

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 offenses; requiring
 22 an applicant for issuance or renewal of a license to
 23 disclose certain criminal pleas; requiring the licensing
 24 authority to adopt rules for the disclosure of criminal
 25 records; authorizing an exception from disclosure
 26 requirements for previously disclosed criminal records;
 27 amending s. 497.143, F.S.; revising legislative intent;
 28 authorizing the licensing authority to adopt rules for the

29 issuance of limited licenses to certain persons licensed
 30 outside the state; revising eligibility and application
 31 requirements for a limited license; amending s. 497.147,
 32 F.S.; deleting limits on the continuing education credit
 33 provided for attendance at board meetings; amending s.
 34 497.152, F.S.; providing that certain criminal pleas are a
 35 ground for denial of an application or discipline of a
 36 licensee under chapter 497, F.S.; amending s. 497.161,
 37 F.S.; authorizing the department to adopt rules that
 38 temporarily suspend or modify certain provisions during
 39 and following a state of emergency; amending s. 497.162,
 40 F.S.; revising which nonlicensed personnel are required to
 41 complete a course on communicable diseases; extending time
 42 for completion of the course; amending s. 497.166, F.S.;
 43 conforming terminology to changes made by the act;
 44 amending s. 497.277, F.S.; authorizing a cemetery company
 45 to charge a fee for performing specified duties related to
 46 certain cemetery sales contracts; requiring disclosure of
 47 the 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

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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.

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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

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

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 danger to
 540 the public. A licensee who previously disclosed her or his
 541 criminal record upon initial application or renewal of her or
 542 his license must only disclose a criminal offense for which the
 543 licensee was convicted or entered a plea of guilty or nolo
 544 contendere since the most recent renewal of her or his license
 545 or, if the license has not been renewed, since the licensee's
 546 initial application.

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

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

558 (b) The online electronic format for renewal of a license
 559 must not allow submission of an improperly prepared renewal
 560 application. Upon an applicant's submission of her or his

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561 renewal application, the online electronic format must allow the
562 applicant to print a receipt of the properly prepared renewal
563 application.

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

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

570 497.142 Licensing; fingerprinting and criminal background
571 checks.—

572 (10) (a) When applying for any license under this chapter,
573 every applicant must ~~shall be required to~~ disclose the
574 applicant's criminal records in accordance with this subsection.
575 When applying for renewal of any license under this chapter,
576 every licensee must disclose only those criminal offenses
577 required to be disclosed under this subsection since the most
578 recent renewal of her or his license or, if the license has not
579 been renewed, since the licensee's initial application.

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

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

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

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

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

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

614 (3) The licensing authority may adopt rules for the
 615 issuance of limited licenses in accordance with this section. A

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

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

635 497.147 Continuing education; general provisions.—

636 (5) The board may by rule provide ~~up to 5 hours of~~
 637 continuing education credit for each ~~per~~ continuing education
 638 reporting period for licensees attending board meetings or
 639 selected types or portions of board meetings, as specified by
 640 such rules. ~~The rules may limit the number of times such credit~~
 641 ~~may be utilized by a licensee.~~ The rules may include provisions
 642 that establish ~~as to~~ the minimum amount of time that must be
 643 spent in the board meeting room viewing proceedings, ~~which may~~

644 ~~be more than 5 hours of attendance,~~ requirements for advance
645 notice by licensees to department staff of proposed attendance,
646 requirements to sign in and out of the meeting room on lists
647 maintained at the meeting site by department staff, forms that
648 must be completed by the licensee to obtain such credit, and
649 such other requirements deemed by the board to be advisable or
650 necessary to prevent abuse of such rules and to ensure that
651 useful information is obtained by licensees as a result of
652 attendance. Procedural requirements of such rules requiring
653 action by the department are ~~shall be~~ subject to approval by the
654 department before ~~prior to~~ promulgation.

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

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

666 (2) CRIMINAL ACTIVITY.—Being convicted or found guilty of,
667 or entering a plea of guilty or nolo contendere to, regardless
668 of adjudication, a crime in any jurisdiction that relates to the
669 practice of, or the ability to practice, a licensee's profession
670 or occupation under this chapter.

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

673 497.161 Other rulemaking provisions.—

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

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

692 497.162 Health and safety education.—All individuals not
693 licensed under this chapter who intend to be employed as
694 operational personnel affiliated with a direct disposal
695 establishment, cinerator facility, removal service,
696 refrigeration facility, or centralized embalming facility who
697 have direct contact with, ~~as well as all nonlicensed individuals~~
698 ~~who intend to be involved in the removal or transportation of~~

699 human remains on behalf of a funeral establishment, direct
 700 disposal establishment, or cinerator facility shall complete one
 701 course approved by the licensing authority on communicable
 702 diseases, within 30 ~~10~~ days after the date that they begin
 703 functioning as operational personnel on behalf of any entity
 704 that is regulated by this chapter. The course shall not exceed 3
 705 hours and shall be offered at approved locations throughout the
 706 state. Such locations may include establishments that are
 707 licensed under this chapter. The licensing authority shall adopt
 708 rules to implement and enforce this provision, which rules shall
 709 include provisions that provide for the use of approved
 710 videocassette courses and other types of audio, video, Internet,
 711 or home study courses to fulfill the continuing education
 712 requirements of this section.

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

715 497.166 Preneed sales.—

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

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

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

725 497.277 Other charges.—Other than the fees for the sale of
 726 burial rights, burial merchandise, and burial services, no other

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727 fee may be directly or indirectly charged, contracted for, or
 728 received by a cemetery company as a condition for a customer to
 729 use any burial right, burial merchandise, or burial service,
 730 except for:

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

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

746 497.278 Monuments; installation fees.—

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

755 cemetery property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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808 (3) Any applicant who has completed the required 1-year
809 internship and has been approved for examination as a funeral
810 director may qualify for a provisional license to work in a
811 licensed funeral establishment, under the direct supervision of
812 a licensed funeral director for ~~a limited period of~~ 6 months as
813 provided by rule of the licensing authority. However, a
814 provisional licensee may work under the general supervision of a
815 licensed funeral director upon passage of the laws-and-rules
816 examination required under paragraph (2) (b). The fee for
817 provisional licensure shall be set by rule of the licensing
818 authority but may not exceed \$200. The fee required in this
819 subsection shall be nonrefundable and in addition to the fee
820 required by subsection (1). This provisional license may be
821 renewed no more than one time.

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

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

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

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

835 2. Meets the qualifications for licensure in s. 497.373

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

841 Section 18. Section 497.375, Florida Statutes, is amended
 842 to read:

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

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

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

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

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

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

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

868 (c) An ~~The application must include~~ shall indicate the
 869 name and address of the ~~licensed~~ funeral director licensed under
 870 s. 497.373 or s. 497.374(1) under whose supervision the intern
 871 will receive training and the name of the licensed funeral
 872 establishment where the such training will ~~is to~~ be conducted.

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

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

892 authority for approval as a funeral director intern training
 893 agency.

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

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

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

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

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

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

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

928 ~~(1) Nothing in This chapter does not may be construed to~~
 929 prohibit a person from holding a license as an embalmer and a
 930 license as a funeral director at the same time. There may be
 931 issued and renewed by the licensing authority a combination
 932 license as both funeral director and embalmer to persons meeting
 933 the separate requirements for both licenses as set forth in this
 934 chapter. The licensing authority may adopt rules providing
 935 procedures for applying for and renewing such combination
 936 license. The licensing authority may by rule establish
 937 application, renewal, and other fees for such combination
 938 license, which fees shall not exceed the sum of the maximum fees
 939 for the separate funeral director and embalmer license
 940 categories as provided in this chapter. Persons holding a
 941 combination license as a funeral director and an embalmer shall
 942 be subject to regulation under this chapter both as a funeral
 943 director and an embalmer.

944 ~~(2) There shall be adopted rules which require each~~
 945 ~~license issued under this chapter to be displayed in such a~~
 946 ~~manner as to make it visible to the public and to facilitate~~

947 ~~inspection by the licensing authority. However, each licensee~~
 948 ~~shall permanently affix a recent photograph of the licensee to~~
 949 ~~each displayed license issued to that licensee as a funeral~~
 950 ~~director or embalmer.~~

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

953 497.378 Renewal of funeral director and embalmer
 954 licenses.—

955 (1) The licensing authority ~~There~~ shall renew ~~be renewed~~ a
 956 funeral director or embalmer license upon receipt of the renewal
 957 application and fee set by the licensing authority, not to
 958 exceed \$500. The licensing authority may adopt rules for the
 959 renewal of a funeral director or embalmer license. The rules may
 960 require ~~prescribe by rule~~ continuing education ~~requirements~~ of
 961 up to 12 classroom hours and may ~~by rule~~ establish criteria for
 962 accepting alternative nonclassroom continuing education on an
 963 hour-for-hour basis, in addition to a licensing authority-
 964 approved course on communicable diseases ~~that includes the~~
 965 ~~course on human immunodeficiency virus and acquired immune~~
 966 ~~deficiency syndrome required by s. 497.367,~~ for the renewal of a
 967 funeral director or embalmer license. The rules ~~rule~~ may also
 968 provide for the waiver of continuing education requirements in
 969 circumstances that would justify the waiver, such as hardship,
 970 disability, or illness. The continuing education requirement is
 971 not required for a licensee who is over the age of 75 years if
 972 the licensee does not qualify as the sole person in charge of an
 973 establishment or facility.

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

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

979 (7) Each licensed funeral establishment shall have one
 980 full-time funeral director in charge and shall have a licensed
 981 funeral director reasonably available to the public during
 982 normal business hours for ~~the~~ ~~that~~ establishment. The full-time
 983 funeral director in charge is responsible for ensuring that the
 984 facility, its operation, and all persons employed in the
 985 facility comply with all applicable state and federal laws and
 986 rules. The full-time funeral director in charge must have an
 987 active license and may not be the full-time funeral director in
 988 charge of any other funeral establishment or of any other direct
 989 disposal establishment. Effective October 1, 2010, the full-time
 990 funeral director in charge must hold an active, valid embalmer
 991 license or combination license as a funeral director and an
 992 embalmer. However, a funeral director may continue as the full-
 993 time funeral director in charge without an embalmer or
 994 combination license if, as of September 30, 2010:

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

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

999 (c) The name of the funeral director was included, as
 1000 required in subsection (4), in the funeral establishment's most
 1001 recent application for issuance or renewal of its license or was

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1002 included in the establishment's report of change provided under
1003 paragraph (12) (c).

1004 (12) (a) A change in ownership of a funeral establishment
1005 shall be promptly reported pursuant to procedures established by
1006 rule and shall require the relicensure of the funeral
1007 establishment, including reinspection and payment of applicable
1008 fees.

1009 (b) A change in location of a funeral establishment shall
1010 be promptly reported to the licensing authority pursuant to
1011 procedures established by rule. Operations by the licensee at a
1012 new location may not commence until an inspection by the
1013 licensing authority of the facilities, pursuant to rules of the
1014 licensing authority, has been conducted and passed at the new
1015 location.

1016 (c) A change in the funeral director in charge of a
1017 funeral establishment shall be promptly reported pursuant to
1018 procedures established by rule.

1019 (15) (a) A funeral establishment and each funeral director
1020 and, if applicable, embalmer employed at the establishment must
1021 display their current licenses in a conspicuous place within the
1022 establishment in such a manner as to make the licenses visible
1023 to the public and to facilitate inspection by the licensing
1024 authority. If a licensee is simultaneously employed at more than
1025 one location, the licensee may display a copy of the license in
1026 lieu of the original.

1027 (b) Each licensee shall permanently affix a photograph
1028 taken of the licensee within the previous 6 years to each

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1029 displayed license issued to that licensee as a funeral director
 1030 or embalmer.

1031 Section 22. Section 497.4555, Florida Statutes, is created
 1032 to read:

1033 497.4555 Charges for preneed contract.—A preneed licensee
 1034 may charge the purchaser of a preneed contract for processing,
 1035 filing, and archiving the contract and for performing other
 1036 administrative duties related to the contract. A preneed
 1037 licensee must disclose these charges to the purchaser and
 1038 include them on its standard printed price lists and other
 1039 disclosure information provided to the public under s. 497.468.
 1040 These charges are not subject to the trust deposit requirements
 1041 in s. 497.458. The department may, subject to approval by the
 1042 board, adopt rules to administer this section.

1043 Section 23. Paragraph (a) of subsection (13) of section
 1044 497.456, Florida Statutes, is amended to read:

1045 497.456 Preneed Funeral Contract Consumer Protection Trust
 1046 Fund.—

1047 (13) Regarding the Preneed Funeral Contract Consumer
 1048 Protection Trust Fund, the licensing authority shall have
 1049 authority to adopt rules for the implementation of this section,
 1050 including:

1051 (a) Forms to be used in filing claims against the trust
 1052 fund, which may require that the claims be sworn to or affirmed,
 1053 and that the forms be signed, before a notary public.

1054 Section 24. Subsections (3) and (7) of section 497.464,
 1055 Florida Statutes, are amended to read:

1056 497.464 Alternative preneed contracts.—

1057 (3) The contract must require that the purchaser make all
 1058 payments required by the contract directly to the trustee or its
 1059 qualified servicing agent ~~and that the funds shall be deposited~~
 1060 ~~in this state~~, subject to the terms of a trust instrument
 1061 approved by the licensing authority. The licensing authority may
 1062 adopt rules establishing procedures and forms for the submission
 1063 of trust instruments for approval by the licensing authority,
 1064 establishing criteria for the approval of such trust
 1065 instruments, and specifying information required to be provided
 1066 by the applicant in connection with submission of a trust
 1067 instrument for approval. A copy of the trust instrument shall be
 1068 made available to the purchaser, at any reasonable time, upon
 1069 request.

1070 (7) The trustee shall disburse ~~Disbursement of~~ funds
 1071 discharging a any preneed contract ~~shall be made by the trustee~~
 1072 to the person issuing or writing the such contract upon the
 1073 trustee's receipt of a certified copy of the contract
 1074 beneficiary's death certificate or satisfactory of the contract
 1075 ~~beneficiary and~~ evidence, as the licensing authority shall
 1076 define by rule, satisfactory to the trustee that the preneed
 1077 contract has been ~~fully~~ performed in whole or in part. However,
 1078 if the contract is only partially performed, the disbursement
 1079 shall only cover that portion of the contract performed. In the
 1080 event of any contract default by the contract purchaser, or in
 1081 the event that the funeral merchandise or service contracted for
 1082 is not provided or is not desired by the purchaser or the heirs
 1083 or personal representative of the contract beneficiary, the
 1084 trustee shall return, within 30 days after its receipt of a

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1085 written request therefor, funds paid on the contract to the
 1086 contract purchaser or to her or his assigns, heirs, or personal
 1087 representative, subject to the lawful liquidation damage
 1088 provision in the contract.

1089 Section 25. Paragraph (b) of subsection (3) and subsection
 1090 (5) of section 497.602, Florida Statutes, are amended to read:

1091 497.602 Direct disposers, license required; licensing
 1092 procedures and criteria; regulation.—

1093 (3) ACTION CONCERNING APPLICATIONS.—A duly completed
 1094 application for licensure under this section, accompanied by the
 1095 required fees, shall be approved if the licensing authority
 1096 determines that the following conditions are met:

1097 (b) The applicant has taken and received a passing grade
 1098 in a college credit course in ~~Florida~~ mortuary law and has taken
 1099 and received a passing grade in a college credit course in
 1100 ethics.

1101 ~~(5) DISPLAY OF LICENSE. There shall be adopted rules which~~
 1102 ~~require each license issued under this section to be displayed~~
 1103 ~~in such a manner as to make it visible to the public and to~~
 1104 ~~facilitate inspection by the department. Each licensee shall~~
 1105 ~~permanently affix a recent photograph of the licensee to each~~
 1106 ~~displayed license issued to that licensee as a direct disposer.~~

1107 Section 26. Subsection (2) of section 497.603, Florida
 1108 Statutes, is amended to read:

1109 497.603 Direct disposers, renewal of license.—

1110 (2) The licensing authority ~~There shall adopt be adopted~~
 1111 ~~rules establishing~~ procedures, forms, and a schedule ~~and forms~~
 1112 ~~and procedure~~ for the biennial renewal of direct disposer

1113 licenses ~~as direct disposers~~. The rules ~~There shall require be~~
 1114 ~~adopted by rule~~ continuing education ~~requirements~~ of up to 6
 1115 classroom hours, including, but not limited to, a course on
 1116 communicable diseases approved by the licensing authority, and
 1117 there may establish ~~by rule be established~~ criteria for
 1118 accepting alternative nonclassroom continuing education on an
 1119 hour-for-hour basis, ~~in addition to an approved course on~~
 1120 ~~communicable diseases that includes the course on human~~
 1121 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
 1122 ~~required by s. 497.367, for the renewal of a license as a direct~~
 1123 ~~disposer.~~

1124 Section 27. Paragraph (c) of subsection (2), subsection
 1125 (8), and paragraph (d) of subsection (9) of section 497.604,
 1126 Florida Statutes, are amended, and subsection (10) is added to
 1127 that section, to read:

1128 497.604 Direct disposal establishments, license required;
 1129 licensing procedures and criteria; license renewal; regulation;
 1130 display of license.—

1131 (2) APPLICATION PROCEDURES.—

1132 (c) The application shall name the licensed direct
 1133 disposer or licensed funeral director ~~who will be acting as the~~
 1134 ~~a~~ direct disposer in charge of the direct disposal
 1135 establishment.

1136 (8) SUPERVISION OF FACILITIES.—

1137 (a) Effective October 1, 2010, each direct disposal
 1138 establishment shall have one full-time ~~licensed direct disposer~~
 1139 ~~or~~ licensed funeral director acting as the ~~a~~ direct disposer in

1140 charge. However, a licensed direct disposer may continue acting
 1141 as the direct disposer in charge, if, as of September 30, 2010:

1142 1. The direct disposal establishment and the licensed
 1143 direct disposer both have active, valid licenses.

1144 2. The licensed direct disposer is currently acting as the
 1145 direct disposer in charge of the direct disposal establishment.

1146 3. The name of the licensed direct disposer was included,
 1147 as required in paragraph (2) (c), in the direct disposal
 1148 establishment's most recent application for issuance or renewal
 1149 of its license or was included in the establishment's notice of
 1150 change provided under subsection (7).

1151 (b) The licensed funeral director or licensed direct
 1152 disposer in charge of a direct disposal establishment must be
 1153 ~~and~~ reasonably available to the public during normal business
 1154 hours for the that establishment and. ~~Such person~~ may be in
 1155 charge of only one direct disposal establishment facility. The
 1156 ~~Such~~ licensed funeral director or licensed direct disposer in
 1157 charge of the establishment is ~~shall be~~ responsible for making
 1158 sure the facility, its operations, and all persons employed in
 1159 the facility comply with all applicable state and federal laws
 1160 and rules.

1161 (9) REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.—

1162 (d) Each direct disposal establishment must display at the
 1163 public entrance the name of the establishment and the name of
 1164 the licensed direct disposer or licensed funeral director acting
 1165 as the a direct disposer in charge of the ~~responsible for that~~
 1166 establishment. A direct disposal establishment must transact its
 1167 business under the name by which it is licensed.

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1168 (10) DISPLAY OF LICENSE.—

1169 (a) A direct disposer establishment and each direct
1170 disposer, or funeral director acting as a direct disposer,
1171 employed at the establishment must display their current
1172 licenses in a conspicuous place within the establishment in such
1173 a manner as to make the licenses visible to the public and to
1174 facilitate inspection by the licensing authority. If a licensee
1175 is simultaneously employed at more than one location, the
1176 licensee may display a copy of the license in lieu of the
1177 original.

1178 (b) Each licensee shall permanently affix a photograph
1179 taken of the licensee within the previous 6 years to each
1180 displayed license issued to that licensee as a direct disposer
1181 or funeral director acting as a direct disposer.

1182 Section 28. Section 497.367, Florida Statutes, is
1183 repealed.

1184 Section 29. This act shall take effect July 1, 2010.