of  
471 identifiable bone fragments after the completion of the  
472 cremation and processing to granulated particles by manual or  
473 mechanical means.

474 (62)~~(60)~~ "Refrigeration facility" means a facility that is  
475 operated independently of a funeral establishment, crematory, or  
476 direct disposal establishment, that maintains space and  
477 equipment for the storage and refrigeration of dead human  
478 bodies, and that offers its service to funeral directors,  
479 funeral establishments, direct disposers, direct disposal  
480 establishments, or crematories for a fee.

481 (63)~~(61)~~ "Religious institution" means an organization  
482 formed primarily for religious purposes that has qualified for  
483 exemption from federal income tax as an exempt organization  
484 under the provisions of s. 501(c)(3) of the Internal Revenue  
485 Code of 1986, as amended.

486 (64)~~(62)~~ "Removal service" means any service that operates  
487 independently of a funeral establishment or a direct disposal  
488 establishment, that handles the initial removal of dead human  
489 bodies, and that offers its service to funeral establishments  
490 and direct disposal establishments for a fee.

491 (65)~~(63)~~ "Rules" refers to rules adopted under this chapter  
492 unless expressly indicated to the contrary.

493 (66)~~(64)~~ "Scattering garden" means a location set aside,

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494 within a cemetery, that is used for the spreading or  
495 broadcasting of cremated remains that have been removed from  
496 their container and can be mixed with or placed on top of the  
497 soil or ground cover or buried in an underground receptacle on a  
498 commingled basis and that are nonrecoverable. It may or may not  
499 include memorialization.

500 (67)~~(65)~~ "Servicing agent" means any person acting as an  
501 independent contractor whose fiduciary responsibility is to  
502 assist both the trustee and licensee in administrating their  
503 responsibilities pursuant to this chapter.

504 (68)~~(66)~~ "Solicitation" means any communication that  
505 directly or implicitly requests an immediate oral response from  
506 the recipient.

507 (69)~~(67)~~ "Statutory accounting" means generally accepted  
508 accounting principles, except as modified by this chapter.

509 (70)~~(68)~~ "Temporary container" means a receptacle for  
510 cremated remains usually made of cardboard, plastic, or similar  
511 material designated to hold the cremated remains until an urn or  
512 other permanent container is acquired.

513 (71)~~(69)~~ "Urn" means a receptacle designed to permanently  
514 encase cremated remains.

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

517 497.101 Board of Funeral, Cemetery, and Consumer Services;  
518 membership; appointment; terms.—

519 (2) Two members of the board shall be funeral directors  
520 licensed under part III of this chapter who are associated with  
521 a funeral establishment. One member of the board shall be a  
522 funeral director licensed under part III of this chapter who is

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523 associated with a funeral establishment licensed under part III  
524 of this chapter that has a valid preneed license issued pursuant  
525 to this chapter and who owns or operates a cinerator facility  
526 approved under chapter 403 and licensed under part VI of this  
527 chapter. Two members of the board shall be persons whose primary  
528 occupation is associated with a cemetery company licensed  
529 pursuant to this chapter. Three members of the board shall be  
530 consumers who are residents of the state, have never been  
531 licensed as funeral directors or embalmers, are not connected  
532 with a cemetery or cemetery company licensed pursuant to this  
533 chapter, and are not connected with the death care industry or  
534 the practice of embalming, funeral directing, or direct  
535 disposition. One of the consumer members shall be at least 60  
536 years of age, and one shall be licensed as a certified public  
537 accountant under chapter 473. One member of the board shall be a  
538 principal of a monument establishment licensed under this  
539 chapter as a monument builder ~~or, for board appointments made~~  
540 ~~before June 1, 2006, a licensed monument establishment certified~~  
541 ~~by the department to be eligible for licensure as a monument~~  
542 ~~builder~~. One member shall be the State Health Officer or her or  
543 his designee. There shall not be two or more board members who  
544 are principals or employees of the same company or partnership  
545 or group of companies or partnerships under common control.

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

548 497.103 Authority of board and department; Chief Financial  
549 Officer recommendations.—

550 (8) STATE-OF-EMERGENCY WAIVER.—The licensing authority may  
551 temporarily waive any provision of this chapter during a state

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552 of emergency declared pursuant to s. 252.36 in any threatened  
553 area or areas specified in the Governor's executive order or  
554 proclamation.

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

557 497.140 Fees.—

558 (9) The licensing authority may impose a fee upon a  
559 licensee for conducting an inspection of the licensee's  
560 facilities if required under this chapter following a change in  
561 ownership or control or a change in location. The fee may not  
562 exceed the amount of the licensee's annual inspection fee.

563 Section 5. Subsection (5) of section 497.141, Florida  
564 Statutes, is amended, and subsection (13) is added to that  
565 section, to read:

566 497.141 Licensing; general application procedures.—

567 (5) (a) The licensing authority may not issue, and effective  
568 July 1, 2011, may not renew, a license under this chapter to an  
569 applicant that has a criminal record required to be disclosed  
570 under s. 497.142(10) unless the applicant demonstrates that  
571 issuance of the license, according to rules adopted by the  
572 licensing authority, does not create a danger to the public. A  
573 licensee who previously disclosed her or his criminal record  
574 upon initial application or renewal of her or his license must  
575 disclose only a criminal offense for which the licensee was  
576 convicted or entered a plea of guilty or nolo contendere since  
577 the most recent renewal of her or his license or, if the license  
578 has not been renewed, since the licensee's initial application.

579 (b) The board may refuse to rule on an initial application  
580 for licensure by any applicant who is under investigation or

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581 prosecution in any jurisdiction for an action which there is  
582 reasonable cause to believe would constitute a violation of this  
583 chapter if committed in this state, until such time as such  
584 investigation or prosecution is completed and the results of the  
585 investigation or prosecution are reviewed by the board.

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

590 (b) The online electronic format for renewal of a license  
591 must not allow submission of an improperly prepared renewal  
592 application. Upon an applicant's submission of her or his  
593 renewal application, the online electronic format must allow the  
594 applicant to print a receipt of the properly prepared renewal  
595 application.

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

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

602 497.142 Licensing; fingerprinting and criminal background  
603 checks.—

604 (10) (a) When applying for any license under this chapter,  
605 every applicant must ~~shall be required to~~ disclose the  
606 applicant's criminal records in accordance with this subsection.  
607 When applying for renewal of any license under this chapter,  
608 every licensee must disclose only those criminal offenses  
609 required to be disclosed under this subsection since the most

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610 recent renewal of her or his license or, if the license has not  
611 been renewed, since the licensee's initial application.

612 (b) The criminal record required to be disclosed shall be  
613 any crime listed in paragraph (c) for ~~of~~ which the person or  
614 entity required to make disclosure has been convicted or to  
615 which that person or entity entered a plea ~~in the nature of~~  
616 guilty or nolo contendere no contest. Disclosure is ~~shall be~~  
617 required ~~pursuant to this subsection~~ regardless of whether  
618 adjudication is ~~was~~ entered or withheld by the court ~~in which~~  
619 ~~the case was prosecuted.~~

620 (g) The licensing authority shall ~~may~~ adopt rules  
621 specifying forms and procedures to be used ~~utilized~~ by persons  
622 required to disclose criminal records under this subsection. The  
623 rules may require a licensee to disclose only those criminal  
624 records that have not previously been disclosed under this  
625 subsection at the renewal of her or his license or, if the  
626 license has not been renewed, at the initial issuance of the  
627 license. The licensing authority may conduct investigation and  
628 further inquiry of any person regarding any criminal record  
629 disclosed pursuant to this section.

630 Section 7. Subsections (1), (2), and (3) of section  
631 497.143, Florida Statutes, are amended to read:

632 497.143 Licensing; limited licenses for times of critical  
633 need ~~retired professionals.~~

634 (1) It is the intent of the Legislature that, absent a  
635 threat to the health, safety, and welfare of the public, ~~the use~~  
636 ~~of~~ retired Florida licensees ~~professionals~~ in good standing, and  
637 active licensees in good standing from other jurisdictions, be  
638 able to serve this state during times of critical need ~~should be~~

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639 encouraged. ~~To that end, rules may be adopted to permit practice~~  
640 ~~by retired professionals as limited licensees under this~~  
641 ~~section.~~

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

646 (3) The licensing authority may adopt rules for the  
647 issuance of limited licenses in accordance with this section. A  
648 ~~Any person seeking~~ desiring to obtain a limited license, when  
649 permitted by rule, shall submit to the department an application  
650 and fee, ~~not to exceed \$300,~~ and an affidavit stating that the  
651 applicant is a retired Florida licensee or holds an active  
652 license ~~has been licensed~~ to practice in another ~~any~~  
653 jurisdiction of ~~in~~ the United States ~~for at least 10 years~~ in  
654 the profession for which the applicant seeks the a limited  
655 license. The affidavit shall also state that the applicant ~~has~~  
656 ~~retired from the practice of that profession and intends to~~  
657 practice only pursuant to the restrictions of the limited  
658 license granted under ~~pursuant to~~ this section. ~~If the applicant~~  
659 ~~for a limited license submits a notarized statement from the~~  
660 ~~employer stating that the applicant will not receive monetary~~  
661 ~~compensation for any service involving the practice of her or~~  
662 ~~his profession, all licensure fees shall be waived. In no event~~  
663 ~~may~~ A person holding a limited license under this section may  
664 not engage in preneed sales under the ~~such~~ limited license.

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

667 497.147 Continuing education; general provisions.—

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668 (5) The board may by rule provide ~~up to 5 hours of~~  
669 continuing education credit for each ~~per~~ continuing education  
670 reporting period for licensees attending board meetings or  
671 selected types or portions of board meetings, as specified by  
672 such rules. ~~The rules may limit the number of times such credit~~  
673 ~~may be utilized by a licensee.~~ The rules may include provisions  
674 that establish ~~as to~~ the minimum amount of time that must be  
675 spent in the board meeting room viewing proceedings, ~~which may~~  
676 ~~be more than 5 hours of attendance,~~ requirements for advance  
677 notice by licensees to department staff of proposed attendance,  
678 requirements to sign in and out of the meeting room on lists  
679 maintained at the meeting site by department staff, forms that  
680 must be completed by the licensee to obtain such credit, and  
681 such other requirements deemed by the board to be advisable or  
682 necessary to prevent abuse of such rules and to ensure that  
683 useful information is obtained by licensees as a result of  
684 attendance. Procedural requirements of such rules requiring  
685 action by the department are ~~shall be~~ subject to approval by the  
686 department before ~~prior to~~ promulgation.

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

689 497.152 Disciplinary grounds.—This section sets forth  
690 conduct that is prohibited and that shall constitute grounds for  
691 denial of any application, imposition of discipline, or other  
692 enforcement action against the licensee or other person  
693 committing such conduct. For purposes of this section, the  
694 requirements of this chapter include the requirements of rules  
695 adopted under authority of this chapter. No subsection heading  
696 in this section shall be interpreted as limiting the



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697 applicability of any paragraph within the subsection.

698 (2) CRIMINAL ACTIVITY.—Being convicted or found guilty of,  
699 or entering a plea of guilty or nolo contendere to, regardless  
700 of adjudication, a crime in any jurisdiction that relates to the  
701 practice of, or the ability to practice, a licensee's profession  
702 or occupation under this chapter.

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

705 497.161 Other rulemaking provisions.—

706 (4) The department may, subject to approval by the board,  
707 adopt rules that temporarily suspend or modify any provision of  
708 this chapter during a state of emergency declared pursuant to s.  
709 252.36. The rules may allow only the suspension or modification  
710 of a provision that is necessary or advisable to allow licensees  
711 under this chapter to provide essential services to the public  
712 under the emergency conditions. The rules may be adopted before  
713 any emergency exists, but may not take effect until the Governor  
714 issues an executive order or proclamation declaring a state of  
715 emergency. The rules may remain in effect after a state of  
716 emergency is terminated but only for the limited period  
717 necessary to allow for the transition back to normal operations  
718 under the nonemergency requirements of this chapter. However, a  
719 rule suspending or modifying any provision of this chapter may  
720 not remain in effect for more than 12 months after the state of  
721 emergency is terminated.

722 Section 11. Section 497.162, Florida Statutes, is amended  
723 to read:

724 497.162 Health and safety education.—All individuals not  
725 licensed under this chapter who intend to be employed as

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726 operational personnel affiliated with a direct disposal  
727 establishment, cinerator facility, removal service,  
728 refrigeration facility, or centralized embalming facility who  
729 have direct contact with, ~~as well as all nonlicensed individuals~~  
730 ~~who intend to be involved in the removal or transportation of~~  
731 human remains on behalf of a funeral establishment, direct  
732 disposal establishment, or cinerator facility shall complete one  
733 course approved by the licensing authority on communicable  
734 diseases, within 30 ~~10~~ days after the date that they begin  
735 functioning as operational personnel on behalf of any entity  
736 that is regulated by this chapter. The course shall not exceed 3  
737 hours and shall be offered at approved locations throughout the  
738 state. Such locations may include establishments that are  
739 licensed under this chapter. The licensing authority shall adopt  
740 rules to implement and enforce this provision, which rules shall  
741 include provisions that provide for the use of approved  
742 videocassette courses and other types of audio, video, Internet,  
743 or home study courses to fulfill the continuing education  
744 requirements of this section.

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

747 497.166 Preneed sales.-

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

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

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

757 497.277 Other charges.—Other than the fees for the sale of  
758 burial rights, burial merchandise, and burial services, no other  
759 fee may be directly or indirectly charged, contracted for, or  
760 received by a cemetery company as a condition for a customer to  
761 use any burial right, burial merchandise, or burial service,  
762 except for:

763 (6) Charges paid for processing, filing, and archiving a  
764 cemetery sales contract and for performing other administrative  
765 duties related to the contract. However, these charges may not  
766 be imposed on a cemetery sales contract for the opening and  
767 closing of a grave or other burial right or for the installation  
768 of a vault in a grave for which burial rights were previously  
769 purchased. A cemetery company must disclose these charges to the  
770 customer and include them on its standard printed price lists  
771 and other disclosure information provided to the public under s.  
772 497.282. These charges are not subject to the trust deposit  
773 requirements in s. 497.458. The department may, subject to  
774 approval by the board, adopt rules to administer this  
775 subsection.

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

778 497.278 Monuments; installation fees.—

779 (3) A cemetery company may ~~not~~ require any person or firm  
780 that delivers, installs, places, or sets a monument to show  
781 proof of liability ~~obtain any form of insurance coverage and, if~~  
782 required by law, workers' compensation insurance coverage.  
783 However, a cemetery company may not set liability insurance

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784 coverage limits or require any person or firm to obtain any form  
785 of bond, or surety, or make any form of pledge, deposit, or  
786 monetary guarantee, as a condition for entry on or access to  
787 cemetery property.

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

790 497.365 Licensure; inactive and delinquent status.—

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

793 (a) An embalmer;

794 (b) A funeral director and embalmer; or

795 (c) An embalmer intern or embalmer apprentice, while under  
796 the direct supervision or general supervision of a licensed  
797 embalmer or licensed funeral director and embalmer as required  
798 by this chapter.

799 Section 16. Section 497.372, Florida Statutes, is amended  
800 to read:

801 497.372 Funeral directing; conduct constituting practice of  
802 funeral directing.—

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

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

810 (b) Planning or arranging, on an at-need basis, the details  
811 of ~~a~~ funeral services, embalming, cremation, or other services  
812 relating to the final disposition of human remains, including

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813 the removal of such remains from the state, ~~service~~ with the  
814 family or friends of the decedent or any other person  
815 responsible for such services ~~service~~; setting the time of the  
816 services ~~service~~; establishing the type of services ~~service~~ to  
817 be rendered; acquiring the services of the clergy; and obtaining  
818 vital information for the filing of death certificates and  
819 obtaining of burial transit permits.

820 (c) Making, negotiating, or completing the financial  
821 arrangements for ~~a~~ funeral services, embalming, cremation, or  
822 other services relating to the final disposition of human  
823 remains, including the removal of such remains from the state,  
824 ~~service~~ on an at-need basis, except ~~provided~~ that nonlicensed  
825 personnel may assist the funeral director in performing such  
826 tasks.

827 (2) A funeral director may not engage in the practice of  
828 funeral directing except through affiliation with a funeral  
829 establishment licensed under this chapter. The board shall adopt  
830 by rule criteria for determining whether such an affiliation  
831 exists through the funeral director's ownership of, employment  
832 by, or contractual relationship with, a funeral establishment.  
833 This subsection does not prohibit a funeral director from being  
834 designated the licensed funeral director in charge of a  
835 cineration facility.

836 (3)~~(2)~~ The practice of funeral directing shall not be  
837 construed to consist of the following functions:

838 (a) The phoning-in, ~~or~~ faxing, or electronic transmission  
839 of obituary notices; ordering of flowers or merchandise;  
840 delivery of death certificates to attending physicians; or  
841 clerical preparation and processing of death certificates,

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842 insurance forms, and any clerical tasks that record the  
843 information compiled by the funeral director or that are  
844 incidental to any of the functions specified above.

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

848 (c) Removing or transporting human remains from the place  
849 of death, or removing or transporting human remains from or to a  
850 funeral establishment, centralized embalming facility,  
851 refrigeration facility, cemetery, crematory, medical examiner's  
852 office, common carrier, or other locations as authorized and  
853 provided by law.

854 (d) Arranging, coordinating, or employing licensed removal  
855 services, licensed refrigeration facilities, or licensed  
856 centralized embalming facilities.

857 (e) Any aspect of making preneed funeral arrangements or  
858 entering into preneed contracts.

859 (f) Any functions normally performed by cemetery or  
860 crematory personnel.

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

864 497.373 Funeral directing; licensure as a funeral director  
865 by examination; provisional license.—

866 (1) Any person desiring to be licensed as a funeral  
867 director shall apply to the licensing authority to take the  
868 licensure examination. The licensing authority shall examine  
869 each applicant who has remitted an examination fee set by rule  
870 of the licensing authority not to exceed \$200 plus the actual

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871 per applicant cost to the licensing authority for portions of  
872 the examination and who the licensing authority certifies has:

873 (d)1. Received an associate in arts degree, associate in  
874 science degree, or an associate in applied science degree in  
875 mortuary science approved by the licensing authority; or

876 2. Holds an associate degree or higher from a college or  
877 university accredited by a regional accrediting agency  
878 ~~association of colleges and schools~~ recognized by the United  
879 States Department of Education and is a graduate of a at least  
880 ~~an approved 1-year~~ course of study in mortuary science or  
881 funeral service arts approved by the licensing authority from a  
882 college or university accredited by the American Board of  
883 Funeral Service Education.

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

886 (a) Passes an examination on ~~the subjects of~~ the theory and  
887 practice of funeral directing and funeral service arts, ~~public~~  
888 ~~health and sanitation, and local, state, and federal laws and~~  
889 ~~rules relating to the disposition of dead human bodies; however,~~  
890 the licensing authority may approve there may be approved by  
891 rule the use of a national examination, such as the funeral  
892 service arts examination prepared by the Conference of Funeral  
893 Service Examining Boards, in lieu of ~~part of~~ this examination  
894 requirement.

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

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

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900 (3) Any applicant who has completed the required 1-year  
901 internship and has been approved for examination as a funeral  
902 director may qualify for a provisional license to work in a  
903 licensed funeral establishment, under the direct supervision of  
904 a licensed funeral director for ~~a limited period of 6 months as~~  
905 provided by rule of the licensing authority. However, a  
906 provisional licensee may work under the general supervision of a  
907 licensed funeral director upon passage of the laws-and-rules  
908 examination required under paragraph (2) (b). The fee for  
909 provisional licensure shall be set by rule of the licensing  
910 authority but may not exceed \$200. The fee required in this  
911 subsection shall be nonrefundable and in addition to the fee  
912 required by subsection (1). This provisional license may be  
913 renewed no more than one time.

914 Section 18. Paragraph (b) of subsection (1) of section  
915 497.374, Florida Statutes, is amended to read:

916 497.374 Funeral directing; licensure as a funeral director  
917 by endorsement; licensure of a temporary funeral director.-

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

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

927 2. Meets the qualifications for licensure in s. 497.373 and  
928 has successfully completed a state, regional, or national



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929 examination in mortuary science or funeral service arts, which,  
930 as determined by rule of the licensing authority, is  
931 substantially equivalent to or more stringent than the  
932 examination given by the licensing authority.

933 Section 19. Section 497.375, Florida Statutes, is amended  
934 to read:

935 497.375 Funeral directing; licensure of a funeral director  
936 intern.—

937 (1) (a) Any person desiring to become a funeral director  
938 intern must apply to the licensing authority ~~shall make~~  
939 ~~application~~ on forms prescribed ~~as required~~ by rule of the  
940 licensing authority, together with a nonrefundable fee set as  
941 ~~determined~~ by rule of the licensing authority ~~but~~ not to exceed  
942 \$200.

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

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

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

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

956 c. Has taken and received a passing grade in a college  
957 credit course in mortuary law or funeral service law and has

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958 taken and received a passing grade in a college credit course in  
959 ethics.

960 (c) An ~~The~~ application must include ~~shall indicate~~ the name  
961 and address of the ~~licensed~~ funeral director licensed under s.  
962 497.373 or s. 497.374(1) under whose supervision the intern will  
963 receive training and the name of the licensed funeral  
964 establishment where the ~~such~~ training will ~~is to~~ be conducted.

965 (d) A ~~The~~ funeral director intern may perform only the  
966 tasks, functions, and duties relating to funeral directing which  
967 are performed ~~shall intern~~ under the direct supervision of a  
968 licensed funeral director who has an active, valid license under  
969 s. 497.373 or s. 497.374(1). However, a funeral director intern  
970 may perform those tasks, functions, and duties under the general  
971 supervision of a licensed funeral director upon graduation from  
972 a licensing authority-approved course of study in mortuary  
973 science or funeral service arts required under s.  
974 497.373(1)(d)2. and passage of the laws-and-rules examination  
975 required under s. 497.373(2)(b), if the funeral director in  
976 charge of the funeral director internship training agency, after  
977 6 months of direct supervision, certifies to the licensing  
978 agency that the intern is competent to complete the internship  
979 under general supervision.

980 (2) Rules shall be adopted establishing a funeral director  
981 internship program and criteria for funeral director intern  
982 training agencies and supervisors. Any funeral establishment  
983 where funeral directing is conducted may apply to the licensing  
984 authority for approval as a funeral director intern training  
985 agency.

986 (3) A funeral establishment designated as a funeral

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987 director intern training agency may not exact a fee from any  
988 person obtaining intern training at such funeral establishment.

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

992 (b) A funeral director intern who is eligible for licensure  
993 under subparagraph (1) (b)2. may renew her or his funeral  
994 director intern license for an additional 1-year period if the  
995 funeral director in charge of the funeral director intern  
996 training agency certifies to the licensing authority that the  
997 intern has completed at least one-half of the course of study in  
998 mortuary science or funeral service arts.

999 (c) The licensing authority may adopt rules that allow a  
1000 funeral director intern to renew her or his funeral director  
1001 intern license for an additional 1-year period if the funeral  
1002 director intern demonstrates her or his failure to complete the  
1003 internship before expiration of the license due to illness,  
1004 personal injury, or other substantial hardship beyond her or his  
1005 reasonable control or demonstrates that she or he has completed  
1006 the requirements for licensure as a funeral director but is  
1007 awaiting the results of a licensure examination. However, a  
1008 funeral director intern who renews her or his license under  
1009 paragraph (b) is not eligible to renew the license under this  
1010 paragraph.

1011 (d) The licensing authority may require payment of a  
1012 nonrefundable fee for the renewal of any funeral director intern  
1013 license. The fee shall be set by rule of the licensing authority  
1014 but may not exceed the fee set pursuant to paragraph (1) (a) for  
1015 an initial funeral director intern license.

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1016 Section 20. Section 497.376, Florida Statutes, is amended  
1017 to read:

1018 497.376 License as funeral director and embalmer permitted ~~to~~  
1019 ~~display of license.-~~

1020 ~~(1) Nothing in~~ This chapter does not ~~may be construed to~~  
1021 prohibit a person from holding a license as an embalmer and a  
1022 license as a funeral director at the same time. There may be  
1023 issued and renewed by the licensing authority a combination  
1024 license as both funeral director and embalmer to persons meeting  
1025 the separate requirements for both licenses as set forth in this  
1026 chapter. The licensing authority may adopt rules providing  
1027 procedures for applying for and renewing such combination  
1028 license. The licensing authority may by rule establish  
1029 application, renewal, and other fees for such combination  
1030 license, which fees shall not exceed the sum of the maximum fees  
1031 for the separate funeral director and embalmer license  
1032 categories as provided in this chapter. Persons holding a  
1033 combination license as a funeral director and an embalmer shall  
1034 be subject to regulation under this chapter both as a funeral  
1035 director and an embalmer.

1036 ~~(2) There shall be adopted rules which require each license~~  
1037 ~~issued under this chapter to be displayed in such a manner as to~~  
1038 ~~make it visible to the public and to facilitate inspection by~~  
1039 ~~the licensing authority. However, each licensee shall~~  
1040 ~~permanently affix a recent photograph of the licensee to each~~  
1041 ~~displayed license issued to that licensee as a funeral director~~  
1042 ~~or embalmer.~~

1043 Section 21. Subsection (1) of section 497.378, Florida  
1044 Statutes, is amended to read:

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1045 497.378 Renewal of funeral director and embalmer licenses.-

1046 (1) The licensing authority ~~There shall renew be renewed~~ a  
1047 funeral director or embalmer license upon receipt of the renewal  
1048 application and fee set by the licensing authority, not to  
1049 exceed \$500. The licensing authority may adopt rules for the  
1050 renewal of a funeral director or embalmer license. The rules may  
1051 require ~~prescribe by rule~~ continuing education ~~requirements~~ of  
1052 up to 12 classroom hours and may ~~by rule~~ establish criteria for  
1053 accepting alternative nonclassroom continuing education on an  
1054 hour-for-hour basis, in addition to a licensing authority-  
1055 approved course on communicable diseases ~~that includes the~~  
1056 ~~course on human immunodeficiency virus and acquired immune~~  
1057 ~~deficiency syndrome required by s. 497.367,~~ for the renewal of a  
1058 funeral director or embalmer license. The rules ~~rule~~ may also  
1059 provide for the waiver of continuing education requirements in  
1060 circumstances that would justify the waiver, such as hardship,  
1061 disability, or illness. The continuing education requirement is  
1062 not required for a licensee who is over the age of 75 years if  
1063 the licensee does not qualify as the sole person in charge of an  
1064 establishment or facility.

1065 Section 22. Subsections (7) and (12) of section 497.380,  
1066 Florida Statutes, are amended, and subsection (15) is added to  
1067 that section, to read:

1068 497.380 Funeral establishment; licensure; display of  
1069 license.-

1070 (7) Each licensed funeral establishment shall have one  
1071 full-time funeral director in charge and shall have a licensed  
1072 funeral director reasonably available to the public during  
1073 normal business hours for the ~~that~~ establishment. The full-time

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1074 funeral director in charge is responsible for ensuring that the  
1075 facility, its operation, and all persons employed in the  
1076 facility comply with all applicable state and federal laws and  
1077 rules. The full-time funeral director in charge must have an  
1078 active license and may not be the full-time funeral director in  
1079 charge of any other funeral establishment or of any other direct  
1080 disposal establishment. Effective October 1, 2010, the full-time  
1081 funeral director in charge must hold an active, valid embalmer  
1082 license or combination license as a funeral director and an  
1083 embalmer. However, a funeral director may continue as the full-  
1084 time funeral director in charge without an embalmer or  
1085 combination license if, as of September 30, 2010:

1086 (a) The funeral establishment and the funeral director both  
1087 have active, valid licenses.

1088 (b) The funeral director is currently the full-time funeral  
1089 director in charge of the funeral establishment.

1090 (c) The name of the funeral director was included, as  
1091 required in subsection (4), in the funeral establishment's most  
1092 recent application for issuance or renewal of its license or was  
1093 included in the establishment's report of change provided under  
1094 paragraph (12) (c).

1095 (12) (a) A change in ownership of a funeral establishment  
1096 shall be promptly reported pursuant to procedures established by  
1097 rule and shall require the relicensure of the funeral  
1098 establishment, including reinspection and payment of applicable  
1099 fees.

1100 (b) A change in location of a funeral establishment shall  
1101 be promptly reported to the licensing authority pursuant to  
1102 procedures established by rule. Operations by the licensee at a

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1103 new location may not commence until an inspection by the  
1104 licensing authority of the facilities, pursuant to rules of the  
1105 licensing authority, has been conducted and passed at the new  
1106 location.

1107 (c) A change in the funeral director in charge of a funeral  
1108 establishment shall be promptly reported pursuant to procedures  
1109 established by rule.

1110 (15) (a) A funeral establishment and each funeral director  
1111 and, if applicable, embalmer employed at the establishment must  
1112 display their current licenses in a conspicuous place within the  
1113 establishment in such a manner as to make the licenses visible  
1114 to the public and to facilitate inspection by the licensing  
1115 authority. If a licensee is simultaneously employed at more than  
1116 one location, the licensee may display a copy of the license in  
1117 lieu of the original.

1118 (b) Each licensee shall permanently affix a photograph  
1119 taken of the licensee within the previous 6 years to each  
1120 displayed license issued to that licensee as a funeral director  
1121 or embalmer.

1122 Section 23. Section 497.4555, Florida Statutes, is created  
1123 to read:

1124 497.4555 Charges for preneed contract.—A preneed licensee  
1125 may charge the purchaser of a preneed contract for processing,  
1126 filing, and archiving the contract and for performing other  
1127 administrative duties related to the contract. A preneed  
1128 licensee must disclose these charges to the purchaser and  
1129 include them on its standard printed price lists and other  
1130 disclosure information provided to the public under s. 497.468.  
1131 These charges are not subject to the trust deposit requirements

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1132 in s. 497.458. The department may, subject to approval by the  
1133 board, adopt rules to administer this section.

1134 Section 24. Paragraph (a) of subsection (13) of section  
1135 497.456, Florida Statutes, is amended to read:

1136 497.456 Preneed Funeral Contract Consumer Protection Trust  
1137 Fund.—

1138 (13) Regarding the Preneed Funeral Contract Consumer  
1139 Protection Trust Fund, the licensing authority shall have  
1140 authority to adopt rules for the implementation of this section,  
1141 including:

1142 (a) Forms to be used in filing claims against the trust  
1143 fund, which may require that the claims be sworn to or affirmed,  
1144 and that the forms be signed, before a notary public.

1145 Section 25. Subsections (3) and (7) of section 497.464,  
1146 Florida Statutes, are amended to read:

1147 497.464 Alternative preneed contracts.—

1148 (3) The contract must require that the purchaser make all  
1149 payments required by the contract directly to the trustee or its  
1150 qualified servicing agent ~~and that the funds shall be deposited~~  
1151 ~~in this state,~~ subject to the terms of a trust instrument  
1152 approved by the licensing authority. The licensing authority may  
1153 adopt rules establishing procedures and forms for the submission  
1154 of trust instruments for approval by the licensing authority,  
1155 establishing criteria for the approval of such trust  
1156 instruments, and specifying information required to be provided  
1157 by the applicant in connection with submission of a trust  
1158 instrument for approval. A copy of the trust instrument shall be  
1159 made available to the purchaser, at any reasonable time, upon  
1160 request.



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1161           (7) The trustee shall disburse ~~Disbursement of funds~~  
1162 discharging a any preneed contract ~~shall be made by the trustee~~  
1163 to the person issuing or writing the such contract upon the  
1164 trustee's receipt of a certified copy of the contract  
1165 beneficiary's death certificate or satisfactory of the contract  
1166 beneficiary and evidence, as the licensing authority shall  
1167 define by rule, satisfactory to the trustee that the preneed  
1168 contract has been ~~fully~~ performed in whole or in part. However,  
1169 if the contract is only partially performed, the disbursement  
1170 shall cover only that portion of the contract performed. In the  
1171 event of any contract default by the contract purchaser, or in  
1172 the event that the funeral merchandise or service contracted for  
1173 is not provided or is not desired by the purchaser or the heirs  
1174 or personal representative of the contract beneficiary, the  
1175 trustee shall return, within 30 days after its receipt of a  
1176 written request therefor, funds paid on the contract to the  
1177 contract purchaser or to her or his assigns, heirs, or personal  
1178 representative, subject to the lawful liquidation damage  
1179 provision in the contract.

1180           Section 26. Paragraph (b) of subsection (3) and subsection  
1181 (5) of section 497.602, Florida Statutes, are amended to read:

1182           497.602 Direct disposers, license required; licensing  
1183 procedures and criteria; regulation.—

1184           (3) ACTION CONCERNING APPLICATIONS.—A duly completed  
1185 application for licensure under this section, accompanied by the  
1186 required fees, shall be approved if the licensing authority  
1187 determines that the following conditions are met:

1188           (b) The applicant has taken and received a passing grade in  
1189 a college credit course in ~~Florida~~ mortuary law and has taken

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1190 and received a passing grade in a college credit course in  
1191 ethics.

1192 ~~(5) DISPLAY OF LICENSE. There shall be adopted rules which~~  
1193 ~~require each license issued under this section to be displayed~~  
1194 ~~in such a manner as to make it visible to the public and to~~  
1195 ~~facilitate inspection by the department. Each licensee shall~~  
1196 ~~permanently affix a recent photograph of the licensee to each~~  
1197 ~~displayed license issued to that licensee as a direct disposer.~~

1198 Section 27. Subsection (2) of section 497.603, Florida  
1199 Statutes, is amended to read:

1200 497.603 Direct disposers, renewal of license.—

1201 (2) The licensing authority ~~There shall adopt~~ ~~be adopted~~  
1202 ~~rules establishing~~ procedures, forms, and ~~a schedule and forms~~  
1203 ~~and procedure~~ for the biennial renewal of direct disposer  
1204 ~~licenses as direct disposers.~~ The rules ~~There shall require~~ ~~be~~  
1205 ~~adopted by rule~~ continuing education ~~requirements~~ of up to 6  
1206 classroom hours, including, but not limited to, a course on  
1207 communicable diseases approved by the licensing authority, and  
1208 ~~there may establish by rule~~ ~~be established~~ criteria for  
1209 accepting alternative nonclassroom continuing education on an  
1210 hour-for-hour basis, ~~in addition to an approved course on~~  
1211 ~~communicable diseases that includes the course on human~~  
1212 ~~immunodeficiency virus and acquired immune deficiency syndrome~~  
1213 ~~required by s. 497.367, for the renewal of a license as a direct~~  
1214 ~~disposer.~~

1215 Section 28. Paragraph (c) of subsection (2), subsection  
1216 (8), and paragraph (d) of subsection (9) of section 497.604,  
1217 Florida Statutes, are amended, and subsection (10) is added to  
1218 that section, to read:

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1219 497.604 Direct disposal establishments, license required;  
1220 licensing procedures and criteria; license renewal; regulation;  
1221 display of license.—

1222 (2) APPLICATION PROCEDURES.—

1223 (c) The application shall name the licensed direct disposer  
1224 or licensed funeral director ~~who will be acting as~~ the a direct  
1225 disposer in charge of the direct disposal establishment.

1226 (8) SUPERVISION OF FACILITIES.—

1227 (a) Effective October 1, 2010, each direct disposal  
1228 establishment shall have one full-time ~~licensed direct disposer~~  
1229 ~~or~~ licensed funeral director acting as the a direct disposer in  
1230 charge. However, a licensed direct disposer may continue acting  
1231 as the direct disposer in charge, if, as of September 30, 2010:

1232 1. The direct disposal establishment and the licensed  
1233 direct disposer both have active, valid licenses.

1234 2. The licensed direct disposer is currently acting as the  
1235 direct disposer in charge of the direct disposal establishment.

1236 3. The name of the licensed direct disposer was included,  
1237 as required in paragraph (2) (c), in the direct disposal  
1238 establishment's most recent application for issuance or renewal  
1239 of its license or was included in the establishment's notice of  
1240 change provided under subsection (7).

1241 (b) The licensed funeral director or licensed direct  
1242 disposer in charge of a direct disposal establishment must be  
1243 ~~and~~ reasonably available to the public during normal business  
1244 hours for the ~~that~~ establishment and. ~~Such person~~ may be in  
1245 charge of only one direct disposal establishment facility. The  
1246 ~~Such~~ licensed funeral director or licensed direct disposer in  
1247 charge of the establishment is ~~shall be~~ responsible for making

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1248 sure the facility, its operations, and all persons employed in  
1249 the facility comply with all applicable state and federal laws  
1250 and rules.

1251 (9) REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.—

1252 (d) Each direct disposal establishment must display at the  
1253 public entrance the name of the establishment and the name of  
1254 the licensed direct disposer or licensed funeral director acting  
1255 as the a direct disposer in charge of the ~~responsible for that~~  
1256 establishment. A direct disposal establishment must transact its  
1257 business under the name by which it is licensed.

1258 (10) DISPLAY OF LICENSE.—

1259 (a) A direct disposer establishment and each direct  
1260 disposer, or funeral director acting as a direct disposer,  
1261 employed at the establishment must display their current  
1262 licenses in a conspicuous place within the establishment in such  
1263 a manner as to make the licenses visible to the public and to  
1264 facilitate inspection by the licensing authority. If a licensee  
1265 is simultaneously employed at more than one location, the  
1266 licensee may display a copy of the license in lieu of the  
1267 original.

1268 (b) Each licensee shall permanently affix a photograph  
1269 taken of the licensee within the previous 6 years to each  
1270 displayed license issued to that licensee as a direct disposer  
1271 or funeral director acting as a direct disposer.

1272 Section 29. Section 497.367, Florida Statutes, is repealed.

1273 Section 30. This act shall take effect July 1, 2010.