

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                         (Y/N)  
ADOPTED AS AMENDED                         (Y/N)  
ADOPTED W/O OBJECTION                     (Y/N)  
FAILED TO ADOPT                             (Y/N)  
WITHDRAWN                                    (Y/N)  
OTHER                                         

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1 Committee/Subcommittee hearing bill: Commerce Committee  
2 Representative Fetterhoff offered the following:

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4            **Amendment (with title amendment)**

5            Remove lines 402-502 and insert:

6            Section 9. Paragraphs (f) and (g) of subsection (1) of  
7 section 497.273, Florida Statutes, are redesignated as  
8 paragraphs (e) and (f), respectively, subsections (2), (3), and  
9 (4) are renumbered as subsections (3), (4), and (5),  
10 respectively, paragraph (e) of subsection (1) is amended, and a  
11 new subsection (2) is added to that section, to read:

12            (1) Within the boundaries of the cemetery lands it owns, a  
13 cemetery company may perform the following functions:

14            ~~(e) The nonexclusive preneed and at-need sale of~~  
15 ~~monuments, memorials, markers, burial vaults, urns, flower~~

Amendment No. 1

16 ~~vases, floral arrangements, and other similar merchandise for~~  
17 ~~use within the cemetery.~~

18 (2) A cemetery company may perform the nonexclusive  
19 preneed and at-need sale of monuments, memorials, markers,  
20 burial vaults, urns, flower vases, floral arrangements, and  
21 other similar merchandise for use within a cemetery, regardless  
22 of whether the cemetery is within the boundaries of the cemetery  
23 lands the company owns.

24 Section 10. Paragraph (a) of subsection (4) of section  
25 497.375, Florida Statutes, is amended, paragraph (e) is added to  
26 subsection (4), and paragraphs (b) and (c) of subsection (4) of  
27 that section are republished, to read:

28 497.375 Funeral directing; licensure of a funeral director  
29 intern.—

30 (4) (a) A funeral director intern license expires 1 year  
31 after issuance and, except as provided in paragraph (b), ~~or~~  
32 paragraph (c), or paragraph (e), may not be renewed.

33 (b) A funeral director intern who is eligible for  
34 licensure under subparagraph (1)(b)2. may renew her or his  
35 funeral director intern license for an additional 1-year period  
36 if the funeral director in charge of the funeral director intern  
37 training agency certifies to the licensing authority that the  
38 intern has completed at least one-half of the course of study in  
39 mortuary science or funeral service arts.

Amendment No. 1

40 (c) The licensing authority may adopt rules that allow a  
41 funeral director intern to renew her or his funeral director  
42 intern license for an additional 1-year period if the funeral  
43 director intern demonstrates her or his failure to complete the  
44 internship before expiration of the license due to illness,  
45 personal injury, or other substantial hardship beyond her or his  
46 reasonable control or demonstrates that she or he has completed  
47 the requirements for licensure as a funeral director but is  
48 awaiting the results of a licensure examination. However, a  
49 funeral director intern who renews her or his license under  
50 paragraph (b) is not eligible to renew the license under this  
51 paragraph.

52 (e) Upon expiration of a funeral director intern license,  
53 any intern that has completed the educational credentials  
54 required for a license as a funeral director and has applied for  
55 licensure may continue to perform the tasks, functions, and  
56 duties related to funeral directing in the manner provided in  
57 paragraph (1)(d) until a license is issued or denied, or for a  
58 period of 90 days, whichever occurs sooner.

59 Section 11. Paragraph (d) of subsection (2) of section  
60 497.377, Florida Statutes, is amended, and paragraph (c) of  
61 subsection (2) of that subsection is republished, to read:

62 497.377 Combination funeral director and embalmer  
63 internships.-

64 (2)

## Amendment No. 1

65 (c) A combination funeral director and embalmer intern may  
66 perform only the tasks, functions, and duties relating to  
67 funeral directing and embalming which are performed under the  
68 direct supervision of a licensed funeral director who has an  
69 active, valid license under s. 497.373 or s. 497.374(1) and an  
70 embalmer who has an active, valid license under s. 497.368 or s.  
71 497.369. However, a combination funeral director and embalmer  
72 intern may perform such tasks, functions, and duties under the  
73 general supervision of a licensed funeral director and embalmer  
74 upon graduation from a college accredited by ABFSE with a degree  
75 as specified in s. 497.373(1)(d) and upon passage of the  
76 examination required under s. 497.373(2)(b) if the funeral  
77 director in charge of the internship training establishment,  
78 after 6 months of direct supervision, certifies to the licensing  
79 authority that the intern is competent to complete the  
80 internship under general supervision.

81 (d)1. A combination funeral director and embalmer intern  
82 license expires 1 year after issuance and, except as provided in  
83 subparagraph 2., may not be renewed; however, upon expiration of  
84 a combination funeral director and embalmer intern license, any  
85 intern that has completed the educational credentials required  
86 for a combination license as both funeral director and embalmer  
87 and has applied for licensure may continue to perform the tasks,  
88 functions, and duties related to funeral directing and embalming  
89 in the manner provided in paragraph (c) until a license is

Amendment No. 1

90 issued or denied, or for a period of 90 days, whichever occurs  
91 sooner.

92 2. The licensing authority may adopt rules that allow a  
93 combination funeral director and embalmer intern to renew her or  
94 his combination funeral director and embalmer intern license for  
95 an additional 1 year if the combination funeral director and  
96 embalmer intern demonstrates her or his failure to complete the  
97 internship before expiration of the license due to illness,  
98 personal injury, or other substantial hardship beyond her or his  
99 reasonable control or demonstrates that she or he has completed  
100 the requirements for licensure as a combination funeral director  
101 and embalmer but is awaiting the results of a licensure  
102 examination.

103 Section 12. Paragraph (c) of subsection (1) of section  
104 497.458, Florida Statutes, is amended, and paragraph (a) of  
105 subsection (1) of that section is republished, to read:

106 497.458 Disposition of proceeds received on contracts.—

107 (1) (a) Any person who is paid, collects, or receives funds  
108 under a preneed contract for funeral services or merchandise or  
109 burial services or merchandise shall deposit an amount at least  
110 equal to the sum of 70 percent of the purchase price collected  
111 for all services sold and facilities rented; 100 percent of the  
112 purchase price collected for all cash advance items sold; and 30  
113 percent of the purchase price collected or 110 percent of the  
114 wholesale cost, whichever is greater, for each item of

Amendment No. 1

115 merchandise sold. The board may, by rule, specify criteria for  
116 the classification of items sold in a preneed contract as  
117 services, cash advances, or merchandise.

118 (c) Unless the preneed contract has been fulfilled, such  
119 deposits shall be made within 30 days after the end of the  
120 calendar month in which payment is received, under the terms of  
121 a revocable trust instrument entered into with a trust company,  
122 with a national or state bank holding trust powers, or with a  
123 federal or state savings and loan association holding trust  
124 powers.

125 Section 13. Paragraph (d) of subsection (1) of section  
126 497.550, Florida Statutes, is amended to read:

127 497.550 Licensure of monument establishments required;  
128 procedures and criteria.—

129 (1)

130 (d) The requirements of this chapter apply to both  
131 monument retailers and monument builders, except as provided in  
132 this paragraph. Each monument establishment shall be a physical  
133 structure that is located at a specific street address, in  
134 compliance with zoning regulations of the appropriate local  
135 government, and not located on property that is exempt from  
136 taxation, but a monument retailer may not otherwise be required  
137 to comply with s. 497.552(4) ~~s. 497.552 or be subject to~~  
138 ~~inspection under this chapter.~~

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Amendment No. 1

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**T I T L E A M E N D M E N T**  
Remove lines 36-47 and insert:  
changes made by the act; amending s. 497.273, F.S.;  
authorizing a cemetery company to perform specified  
services on cemetery lands other than lands the  
company owns; amending s. 497.375, F.S.; authorizing  
licensed funeral director interns to continue  
performing certain tasks while transitioning to  
licensed funeral directors; amending s. 497.377, F.S.;  
authorizing licensed combination funeral director and  
embalmer interns to continue performing certain tasks  
while transitioning to licensed combination funeral  
director and embalmers; amending s. 497.458, F.S.;  
specifying that certain deposits under preneed  
contracts for funeral services or merchandise or  
burial services or merchandise must be made unless the  
preneed contracts have been fulfilled; amending s.  
497.550, F.S.; requiring monument retailers to comply  
with specified requirements relating to place of  
business and operations; subjecting monument retailers  
to inspection;