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1
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 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 ~~40~~ 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
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.