

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

29 | limited licenses to certain persons licensed outside the
30 | state; revising eligibility and application requirements
31 | for a limited license; amending s. 497.147, F.S.; deleting
32 | limits on the continuing education credit provided for
33 | attendance at board meetings; amending s. 497.152, F.S.;
34 | providing that certain criminal pleas are a ground for
35 | denial of an application or discipline of a licensee under
36 | chapter 497, F.S.; amending s. 497.161, F.S.; authorizing
37 | the department to adopt rules that temporarily suspend or
38 | modify certain provisions during and following a state of
39 | emergency; amending s. 497.162, F.S.; revising which
40 | nonlicensed personnel are required to complete a course on
41 | communicable diseases; extending time for completion of
42 | the course; amending s. 497.166, F.S.; conforming
43 | terminology to changes made by the act; amending s.
44 | 497.277, F.S.; authorizing a cemetery company to charge a
45 | fee for performing specified duties related to certain
46 | cemetery sales contracts; requiring disclosure of the
47 | charges; exempting charges from certain trust deposit
48 | requirements; authorizing the department to adopt rules;
49 | amending s. 497.278, F.S.; authorizing a cemetery company
50 | to require certain persons and firms to show proof of
51 | certain insurance coverage; prohibiting a cemetery company
52 | from setting certain insurance coverage limits; amending
53 | s. 497.372, F.S.; revising the acts which are exempt from
54 | regulation as the practice of funeral directing; amending
55 | s. 497.373, F.S.; revising the educational and examination
56 | requirements for licensure of funeral directors by

57 examination; revising requirements for supervision of
58 provisional licensees; amending s. 497.374, F.S.; revising
59 the examination requirements for licensure of funeral
60 directors by endorsement; amending s. 497.375, F.S.;
61 establishing educational requirements for funeral director
62 intern licenses; revising the application requirements for
63 funeral director intern licensees; revising requirements
64 for supervision of funeral director interns; providing for
65 the expiration of funeral director intern licenses;
66 prohibiting the renewal of funeral director intern
67 licenses except under certain circumstances; authorizing
68 rules for the renewal of funeral director intern licenses;
69 providing for license renewal fees; amending s. 497.376,
70 F.S.; deleting provisions requiring rules for the display
71 of certain licenses; amending s. 497.378, F.S.; conforming
72 the continuing education requirements for funeral
73 directors and embalmers to the repeal by the act of
74 provisions requiring a course on HIV and AIDS; authorizing
75 the licensing authority to adopt rules for the renewal of
76 funeral director and embalmer licenses; amending s.
77 497.380, F.S.; providing duties of a funeral director in
78 charge of a funeral establishment; requiring a funeral
79 director in charge to have an embalmer license and
80 providing exceptions; requiring the reporting of a change
81 in the funeral director in charge of a funeral
82 establishment; requiring certain licensees to display
83 their licenses in funeral establishments; creating s.
84 497.4555, F.S.; authorizing a preneed licensee to charge a

85 fee for performing certain duties related to a preneed
 86 contract; requiring disclosure of the charges; exempting
 87 charges from certain trust deposit requirements;
 88 authorizing the department to adopt rules; amending s.
 89 497.456, F.S.; authorizing requirements that certain
 90 claims forms be sworn and notarized; amending s. 497.464,
 91 F.S.; deleting a requirement that trust payments for
 92 preneed contracts be deposited in this state; requiring
 93 that funds discharging a preneed contract be disbursed
 94 from the trust under certain circumstances; amending s.
 95 497.602, F.S.; revising the course requirements for a
 96 direct disposer license; deleting provisions requiring
 97 rules for the display of certain licenses; amending s.
 98 497.603, F.S.; requiring the licensing authority to adopt
 99 rules for the renewal of direct disposer licenses;
 100 requiring a course on communicable diseases; conforming
 101 the continuing education requirements for direct disposers
 102 to the repeal by the act of provisions requiring a course
 103 on HIV and AIDS; amending s. 497.604, F.S.; requiring a
 104 direct disposal establishment to have a licensed funeral
 105 director act as the direct disposer in charge and
 106 providing exceptions; requiring certain licensees to
 107 display their licenses in direct disposal establishments;
 108 repealing s. 497.367, F.S., relating to a continuing
 109 education course required for funeral directors and
 110 embalmers on HIV and AIDS; providing an effective date.

111

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

113
114 Section 1. Section 497.005, Florida Statutes, is amended
115 to read:

116 497.005 Definitions.—As used in this chapter, the term:

117 (1) "Alternative container" means an unfinished wood box
118 or other nonmetal receptacle or enclosure, without ornamentation
119 or a fixed interior lining, that is designed for the encasement
120 of human remains and that is made of fiberboard, pressed wood,
121 composition materials (with or without an outside covering), or
122 like materials.

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

127 (3) "Bank of belowground crypts" means any construction
128 unit of belowground crypts that is acceptable to the department
129 and that a cemetery uses to initiate its belowground crypt
130 program or to add to existing belowground crypt structures.

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

135 (5) "Board" means the Board of Funeral, Cemetery, and
136 Consumer Services.

137 (6) "Burial merchandise," "funeral merchandise," or
138 "merchandise" means any personal property offered or sold by any
139 person for use in connection with the final disposition,
140 memorialization, interment, entombment, or inurnment of human

141 remains or cremated remains, including, but not limited to,
142 caskets, outer burial containers, alternative containers,
143 cremation containers, cremation interment containers, urns,
144 monuments, private mausoleums, flowers, benches, vases,
145 acknowledgment cards, register books, memory folders, prayer
146 cards, and clothing.

147 (7) "Burial right" means the right to use a grave space,
148 mausoleum, columbarium, ossuary, or scattering garden for the
149 interment, entombment, inurnment, or other disposition of human
150 remains or cremated remains.

151 (8) "Burial service" or "service" means any service
152 offered or provided in connection with the final disposition,
153 memorialization, interment, entombment, or inurnment of human
154 remains or cremated remains.

155 (9) "Care and maintenance" means the perpetual process of
156 keeping a cemetery and its lots, graves, grounds, landscaping,
157 roads, paths, parking lots, fences, mausoleums, columbaria,
158 vaults, crypts, utilities, and other improvements, structures,
159 and embellishments in a well-cared-for and dignified condition,
160 so that the cemetery does not become a nuisance or place of
161 reproach and desolation in the community. As specified in the
162 rules of the licensing authority, "care and maintenance" may
163 include, but is not limited to, any or all of the following
164 activities: mowing the grass at reasonable intervals; raking and
165 cleaning the grave spaces and adjacent areas; pruning of shrubs
166 and trees; suppression of weeds and exotic flora; and
167 maintenance, upkeep, and repair of drains, water lines, roads,
168 buildings, and other improvements. "Care and maintenance" may

169 include, but is not limited to, reasonable overhead expenses
170 necessary for such purposes, including maintenance of machinery,
171 tools, and equipment used for such purposes. "Care and
172 maintenance" may also include repair or restoration of
173 improvements necessary or desirable as a result of wear,
174 deterioration, accident, damage, or destruction. "Care and
175 maintenance" does not include expenses for the construction and
176 development of new grave spaces or interment structures to be
177 sold to the public.

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

181 (11) "Cemetery" means a place dedicated to and used or
182 intended to be used for the permanent interment of human remains
183 or cremated remains. A cemetery may contain land or earth
184 interment; mausoleum, vault, or crypt interment; a columbarium,
185 ossuary, scattering garden, or other structure or place used or
186 intended to be used for the interment or disposition of cremated
187 remains; or any combination of one or more of such structures or
188 places.

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

191 (13) "Centralized embalming facility" means a facility in
192 which embalming takes place that operates independently of a
193 funeral establishment licensee and that offers embalming
194 services to funeral directors for a fee.

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

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

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

203 (17) "Common business enterprise" means a group of two or
204 more business entities that share common ownership in excess of
205 50 percent.

206 (18) "Control" means the possession, directly or
207 indirectly, through the ownership of voting shares, by contract,
208 arrangement, understanding, relationship, or otherwise, of the
209 power to direct or cause the direction of the management and
210 policies of a person or entity. However, a person or entity
211 shall not be deemed to have control if the person or entity
212 holds voting shares, in good faith and not for the purpose of
213 circumventing this definition, as an agent, bank, broker,
214 nominee, custodian, or trustee for one or more beneficial owners
215 who do not individually or as a group have control.

216 (19) "Cremated remains" means all the remains of the human
217 body recovered after the completion of the cremation process,
218 including processing or pulverization that leaves only bone
219 fragments reduced to unidentifiable dimensions and may include
220 the residue of any foreign matter, including casket material,
221 bridgework, or eyeglasses that were cremated with the human
222 remains.

223 (20) "Cremation" means any mechanical or thermal process
224 whereby a dead human body is reduced to ashes and bone

225 fragments. Cremation also includes any other mechanical or
 226 thermal process whereby human remains are pulverized, burned,
 227 cremated, or otherwise further reduced in size or quantity.

228 (21) "Cremation chamber" means the enclosed space within
 229 which the cremation process takes place. Cremation chambers
 230 covered by these procedures shall be used exclusively for the
 231 cremation of human remains.

232 (22) "Cremation container" means the casket or alternative
 233 container in which the human remains are transported to and
 234 placed in the cremation chamber for a cremation. A cremation
 235 container should meet substantially all of the following
 236 standards:

237 (a) Be composed of readily combustible or consumable
 238 materials suitable for cremation.

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

241 (c) Be resistant to leakage or spillage.

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

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

245 (23) "Cremation interment container" means a rigid outer
 246 container that, subject to a cemetery's rules and regulations,
 247 is composed of concrete, steel, fiberglass, or some similar
 248 material in which an urn is placed prior to being interred in
 249 the ground and that is designed to support the earth above the
 250 urn.

251 (24) "Department" means the Department of Financial
 252 Services.

253 (25) "Direct disposal establishment" means a facility
 254 licensed under this chapter where a direct disposer practices
 255 direct disposition.

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

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

259 (a) Funeral director who provides initial direction and
 260 periodic inspection of the arrangements and who is physically
 261 present or on the premises of the funeral establishment at all
 262 times when the tasks, functions, and duties relating to funeral
 263 directing are performed; or

264 (b) Embalmer who provides initial direction and
 265 instruction regarding the preservation of a dead human body in
 266 its entirety or in part and who is physically present or on the
 267 premises of the funeral establishment or embalming facility at
 268 all times when the tasks, functions, and duties relating to
 269 embalming are performed.

270 ~~(28)~~ ~~(27)~~ "Director" means the director of the Division of
 271 Funeral, Cemetery, and Consumer Services.

272 ~~(29)~~ ~~(28)~~ "Disinterment" means removal of a dead human body
 273 from earth interment or aboveground interment.

274 ~~(30)~~ ~~(29)~~ "Division" means the Division of Funeral,
 275 Cemetery, and Consumer Services within the Department of
 276 Financial Services.

277 ~~(31)~~ ~~(30)~~ "Embalmer" means any person licensed under this
 278 chapter to practice embalming in this state.

279 ~~(32)~~ ~~(31)~~ "Final disposition" means the final disposal of a
 280 dead human body by earth interment, aboveground interment,

281 cremation, burial at sea, or delivery to a medical institution
 282 for lawful dissection if the medical institution assumes
 283 responsibility for disposal. "Final disposition" does not
 284 include the disposal or distribution of cremated remains and
 285 residue of cremated remains.

286 ~~(33)-(32)~~ "Funeral" or "funeral service" means the
 287 observances, services, or ceremonies held to commemorate the
 288 life of a specific deceased human being and at which the human
 289 remains are present.

290 ~~(34)-(33)~~ "Funeral director" means any person licensed
 291 under this chapter to practice funeral directing in this state.

292 ~~(35)-(34)~~ "Funeral establishment" means a facility licensed
 293 under this chapter where a funeral director or embalmer
 294 practices funeral directing or embalming.

295 (36) "General supervision" means supervision by a
 296 licensed:

297 (a) Funeral director who is reasonably available and in a
 298 position to provide direction and guidance by being physically
 299 present, being on the premises of the funeral establishment, or
 300 being in proximity to the funeral establishment and available
 301 telephonically or by electronic communication at all times when
 302 the tasks, functions, and duties relating to funeral directing
 303 are performed; or

304 (b) Embalmer who is reasonably available and in a position
 305 to provide direction and guidance by being physically present,
 306 being on the premises of the funeral establishment or embalming
 307 facility, or being in proximity to the funeral establishment or
 308 embalming facility and available telephonically or by electronic

309 communication at all times when the tasks, functions, and duties
310 relating to embalming are performed.

311 (37)~~(35)~~ "Grave space" means a space of ground in a
312 cemetery intended to be used for the interment in the ground of
313 human remains.

314 (38)~~(36)~~ "Human remains" or "remains," or "dead human
315 body" or "dead human bodies," means the body of a deceased human
316 person for which a death certificate or fetal death certificate
317 is required under chapter 382 and includes the body in any stage
318 of decomposition.

319 (39)~~(37)~~ "Legally authorized person" means, in the
320 priority listed, the decedent, when written inter vivos
321 authorizations and directions are provided by the decedent; the
322 surviving spouse, unless the spouse has been arrested for
323 committing against the deceased an act of domestic violence as
324 defined in s. 741.28 that resulted in or contributed to the
325 death of the deceased; a son or daughter who is 18 years of age
326 or older; a parent; a brother or sister who is 18 years of age
327 or older; a grandchild who is 18 years of age or older; a
328 grandparent; or any person in the next degree of kinship. In
329 addition, the term may include, if no family member exists or is
330 available, the guardian of the dead person at the time of death;
331 the personal representative of the deceased; the attorney in
332 fact of the dead person at the time of death; the health
333 surrogate of the dead person at the time of death; a public
334 health officer; the medical examiner, county commission, or
335 administrator acting under part II of chapter 406 or other
336 public administrator; a representative of a nursing home or

337 other health care institution in charge of final disposition; or
 338 a friend or other person not listed in this subsection who is
 339 willing to assume the responsibility as the legally authorized
 340 person. Where there is a person in any priority class listed in
 341 this subsection, the funeral establishment shall rely upon the
 342 authorization of any one legally authorized person of that class
 343 if that person represents that she or he is not aware of any
 344 objection to the cremation of the deceased's human remains by
 345 others in the same class of the person making the representation
 346 or of any person in a higher priority class.

347 (40)~~(38)~~ "License" includes all authorizations required or
 348 issued under this chapter, except where expressly indicated
 349 otherwise, and shall be understood to include authorizations
 350 previously referred to as registrations or certificates of
 351 authority in chapters 470 and 497 as those chapters appeared in
 352 the 2004 edition of the Florida Statutes.

353 (41)~~(39)~~ "Licensee" means the person or entity holding any
 354 license or other authorization issued under this chapter, except
 355 where expressly indicated otherwise.

356 (42)~~(40)~~ "Mausoleum" means a structure or building that is
 357 substantially exposed above the ground and that is intended to
 358 be used for the entombment of human remains.

359 (43)~~(41)~~ "Mausoleum section" means any construction unit
 360 of a mausoleum that is acceptable to the department and that a
 361 cemetery uses to initiate its mausoleum program or to add to its
 362 existing mausoleum structures.

363 (44)~~(42)~~ "Monument" means any product used for identifying
 364 a grave site and cemetery memorials of all types, including

365 monuments, markers, and vases.

366 (45)~~(43)~~ "Monument establishment" means a facility that
 367 operates independently of a cemetery or funeral establishment
 368 and that offers to sell monuments or monument services to the
 369 public for placement in a cemetery.

370 (46)~~(44)~~ "Net assets" means the amount by which the total
 371 assets of a licensee, excluding goodwill, franchises, customer
 372 lists, patents, trademarks, and receivables from or advances to
 373 officers, directors, employees, salespersons, and affiliated
 374 companies, exceed total liabilities of the licensee. For
 375 purposes of this definition, the term "total liabilities" does
 376 not include the capital stock, paid-in capital, or retained
 377 earnings of the licensee.

378 (47)~~(45)~~ "Net worth" means total assets minus total
 379 liabilities pursuant to generally accepted accounting
 380 principles.

381 (48)~~(46)~~ "Niche" means a compartment or cubicle for the
 382 memorialization or permanent placement of a container or urn
 383 containing cremated remains.

384 (49)~~(47)~~ "Ossuary" means a receptacle used for the
 385 communal placement of cremated remains without benefit of an urn
 386 or any other container in which cremated remains may be
 387 commingled with other cremated remains and are nonrecoverable.
 388 It may or may not include memorialization.

389 (50)~~(48)~~ "Outer burial container" means an enclosure into
 390 which a casket is placed and includes, but is not limited to,
 391 vaults made of concrete, steel, fiberglass, or copper; sectional
 392 concrete enclosures; crypts; and wooden enclosures.

393 (51)~~(49)~~ "Person," when used without qualification such as
 394 "natural" or "individual," includes both natural persons and
 395 legal entities.

396 (52)~~(50)~~ "Personal residence" means any residential
 397 building in which one temporarily or permanently maintains her
 398 or his abode, including, but not limited to, an apartment or a
 399 hotel, motel, nursing home, convalescent home, home for the
 400 aged, or a public or private institution.

401 (53)~~(51)~~ "Practice of direct disposition" means the
 402 cremation of human remains without preparation of the human
 403 remains by embalming and without any attendant services or rites
 404 such as funeral or graveside services or the making of
 405 arrangements for such final disposition.

406 (54)~~(52)~~ "Practice of embalming" means disinfecting or
 407 preserving or attempting to disinfect or preserve dead human
 408 bodies by replacing certain body fluids with preserving and
 409 disinfecting chemicals.

410 (55)~~(53)~~ "Practice of funeral directing" means the
 411 performance by a licensed funeral director of any of those
 412 functions authorized by s. 497.372.

413 (56)~~(54)~~ "Preneed contract" means any arrangement or
 414 method, of which the provider of funeral merchandise or services
 415 has actual knowledge, whereby any person agrees to furnish
 416 funeral merchandise or service in the future.

417 (57)~~(55)~~ "Preneed sales agent" means any person who is
 418 licensed under this chapter to sell preneed burial or funeral
 419 service and merchandise contracts or direct disposition
 420 contracts in this state.

421 (58)~~(56)~~ "Principal" means and includes the sole
 422 proprietor of a sole proprietorship; all partners of a
 423 partnership; all members of a limited liability company;
 424 regarding a corporation, all directors and officers, and all
 425 stockholders controlling more than 10 percent of the voting
 426 stock; and all other persons who can exercise control over the
 427 person or entity.

428 (59)~~(57)~~ "Processing" means the reduction of identifiable
 429 bone fragments after the completion of the cremation process to
 430 unidentifiable bone fragments by manual means.

431 (60)~~(58)~~ "Profession" and "occupation" are used
 432 interchangeably in this chapter. The use of the word
 433 "profession" in this chapter with respect to any activities
 434 regulated under this chapter shall not be deemed to mean that
 435 such activities are not occupations for other purposes in state
 436 or federal law.

437 (61)~~(59)~~ "Pulverization" means the reduction of
 438 identifiable bone fragments after the completion of the
 439 cremation and processing to granulated particles by manual or
 440 mechanical means.

441 (62)~~(60)~~ "Refrigeration facility" means a facility that is
 442 operated independently of a funeral establishment, crematory, or
 443 direct disposal establishment, that maintains space and
 444 equipment for the storage and refrigeration of dead human
 445 bodies, and that offers its service to funeral directors,
 446 funeral establishments, direct disposers, direct disposal
 447 establishments, or crematories for a fee.

448 (63)~~(61)~~ "Religious institution" means an organization

449 formed primarily for religious purposes that has qualified for
450 exemption from federal income tax as an exempt organization
451 under the provisions of s. 501(c)(3) of the Internal Revenue
452 Code of 1986, as amended.

453 (64)~~(62)~~ "Removal service" means any service that operates
454 independently of a funeral establishment or a direct disposal
455 establishment, that handles the initial removal of dead human
456 bodies, and that offers its service to funeral establishments
457 and direct disposal establishments for a fee.

458 (65)~~(63)~~ "Rules" refers to rules adopted under this
459 chapter unless expressly indicated to the contrary.

460 (66)~~(64)~~ "Scattering garden" means a location set aside,
461 within a cemetery, that is used for the spreading or
462 broadcasting of cremated remains that have been removed from
463 their container and can be mixed with or placed on top of the
464 soil or ground cover or buried in an underground receptacle on a
465 commingled basis and that are nonrecoverable. It may or may not
466 include memorialization.

467 (67)~~(65)~~ "Servicing agent" means any person acting as an
468 independent contractor whose fiduciary responsibility is to
469 assist both the trustee and licensee in administrating their
470 responsibilities pursuant to this chapter.

471 (68)~~(66)~~ "Solicitation" means any communication that
472 directly or implicitly requests an immediate oral response from
473 the recipient.

474 (69)~~(67)~~ "Statutory accounting" means generally accepted
475 accounting principles, except as modified by this chapter.

476 (70)~~(68)~~ "Temporary container" means a receptacle for

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477 cremated remains usually made of cardboard, plastic, or similar
 478 material designated to hold the cremated remains until an urn or
 479 other permanent container is acquired.

480 (71)~~(69)~~ "Urn" means a receptacle designed to permanently
 481 encase cremated remains.

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

484 497.101 Board of Funeral, Cemetery, and Consumer Services;
 485 membership; appointment; terms.—

486 (2) Two members of the board shall be funeral directors
 487 licensed under part III of this chapter who are associated with
 488 a funeral establishment. One member of the board shall be a
 489 funeral director licensed under part III of this chapter who is
 490 associated with a funeral establishment licensed under part III
 491 of this chapter that has a valid preneed license issued pursuant
 492 to this chapter and who owns or operates a cinerator facility
 493 approved under chapter 403 and licensed under part VI of this
 494 chapter. Two members of the board shall be persons whose primary
 495 occupation is associated with a cemetery company licensed
 496 pursuant to this chapter. Three members of the board shall be
 497 consumers who are residents of the state, have never been
 498 licensed as funeral directors or embalmers, are not connected
 499 with a cemetery or cemetery company licensed pursuant to this
 500 chapter, and are not connected with the death care industry or
 501 the practice of embalming, funeral directing, or direct
 502 disposition. One of the consumer members shall be at least 60
 503 years of age, and one shall be licensed as a certified public
 504 accountant under chapter 473. One member of the board shall be a

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505 principal of a monument establishment licensed under this
506 chapter as a monument builder ~~or, for board appointments made~~
507 ~~before June 1, 2006, a licensed monument establishment certified~~
508 ~~by the department to be eligible for licensure as a monument~~
509 ~~builder.~~ One member shall be the State Health Officer or her or
510 his designee. There shall not be two or more board members who
511 are principals or employees of the same company or partnership
512 or group of companies or partnerships under common control.

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

515 497.103 Authority of board and department; Chief Financial
516 Officer recommendations.—

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

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

524 497.140 Fees.—

525 (9) The licensing authority may impose a fee upon a
526 licensee for conducting an inspection of the licensee's
527 facilities if required under this chapter following a change in
528 ownership or control or a change in location. The fee may not
529 exceed the amount of the licensee's annual inspection fee.

530 Section 5. Subsection (5) of section 497.141, Florida
531 Statutes, is amended, and subsection (13) is added to that
532 section, to read:

533 497.141 Licensing; general application procedures.-

534 (5) (a) The licensing authority may not issue, and
535 effective July 1, 2011, may not renew, a license under this
536 chapter to an applicant that has a criminal record required to
537 be disclosed under s. 497.142(10) unless the applicant
538 demonstrates that issuance of the license, according to rules
539 adopted by the licensing authority, does not create a threat to
540 the public. This paragraph does not require a licensee who
541 previously disclosed a criminal record upon initial application
542 or renewal of a license to redisclose the criminal record.

543 (b) The board may refuse to rule on an initial application
544 for licensure by any applicant who is under investigation or
545 prosecution in any jurisdiction for an action which there is
546 reasonable cause to believe would constitute a violation of this
547 chapter if committed in this state, until such time as such
548 investigation or prosecution is completed and the results of the
549 investigation or prosecution are reviewed by the board.

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

554 (b) The online electronic format for renewal of a license
555 must not allow submission of an improperly prepared renewal
556 application. Upon an applicant's submission of his or her
557 renewal application, the online electronic format must allow the
558 applicant to print a receipt of the properly prepared renewal
559 application.

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

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

566 497.142 Licensing; fingerprinting and criminal background
 567 checks.—

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

572 (b) The criminal record required to be disclosed shall be
 573 any crime listed in paragraph (c) for ~~of~~ which the person or
 574 entity required to make disclosure has been convicted or to
 575 which that person or entity entered a plea ~~in the nature of~~
 576 guilty or no contest. Disclosure is ~~shall be~~ required ~~pursuant~~
 577 ~~to this subsection regardless of~~ whether adjudication is ~~was~~
 578 entered or withheld by the court ~~in which the case was~~
 579 ~~prosecuted.~~

580 (g) The licensing authority shall ~~may~~ adopt rules
 581 specifying forms and procedures to be used ~~utilized~~ by persons
 582 required to disclose criminal records under this subsection. The
 583 rules may require a licensee to disclose only those criminal
 584 records that have not previously been disclosed under this
 585 subsection at the renewal of his or her license or, if the
 586 license has not been renewed, at the initial issuance of the
 587 license. The licensing authority may conduct investigation and

588 further inquiry of any person regarding any criminal record
 589 disclosed pursuant to this section.

590 Section 7. Subsections (1), (2), and (3) of section
 591 497.143, Florida Statutes, are amended to read:

592 497.143 Licensing; limited licenses for times of critical
 593 need ~~retired professionals.~~

594 (1) It is the intent of the Legislature that, absent a
 595 threat to the health, safety, and welfare of the public, ~~the use~~
 596 ~~of retired Florida licensees professionals~~ in good standing and
 597 active licensees in good standing from other jurisdictions, be
 598 able to serve this state during times of critical need ~~should be~~
 599 ~~encouraged. To that end, rules may be adopted to permit practice~~
 600 ~~by retired professionals as limited licensees under this~~
 601 ~~section.~~

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

606 (3) The licensing authority may adopt rules for the
 607 issuance of limited licenses in accordance with this section. A
 608 ~~Any person seeking desiring to obtain~~ a limited license, when
 609 permitted by rule, shall submit to the department an application
 610 ~~and fee, not to exceed \$300,~~ and an affidavit stating that the
 611 applicant is a retired Florida licensee or holds an active
 612 license ~~has been licensed~~ to practice in another any
 613 jurisdiction of ~~in~~ the United States ~~for at least 10 years~~ in
 614 the profession for which the applicant seeks the a limited
 615 license. The affidavit shall also state that the applicant ~~has~~

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616 ~~retired from the practice of that profession and intends to~~
617 ~~practice only pursuant to the restrictions of the limited~~
618 ~~license granted under pursuant to this section. If the applicant~~
619 ~~for a limited license submits a notarized statement from the~~
620 ~~employer stating that the applicant will not receive monetary~~
621 ~~compensation for any service involving the practice of her or~~
622 ~~his profession, all licensure fees shall be waived. In no event~~
623 ~~may~~ A person holding a limited license under this section may
624 not engage in preneed sales under the ~~such~~ limited license.

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

627 497.147 Continuing education; general provisions.—

628 (5) The board may by rule provide ~~up to 5 hours of~~
629 continuing education credit for each ~~per~~ continuing education
630 reporting period for licensees attending board meetings or
631 selected types or portions of board meetings, as specified by
632 such rules. ~~The rules may limit the number of times such credit~~
633 ~~may be utilized by a licensee.~~ The rules may include provisions
634 that establish ~~as to~~ the minimum amount of time that must be
635 spent in the board meeting room viewing proceedings, ~~which may~~
636 ~~be more than 5 hours of attendance,~~ requirements for advance
637 notice by licensees to department staff of proposed attendance,
638 requirements to sign in and out of the meeting room on lists
639 maintained at the meeting site by department staff, forms that
640 must be completed by the licensee to obtain such credit, and
641 such other requirements deemed by the board to be advisable or
642 necessary to prevent abuse of such rules and to ensure that
643 useful information is obtained by licensees as a result of

644 attendance. Procedural requirements of such rules requiring
 645 action by the department are ~~shall be~~ subject to approval by the
 646 department before ~~prior to~~ promulgation.

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

649 497.152 Disciplinary grounds.—This section sets forth
 650 conduct that is prohibited and that shall constitute grounds for
 651 denial of any application, imposition of discipline, or other
 652 enforcement action against the licensee or other person
 653 committing such conduct. For purposes of this section, the
 654 requirements of this chapter include the requirements of rules
 655 adopted under authority of this chapter. No subsection heading
 656 in this section shall be interpreted as limiting the
 657 applicability of any paragraph within the subsection.

658 (2) CRIMINAL ACTIVITY.—Being convicted or found guilty of,
 659 or entering a plea of guilty or nolo contendere to, regardless
 660 of adjudication, a crime in any jurisdiction that relates to the
 661 practice of, or the ability to practice, a licensee's profession
 662 or occupation under this chapter.

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

665 497.161 Other rulemaking provisions.—

666 (4) The department may, subject to approval by the board,
 667 adopt rules that temporarily suspend or modify any provision of
 668 this chapter during a state of emergency declared pursuant to s.
 669 252.36. The rules may only allow the suspension or modification
 670 of a provision which is necessary or advisable to allow
 671 licensees under this chapter to provide essential services to

672 the public under the emergency conditions. The rules may be
 673 adopted before any emergency exists but may not take effect
 674 until the Governor issues an executive order or proclamation
 675 declaring a state of emergency. The rules may remain in effect
 676 after a state of emergency is terminated but only for the
 677 limited period necessary to allow transition back to normal
 678 operations under the nonemergency requirements of this chapter.
 679 However, a rule suspending or modifying any provision of this
 680 chapter may not remain in effect for more than 12 months after
 681 the state of emergency is terminated.

682 Section 11. Section 497.162, Florida Statutes, is amended
 683 to read:

684 497.162 Health and safety education.—All individuals not
 685 licensed under this chapter who intend to be employed as
 686 operational personnel affiliated with a direct disposal
 687 establishment, cinerator facility, removal service,
 688 refrigeration facility, or centralized embalming facility who
 689 have direct contact with, ~~as well as all nonlicensed individuals~~
 690 ~~who intend to be involved in the removal or transportation of~~
 691 human remains on behalf of a funeral establishment, direct
 692 disposal establishment, or cinerator facility shall complete one
 693 course approved by the licensing authority on communicable
 694 diseases, within 30 ~~40~~ days after the date that they begin
 695 functioning as operational personnel on behalf of any entity
 696 that is regulated by this chapter. The course shall not exceed 3
 697 hours and shall be offered at approved locations throughout the
 698 state. Such locations may include establishments that are
 699 licensed under this chapter. The licensing authority shall adopt

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700 rules to implement and enforce this provision, which rules shall
 701 include provisions that provide for the use of approved
 702 videocassette courses and other types of audio, video, Internet,
 703 or home study courses to fulfill the continuing education
 704 requirements of this section.

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

707 497.166 Preneed sales.—

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

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

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

717 497.277 Other charges.—Other than the fees for the sale of
 718 burial rights, burial merchandise, and burial services, no other
 719 fee may be directly or indirectly charged, contracted for, or
 720 received by a cemetery company as a condition for a customer to
 721 use any burial right, burial merchandise, or burial service,
 722 except for:

723 (6) Charges paid for processing, filing, and archiving a
 724 cemetery sales contract and for performing other administrative
 725 duties related to the contract. However, these charges may not
 726 be imposed on a cemetery sales contract for the opening and
 727 closing of a grave or other burial right or for the installation

728 of a vault in a grave for which burial rights were previously
 729 purchased. A cemetery company must disclose these charges to the
 730 customer and include them on its standard printed price lists
 731 and other disclosure information provided to the public under s.
 732 497.282. These charges are not subject to the trust deposit
 733 requirements in s. 497.458. The department may, subject to
 734 approval by the board, adopt rules to administer this
 735 subsection.

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

738 497.278 Monuments; installation fees.—

739 (3) A cemetery company may ~~not~~ require any person or firm
 740 that delivers, installs, places, or sets a monument to show
 741 proof of liability ~~obtain any form of~~ insurance coverage and, if
 742 required by law, workers' compensation insurance coverage.
 743 However, a cemetery company may not set liability insurance
 744 coverage limits or require any person or firm to obtain any form
 745 of bond, or surety, or make any form of pledge, deposit, or
 746 monetary guarantee, as a condition for entry on or access to
 747 cemetery property.

748 Section 15. Paragraph (a) of subsection (2) of section
 749 497.372, Florida Statutes, is amended to read:

750 497.372 Funeral directing; conduct constituting funeral
 751 directing.—

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

754 (a) The phoning-in, ~~or~~ faxing, or electronic transmission
 755 of obituary notices; ordering of flowers or merchandise;

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756 delivery of death certificates to attending physicians; or
 757 clerical preparation and processing of death certificates,
 758 insurance forms, and any clerical tasks that record the
 759 information compiled by the funeral director or that are
 760 incidental to any of the functions specified above.

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

764 497.373 Funeral directing; licensure as a funeral director
 765 by examination; provisional license.—

766 (1) Any person desiring to be licensed as a funeral
 767 director shall apply to the licensing authority to take the
 768 licensure examination. The licensing authority shall examine
 769 each applicant who has remitted an examination fee set by rule
 770 of the licensing authority not to exceed \$200 plus the actual
 771 per applicant cost to the licensing authority for portions of
 772 the examination and who the licensing authority certifies has:

773 (d)1. Received an associate in arts degree, associate in
 774 science degree, or an associate in applied science degree in
 775 mortuary science approved by the licensing authority; or

776 2. Holds an associate degree or higher from a college or
 777 university accredited by a regional accrediting agency
 778 ~~association of colleges and schools~~ recognized by the United
 779 States Department of Education and is a graduate of a ~~at least~~
 780 ~~an approved 1-year~~ course of study in mortuary science or
 781 funeral service arts approved by the licensing authority from a
 782 college or university accredited by the American Board of
 783 Funeral Service Education.

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

786 (a) Passes an examination on ~~the subjects of~~ the theory
787 and practice of funeral directing and funeral service arts,
788 ~~public health and sanitation, and local, state, and federal laws~~
789 ~~and rules relating to the disposition of dead human bodies;~~
790 however, the licensing authority may approve ~~there may be~~
791 ~~approved~~ by rule the use of a national examination, such as the
792 funeral service arts examination prepared by the Conference of
793 Funeral Service Examining Boards, in lieu of ~~part of~~ this
794 examination requirement.

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

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

800 (3) Any applicant who has completed the required 1-year
801 internship and has been approved for examination as a funeral
802 director may qualify for a provisional license to work in a
803 licensed funeral establishment, under the direct supervision of
804 a licensed funeral director for ~~a limited period of~~ 6 months as
805 provided by rule of the licensing authority. However, a
806 provisional licensee may work under the general supervision of a
807 licensed funeral director upon passage of the laws-and-rules
808 examination required under paragraph (2) (b). The fee for
809 provisional licensure shall be set by rule of the licensing
810 authority but may not exceed \$200. The fee required in this
811 subsection shall be nonrefundable and in addition to the fee

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812 required by subsection (1). This provisional license may be
 813 renewed no more than one time.

814 Section 17. Paragraph (b) of subsection (1) of section
 815 497.374, Florida Statutes, is amended to read:

816 497.374 Funeral directing; licensure as a funeral director
 817 by endorsement; licensure of a temporary funeral director.—

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

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

827 2. Meets the qualifications for licensure in s. 497.373
 828 and has successfully completed a state, regional, or national
 829 examination in mortuary science or funeral service arts, which,
 830 as determined by rule of the licensing authority, is
 831 substantially equivalent to or more stringent than the
 832 examination given by the licensing authority.

833 Section 18. Section 497.375, Florida Statutes, is amended
 834 to read:

835 497.375 Funeral directing; licensure of a funeral director
 836 intern.—

837 (1) (a) Any person desiring to become a funeral director
 838 intern must apply to the licensing authority ~~shall make~~
 839 ~~application~~ on forms prescribed ~~as required~~ by rule of the

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840 licensing authority, together with a nonrefundable fee set as
841 ~~determined~~ by rule of the licensing authority ~~but~~ not to exceed
842 \$200.

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

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

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

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

856 c. Has taken and received a passing grade in a college
857 credit course in mortuary law or funeral service law and has
858 taken and received a passing grade in a college credit course in
859 ethics.

860 (c) An ~~The~~ application must include ~~shall indicate~~ the
861 name and address of the ~~licensed~~ funeral director licensed under
862 s. 497.373 or s. 497.374(1) under whose supervision the intern
863 will receive training and the name of the licensed funeral
864 establishment where the ~~such~~ training will ~~is to~~ be conducted.

865 (d) A ~~The~~ funeral director intern may perform only the
866 tasks, functions, and duties relating to funeral directing that
867 are performed ~~shall intern~~ under the direct supervision of a

868 licensed funeral director who has an active, valid license under
 869 s. 497.373 or s. 497.374(1). However, a funeral director intern
 870 may perform those tasks, functions, and duties under the general
 871 supervision of a licensed funeral director upon graduation from
 872 a licensing authority-approved course of study in mortuary
 873 science or funeral service arts required under s.
 874 497.373(1)(d)2. and passage of the laws-and-rules examination
 875 required under s. 497.373(2)(b), if the funeral director in
 876 charge of the funeral director internship training agency, after
 877 6 months of direct supervision, certifies to the licensing
 878 agency that the intern is competent to complete the internship
 879 under general supervision.

880 (2) Rules shall be adopted establishing a funeral director
 881 internship program and criteria for funeral director intern
 882 training agencies and supervisors. Any funeral establishment
 883 where funeral directing is conducted may apply to the licensing
 884 authority for approval as a funeral director intern training
 885 agency.

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

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

892 (b) A funeral director intern who is eligible for
 893 licensure under subparagraph (1)(b)2. may renew his or her
 894 funeral director intern license for an additional 1-year period
 895 if the funeral director in charge of the funeral director intern

896 training agency certifies to the licensing authority that the
 897 intern has completed at least one-half of the course of study in
 898 mortuary science or funeral service arts.

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

911 (d) The licensing authority may require payment of a
 912 nonrefundable fee for the renewal of any funeral director intern
 913 license. The fee shall be set by rule of the licensing authority
 914 but may not exceed the fee set pursuant to paragraph (1)(a) for
 915 an initial funeral director intern license.

916 Section 19. Section 497.376, Florida Statutes, is amended
 917 to read:

918 497.376 License as funeral director and embalmer
 919 permitted; ~~display of license.~~

920 ~~(1) Nothing in This chapter does not~~ may be construed to
 921 prohibit a person from holding a license as an embalmer and a
 922 license as a funeral director at the same time. There may be
 923 issued and renewed by the licensing authority a combination

924 license as both funeral director and embalmer to persons meeting
 925 the separate requirements for both licenses as set forth in this
 926 chapter. The licensing authority may adopt rules providing
 927 procedures for applying for and renewing such combination
 928 license. The licensing authority may by rule establish
 929 application, renewal, and other fees for such combination
 930 license, which fees shall not exceed the sum of the maximum fees
 931 for the separate funeral director and embalmer license
 932 categories as provided in this chapter. Persons holding a
 933 combination license as a funeral director and an embalmer shall
 934 be subject to regulation under this chapter both as a funeral
 935 director and an embalmer.

936 ~~(2) There shall be adopted rules which require each~~
 937 ~~license issued under this chapter to be displayed in such a~~
 938 ~~manner as to make it visible to the public and to facilitate~~
 939 ~~inspection by the licensing authority. However, each licensee~~
 940 ~~shall permanently affix a recent photograph of the licensee to~~
 941 ~~each displayed license issued to that licensee as a funeral~~
 942 ~~director or embalmer.~~

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

945 497.378 Renewal of funeral director and embalmer
 946 licenses.—

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

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

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

969 497.380 Funeral establishment; licensure; display of
 970 license.—

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

980 charge of any other funeral establishment or of any other direct
 981 disposal establishment. Effective October 1, 2010, the full-time
 982 funeral director in charge must hold an active, valid embalmer
 983 license or combination license as a funeral director and an
 984 embalmer. However, a funeral director may continue as the full-
 985 time funeral director in charge without an embalmer or
 986 combination license if, as of September 30, 2010:

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

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

991 (c) The name of the funeral director was included, as
 992 required in subsection (4), in the funeral establishment's most
 993 recent application for issuance or renewal of its license or was
 994 included in the establishment's report of change provided under
 995 paragraph (12) (c).

996 (12) (a) A change in ownership of a funeral establishment
 997 shall be promptly reported pursuant to procedures established by
 998 rule and shall require the relicensure of the funeral
 999 establishment, including reinspection and payment of applicable
 1000 fees.

1001 (b) A change in location of a funeral establishment shall
 1002 be promptly reported to the licensing authority pursuant to
 1003 procedures established by rule. Operations by the licensee at a
 1004 new location may not commence until an inspection by the
 1005 licensing authority of the facilities, pursuant to rules of the
 1006 licensing authority, has been conducted and passed at the new
 1007 location.

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1008 (c) A change in the funeral director in charge of a
 1009 funeral establishment shall be promptly reported pursuant to
 1010 procedures established by rule.

1011 (15) (a) A funeral establishment and each funeral director
 1012 and, if applicable, embalmer employed at the establishment must
 1013 display their current licenses in a conspicuous place within the
 1014 establishment in such a manner as to make the licenses visible
 1015 to the public and to facilitate inspection by the licensing
 1016 authority. If a licensee is simultaneously employed at more than
 1017 one location, the licensee may display a copy of the license in
 1018 lieu of the original.

1019 (b) Each licensee shall permanently affix a photograph
 1020 taken of the licensee within the previous 6 years to each
 1021 displayed license issued to that licensee as a funeral director
 1022 or embalmer.

1023 Section 22. Section 497.4555, Florida Statutes, is created
 1024 to read:

1025 497.4555 Charges for preneed contract.—A preneed licensee
 1026 may charge the purchaser of a preneed contract for processing,
 1027 filing, and archiving the contract and for performing other
 1028 administrative duties related to the contract. A preneed
 1029 licensee must disclose these charges to the purchaser and
 1030 include them on its standard printed price lists and other
 1031 disclosure information provided to the public under s. 497.468.
 1032 These charges are not subject to the trust deposit requirements
 1033 in s. 497.458. The department may, subject to approval by the
 1034 board, adopt rules to administer this section.

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1035 Section 23. Paragraph (a) of subsection (13) of section
 1036 497.456, Florida Statutes, is amended to read:

1037 497.456 Preneed Funeral Contract Consumer Protection Trust
 1038 Fund.—

1039 (13) Regarding the Preneed Funeral Contract Consumer
 1040 Protection Trust Fund, the licensing authority shall have
 1041 authority to adopt rules for the implementation of this section,
 1042 including:

1043 (a) Forms to be used in filing claims against the trust
 1044 fund, which may require that the claims be sworn to or affirmed,
 1045 and that the forms be signed, before a notary public.

1046 Section 24. Subsections (3) and (7) of section 497.464,
 1047 Florida Statutes, are amended to read:

1048 497.464 Alternative preneed contracts.—

1049 (3) The contract must require that the purchaser make all
 1050 payments required by the contract directly to the trustee or its
 1051 qualified servicing agent ~~and that the funds shall be deposited~~
 1052 ~~in this state,~~ subject to the terms of a trust instrument
 1053 approved by the licensing authority. The licensing authority may
 1054 adopt rules establishing procedures and forms for the submission
 1055 of trust instruments for approval by the licensing authority,
 1056 establishing criteria for the approval of such trust
 1057 instruments, and specifying information required to be provided
 1058 by the applicant in connection with submission of a trust
 1059 instrument for approval. A copy of the trust instrument shall be
 1060 made available to the purchaser, at any reasonable time, upon
 1061 request.

1062 (7) The trustee shall disburse ~~Disbursement of funds~~
 1063 discharging a ~~any~~ preneed contract ~~shall be made by the trustee~~
 1064 to the person issuing or writing the ~~such~~ contract upon the
 1065 trustee's receipt of a certified copy of the contract
 1066 beneficiary's death certificate or satisfactory ~~of the contract~~
 1067 ~~beneficiary and~~ evidence, as the licensing authority shall
 1068 define by rule, ~~satisfactory to the trustee~~ that the preneed
 1069 contract has been ~~fully~~ performed in whole or in part. However,
 1070 if the contract is only partially performed, the disbursement
 1071 shall only cover that portion of the contract performed. In the
 1072 event of any contract default by the contract purchaser, or in
 1073 the event that the funeral merchandise or service contracted for
 1074 is not provided or is not desired by the purchaser or the heirs
 1075 or personal representative of the contract beneficiary, the
 1076 trustee shall return, within 30 days after its receipt of a
 1077 written request therefor, funds paid on the contract to the
 1078 contract purchaser or to her or his assigns, heirs, or personal
 1079 representative, subject to the lawful liquidation damage
 1080 provision in the contract.

1081 Section 25. Paragraph (b) of subsection (3) and subsection
 1082 (5) of section 497.602, Florida Statutes, are amended to read:

1083 497.602 Direct disposers, license required; licensing
 1084 procedures and criteria; regulation.—

1085 (3) ACTION CONCERNING APPLICATIONS.—A duly completed
 1086 application for licensure under this section, accompanied by the
 1087 required fees, shall be approved if the licensing authority
 1088 determines that the following conditions are met:

1089 (b) The applicant has taken and received a passing grade
 1090 in a college credit course in ~~Florida~~ mortuary law and has taken
 1091 and received a passing grade in a college credit course in
 1092 ethics.

1093 ~~(5) DISPLAY OF LICENSE.—There shall be adopted rules which~~
 1094 ~~require each license issued under this section to be displayed~~
 1095 ~~in such a manner as to make it visible to the public and to~~
 1096 ~~facilitate inspection by the department. Each licensee shall~~
 1097 ~~permanently affix a recent photograph of the licensee to each~~
 1098 ~~displayed license issued to that licensee as a direct disposer.~~

1099 Section 26. Subsection (2) of section 497.603, Florida
 1100 Statutes, is amended to read:

1101 497.603 Direct disposers, renewal of license.—

1102 (2) The licensing authority ~~There shall~~ adopt ~~be adopted~~
 1103 ~~rules establishing~~ procedures, forms, and a schedule ~~and forms~~
 1104 ~~and procedure~~ for the biennial renewal of direct disposer
 1105 ~~licenses as direct disposers. The rules~~ There shall require ~~be~~
 1106 ~~adopted by rule~~ continuing education ~~requirements~~ of up to 6
 1107 classroom hours, including, but not limited to, a course on
 1108 communicable diseases approved by the licensing authority, and
 1109 ~~there may~~ establish ~~by rule~~ ~~be established~~ criteria for
 1110 accepting alternative nonclassroom continuing education on an
 1111 hour-for-hour basis, ~~in addition to an approved course on~~
 1112 ~~communicable diseases that includes the course on human~~
 1113 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
 1114 ~~required by s. 497.367, for the renewal of a license as a direct~~
 1115 ~~disposer.~~

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1116 Section 27. Paragraph (c) of subsection (2), subsection
 1117 (8), and paragraph (d) of subsection (9) of section 497.604,
 1118 Florida Statutes, are amended, and subsection (10) is added to
 1119 that section, to read:

1120 497.604 Direct disposal establishments, license required;
 1121 licensing procedures and criteria; license renewal; regulation;
 1122 display of license.—

1123 (2) APPLICATION PROCEDURES.—

1124 (c) The application shall name the licensed direct
 1125 disposer or licensed funeral director ~~who will be acting as the~~
 1126 ~~a~~ direct disposer in charge of the direct disposal
 1127 establishment.

1128 (8) SUPERVISION OF FACILITIES.—

1129 (a) Effective October 1, 2010, each direct disposal
 1130 establishment shall have one full-time ~~licensed direct disposer~~
 1131 ~~or~~ licensed funeral director acting as the ~~a~~ direct disposer in
 1132 charge. However, a licensed direct disposer may continue acting
 1133 as the direct disposer in charge, if, as of September 30, 2010:

1134 1. The direct disposal establishment and the licensed
 1135 direct disposer both have active, valid licenses.

1136 2. The licensed direct disposer is currently acting as the
 1137 direct disposer in charge of the direct disposal establishment.

1138 3. The name of the licensed direct disposer was included,
 1139 as required in paragraph (2) (c), in the direct disposal
 1140 establishment's most recent application for issuance or renewal
 1141 of its license or was included in the establishment's notice of
 1142 change provided under subsection (7).

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1143 (b) The licensed funeral director or licensed direct
1144 disposer in charge of a direct disposal establishment must be
1145 ~~and~~ reasonably available to the public during normal business
1146 hours for the ~~that~~ establishment and. ~~Such person~~ may be in
1147 charge of only one direct disposal establishment facility. The
1148 ~~Such~~ licensed funeral director or licensed direct disposer in
1149 charge of the establishment is ~~shall be~~ responsible for making
1150 sure the facility, its operations, and all persons employed in
1151 the facility comply with all applicable state and federal laws
1152 and rules.

1153 (9) REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.—

1154 (d) Each direct disposal establishment must display at the
1155 public entrance the name of the establishment and the name of
1156 the licensed direct disposer or licensed funeral director acting
1157 as the ~~a~~ direct disposer in charge of the ~~responsible for that~~
1158 establishment. A direct disposal establishment must transact its
1159 business under the name by which it is licensed.

1160 (10) DISPLAY OF LICENSE.—

1161 (a) A direct disposer establishment and each direct
1162 disposer, or funeral director acting as a direct disposer,
1163 employed at the establishment must display their current
1164 licenses in a conspicuous place within the establishment in such
1165 a manner as to make the licenses visible to the public and to
1166 facilitate inspection by the licensing authority. If a licensee
1167 is simultaneously employed at more than one location, the
1168 licensee may display a copy of the license in lieu of the
1169 original.

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1170 (b) Each licensee shall permanently affix a photograph
1171 taken of the licensee within the previous 6 years to each
1172 displayed license issued to that licensee as a direct disposer
1173 or funeral director acting as a direct disposer.

1174 Section 28. Section 497.367, Florida Statutes, is
1175 repealed.

1176 Section 29. This act shall take effect July 1, 2010.