

HB 1231

2026

A bill to be entitled
An act relating to final disposition, funeral, and cemetery services; amending s. 497.164, F.S.; prohibiting solicitations of sales of final disposition, funeral, and cemetery services by licensees of such services under certain circumstances; amending s. 497.169, F.S.; providing exceptions to civil actions against persons and companies offering final disposition, funeral, and cemetery services; amending s. 497.263, F.S.; revising land requirements for proposed cemeteries; amending s. 497.270, F.S.; conforming a provision to changes made by the act; amending ss. 497.369 and 497.374, F.S.; specifying educational and testing requirements for licensure as embalmers and funeral directors by endorsement, respectively; amending s. 497.375, F.S.; revising requirements for licensure for funeral director interns; amending s. 497.376, F.S.; specifying educational and testing requirements for licensure as both funeral directors and embalmers by endorsement; amending s. 497.377, F.S.; revising requirements for combination licensure as funeral director and embalmer interns; amending s. 497.386, F.S.; authorizing persons, establishments, and facilities licensed in final disposition, funeral, and

HB 1231

2026

26 cemetery services to dispose of human remains under
27 certain circumstances; amending s. 497.459, F.S.;
28 revising requirements for notices to purchasers and
29 legally authorized persons of unfulfilled preneed
30 contracts; providing rulemaking authority; amending s.
31 497.602, F.S.; prohibiting new applications for direct
32 disposer licenses and prohibiting issuances of such
33 licenses on or after a specified date; authorizing
34 practices of direct disposition for grandfathered
35 licensees under a specified circumstance; amending s.
36 497.604, F.S.; prohibiting new applications for direct
37 disposal establishment licenses and prohibiting
38 issuances of such licenses on or after a specified
39 date; authorizing practices of direct disposition for
40 grandfathered establishments under a specified
41 circumstance; amending s. 497.607, F.S.; decreasing
42 the waiting time period for funeral and direct
43 disposal establishments to dispose of cremated
44 remains; amending s. 627.404, F.S.; excluding preneed
45 contracts from requirements that insured persons apply
46 for or consent to such contracts and terms; providing
47 an effective date.

48

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

50

51 **Section 1. Subsection (6) is added to section 497.164, Florida Statutes, to read:**

52 497.164 Solicitation of goods or services.—
53 (6) A licensee may not enter into a contract, agreement,
54 or other arrangement whereby the licensee or any licensee's
55 affiliate becomes the exclusive or sole provider of funeral,
56 burial, cremation, refrigeration, embalming, or removal services
57 for an entity that provides medical, palliative, or other end-
58 of-life care and services to the general public.

59
60 **Section 2. Subsection (1) of section 497.169, Florida Statutes, is amended to read:**

61 497.169 Private actions; actions on behalf of consumers; attorney's fee.—

62 (1) The Attorney General, or the department on behalf of Florida residents, or any person may bring a civil action against a person or company violating the provisions of this chapter, except for the provisions of s. 497.152, in the appropriate court of the county in which the alleged violator resides or has her or his or its principal place of business or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages caused by such violation. The court may, as provided by common law, award punitive damages and may provide such equitable relief as it deems proper or necessary, including enjoining the defendant from further violations of this chapter.

76
77 **Section 3. Paragraph (g) of subsection (2) of section**
78 **497.263, Florida Statutes, is amended to read:**

79 497.263 Cemetery companies; license required; licensure
80 requirements and procedures.—

81 (2) APPLICATION PROCEDURES.—

82 (g) The proposed cemetery must contain at least 30
83 contiguous acres. Such acreage must be contiguous, except that
84 parcels of land divided solely by a public right-of-way or
85 public road may be considered contiguous for purposes of this
86 paragraph, provided that the parcels are in close proximity and
87 form a unified cemetery property. The application shall state
88 the exact number of acres in the proposed cemetery and shall
89 identify any public rights-of-way or public roads dividing the
90 parcels. Parcels located in separate or distant geographic
91 areas, even if along the same roadway or corridor, do not
92 satisfy the contiguity requirement.

93 **Section 4. Subsection (2) of section 497.270, Florida**
94 **Statutes, is amended to read:**

95 497.270 Minimum acreage; sale or disposition of cemetery
96 lands.—

97 (2) Any lands owned by a licensee and dedicated for use by
98 it as a cemetery, which meet the criteria for cemeteries
99 provided in s. 497.263(2)(g) ~~are in excess of a minimum of 30~~
100 contiguous acres, may be sold, conveyed, or disposed of by the

101 licensee, after obtaining written approval pursuant to
102 procedures and utilizing forms specified by rule and consistent
103 with subsection (3), for use by the new owner for other purposes
104 than as a cemetery. All of the human remains which have been
105 previously interred therein shall first have been removed from
106 the lands proposed to be sold, conveyed, or disposed of;
107 however, the provisions of ss. 497.152(8)(e) and 497.384 must be
108 complied with prior to any disinterment of human remains. Any
109 and all titles, interests, or burial rights which may have been
110 sold or contracted to be sold in lands which are the subject of
111 the sale shall be conveyed to and revested in the licensee prior
112 to consummation of any such sale, conveyance, or disposition.

113 **Section 5. Subsection (4) of section 497.369, Florida**

114 **Statutes, is amended to read:**

115 497.369 Embalmers; licensure as an embalmer by
116 endorsement; licensure of a temporary embalmer.—

117 (4) Each applicant for licensure by endorsement must pass
118 the examination on local, state, and federal laws and rules
119 relating to the disposition of dead human bodies which is
120 required under s. 497.368 and which shall be given by the
121 licensing authority, except that an applicant for licensure by
122 endorsement under subparagraph (1)(b)1. need not meet any
123 educational or testing requirement other than that required
124 under s. 497.368(2)(a).

125 **Section 6. Subsection (4) of section 497.374, Florida**

126 **Statutes, is amended to read:**

127 497.374 Funeral directing; licensure as a funeral director
128 by endorsement; licensure of a temporary funeral director.—

129 (4) Each applicant for licensure by endorsement must pass
130 the examination on local, state, and federal laws and rules
131 relating to the disposition of dead human bodies which is
132 required under s. 497.373 and which shall be given by the
133 licensing authority, except that an applicant for licensure by
134 endorsement under subparagraph (1)(b)1. need not meet any
135 educational or testing requirement other than that required
136 under s. 497.373(2)(b).

137 **Section 7. Paragraph (b) of subsection (1) of section
138 497.375, Florida Statutes, is amended to read:**

139 497.375 Funeral directing; licensure of a funeral director
140 intern.—

141 (1)

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

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

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

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

155 e. ~~Has taken and received a passing grade in a college
156 credit course in mortuary law or funeral service law and has
157 taken and received a passing grade in a college credit course in
158 ethics.~~

159 **Section 8. Subsection (3) is added to section 497.376,
160 Florida Statutes, to read:**

161 497.376 License as funeral director and embalmer
162 permitted.—

163 (3) An applicant for a combination license as both a
164 funeral director by endorsement under s. 497.374 and embalmer by
165 endorsement under s. 497.369 need not meet any educational or
166 testing requirements other than those required under ss.
167 497.373(2)(b) and 497.368(2)(a).

168 **Section 9. Paragraph (a) of subsection (2) of section
169 497.377, Florida Statutes, is amended to read:**

170 497.377 Combination funeral director and embalmer
171 internships.—

172 (2)(a) An applicant who has not completed the educational
173 credentials required for a combination license as both funeral
174 director and embalmer is eligible for licensure as a combination
175 funeral director and embalmer intern if the applicant:

176 1. Is currently enrolled in and attending a college
177 accredited by the American Board of Funeral Service Education
178 (ABFSE) in a course of study in mortuary science accredited by
179 ABFSE; or

180 2. Holds an associate degree or higher in any field from a
181 college or university accredited by a regional accrediting
182 agency recognized by the United States Department of Education.

183 2. ~~Has completed at least 75 percent of the course of~~
184 ~~study in mortuary science as certified by the college in which~~
185 ~~the applicant is currently enrolled.~~

186 3. ~~Has taken and received a passing grade in a college~~
187 ~~credit course in mortuary law or funeral service law and has~~
188 ~~taken and received a passing grade in a college credit course in~~
189 ~~ethics.~~

190 **Section 10. Subsections (6) and (7) of section 497.386,**
191 **Florida Statutes, are renumbered as subsections (7) and (8),**
192 **respectively, and a new subsection (6) is added to that section**
193 **to read:**

194 497.386 Storage, preservation, and transportation of human
195 remains.—

196 (6) If any human remains have been in the lawful
197 possession of a licensee or licensed establishment or facility
198 for at least 90 days and the legally authorized person of the
199 decedent fails, neglects, or refuses to direct the disposition
200 of the human remains, the licensee or licensed establishment or

HB 1231

2026

201 facility having lawful possession of the human remains may
202 dispose of the human remains.

203 **Section 11. Subsection (7) of section 497.459, Florida**
204 **Statutes, is amended to read:**

205 497.459 Cancellation of, or default on, preneed contracts;
206 required notice.—

207 (7) NOTICE TO PURCHASER OR LEGALLY AUTHORIZED PERSON.—

208 (a) To ensure the performance of unfulfilled preneed
209 contracts, upon the occurrence of the earliest of any of the
210 following events, a preneed licensee shall provide to the
211 purchaser or to the beneficiary's legally authorized person
212 written notice of the preneed licensee's intent to distribute
213 funds in accordance with the terms of the preneed contract, if
214 any obligation of the preneed licensee remains to be fulfilled
215 under the contract:

216 1. Fifty years after the date of execution of the preneed
217 contract by the purchaser.

218 2. The beneficiary of the preneed contract attains the age
219 of 105 years of age or older.

220 3. The social security number of the beneficiary of the
221 preneed contract, as shown on the contract, is contained within
222 the United States Social Security Administration Death Master
223 File.

224 (b)1. The notice in paragraph (a) must be provided by e-
225 mail, certified mail, registered mail, or permitted delivery

HB 1231

2026

226 service, ~~return receipt requested~~, to the last known e-mail or
227 mailing address of the purchaser or the beneficiary's legally
228 authorized person, whichever is applicable, as provided to the
229 preneed licensee. If the notice is returned as undeliverable
230 within 30 calendar days after the preneed licensee sent the
231 notice, the trustee shall perform a diligent search and inquiry
232 to obtain a different e-mail address or address for the
233 purchaser or the beneficiary's legally authorized person,
234 whichever is applicable. ~~For purposes of this subparagraph, any~~
235 ~~address known and used by the purchaser or the beneficiary's~~
236 ~~legally authorized person, whichever is applicable, for sending~~
237 ~~regular mailings or other communications from the purchaser or~~
238 ~~the beneficiary's legally authorized person, whichever is~~
239 ~~applicable, to the preneed licensee or any address produced~~
240 ~~through a current address service or searchable database shall~~
241 ~~be included with other addresses produced from the diligent~~
242 ~~search and inquiry, if any. If the trustee's diligent search and~~
243 ~~inquiry produces an address different from the notice address,~~
244 ~~the trustee shall mail a copy of the notice by certified mail,~~
245 ~~registered mail, or permitted delivery service, return receipt~~
246 ~~requested, to any and all addresses produced as a result of the~~
247 ~~diligent search and inquiry.~~

248 2. If the purchaser or the beneficiary's legally
249 authorized person, whichever is applicable, fails to respond to
250 such notice within 120 days after delivery of the last mailed

HB 1231

2026

251 notice under subparagraph 1., the funds held in trust must be
252 distributed in accordance with the terms of the preneed
253 contract, the trust agreement, and any applicable provisions of
254 chapter 717.

255 (c) This subsection does not affect a purchaser's rights
256 to cancel the preneed contract and receive a refund or a preneed
257 licensee's obligations to refund established by this chapter.

258 (d) 1. The board may adopt rules to implement this
259 subsection.

260 2. The licensing authority may shall have authority to
261 adopt rules for the review and approval of notice forms used by
262 preneed licensees to provide notice under this subsection.

263 **Section 12. Section 497.602, Florida Statutes, is amended**
264 **to read:**

265 497.602 Nonissuance of new direct disposer licenses
266 disposers, license required; licensing procedures and criteria;
267 regulation.—Effective July 1, 2026, new applications for a
268 direct disposer license are not authorized, and new direct
269 disposer licenses may not be issued. However, a person licensed
270 as a direct disposer before July 1, 2026, may continue to
271 practice direct disposition if the person renews the direct
272 disposer license pursuant to s. 497.603 whenever the license
273 expires.

274 (1) LICENSE REQUIRED.—Any person who is not a licensed
275 funeral director and who engages in the practice of direct

276 disposition must be licensed pursuant to this section as a
277 direct disposer.

278 (2) APPLICATION PROCEDURES.—

279 (a) A person seeking licensure as a direct disposer shall
280 apply for such licensure using forms prescribed by rule.

281 (b) The application shall require the name, residence
282 address, date and place of birth, and social security number of
283 the applicant.

284 (c) The application may require information as to the
285 educational and employment history of the applicant.

286 (d) The applicant shall be required to make disclosure of
287 the applicant's criminal records, if any, as required by s.

288 497.142.

289 (e) The application shall require the applicant to
290 disclose whether the applicant has ever had a license or the
291 authority to practice a profession or occupation refused,
292 suspended, fined, denied, or otherwise acted against or
293 disciplined by the licensing authority of any jurisdiction. A
294 licensing authority's acceptance of a relinquishment of
295 licensure, stipulation, consent order, or other settlement,
296 offered in response to or in anticipation of the filing of
297 charges against the license, shall be construed as action
298 against the license.

299 (f) The applicant shall submit fingerprints in accordance
300 with s. 497.142.

301 (g) The application shall require the applicant to
302 demonstrate that the applicant does, or will before commencing
303 operations under the license, comply with all requirements of
304 this chapter relating to the licensure applied for.

305 (h) The application shall be signed by the applicant.

306 (i) The application shall be accompanied by a
307 nonrefundable fee of \$300. The licensing authority may from time
308 to time increase the fee by rule but not to exceed more than
309 \$500. A member of the United States Armed Forces, such member's
310 spouse, and a veteran of the United States Armed Forces who
311 separated from service within the 2 years preceding application
312 for licensure are exempt from the application fee. To qualify
313 for the application fee exemption, an applicant must provide a
314 copy of a military identification card, military dependent
315 identification card, military service record, military personnel
316 file, veteran record, discharge paper, or separation document
317 that indicates such member is currently in good standing or such
318 veteran was honorably discharged.

319 (3) ACTION CONCERNING APPLICATIONS. A duly completed
320 application for licensure under this section, accompanied by the
321 required fees, shall be approved if the licensing authority
322 determines that the following conditions are met:

323 (a) The applicant is a natural person at least 18 years of
324 age and a high school graduate or equivalent.

325 (b) The applicant has taken and received a passing grade

326 in a college credit course in mortuary law and has taken and
327 received a passing grade in a college credit course in ethics.

328 (e) The applicant has completed a course on communicable
329 diseases approved by the licensing authority.

330 (d) The applicant has passed an examination prepared by
331 the department on the local, state, and federal laws and rules
332 relating to the disposition of dead human bodies.

333 (e) The applicant does or will prior to commencing
334 operations under the license comply with all requirements of
335 this chapter relating to the license applied for.

336 (f) The applicant is of good character and has no
337 demonstrated history of lack of trustworthiness or integrity in
338 business or professional matters.

339 (4) ISSUANCE OF LICENSE. Upon approval of the application
340 by the licensing authority, the license shall be issued. The
341 licensing authority shall recognize military issued credentials
342 relating to funeral and cemetery services for purposes of
343 licensure as a direct disposer. A member of the United States
344 Armed Forces and a veteran of the United States Armed Forces
345 seeking licensure as a direct disposer under this section shall
346 submit to the licensing authority a certification that the
347 military issued credential reflects knowledge, training, and
348 experience substantially similar to the requirements of this
349 chapter for licensure as a direct disposer. The licensing
350 authority shall adopt rules specifying forms and procedures to

351 be used by members and veterans of the United States Armed
352 Forces seeking licensure under this section. The licensing
353 authority may conduct investigation and further inquiry of any
354 person regarding any military issued credential sought to be
355 recognized.

356 **Section 13. Subsections (6) through (10) of section
357 497.604, Florida Statutes, are renumbered as subsections (2)
358 through (6), respectively, and subsection (1), present
359 subsections (2) through (5), paragraph (a) of present subsection
360 (8), and paragraphs (b) and (c) of present subsection (9) of
361 that section are amended, to read:**

362 497.604 Direct disposal establishment license renewals
363 ~~establishments, license required; licensing procedures and~~
364 ~~criteria; license renewal; regulation; display of license.~~—

365 (1) **LICENSE REQUIRED.**—A direct disposer shall practice
366 only at a direct disposal establishment that which has been
367 licensed under this section and that which may be a incinerator
368 facility licensed under s. 497.606. A ~~No~~ person may not open or
369 maintain an establishment at which to engage in or hold herself
370 or himself out as engaging in the practice of direct disposition
371 unless such establishment is licensed pursuant to this section
372 before July 1, 2026. Effective July 1, 2026, new applications
373 for a direct disposal establishment license are not authorized,
374 and new direct disposal establishment licenses may not be
375 issued. However, an establishment licensed as a direct disposal

376 establishment before July 1, 2026, may continue to practice
377 direct disposition if the establishment renews the direct
378 disposal establishment license pursuant to subsection (2)
379 whenever the license expires.

380 (2) APPLICATION PROCEDURES.

381 (a) A person seeking licensure as a direct disposal
382 establishment shall apply for such licensure using forms
383 prescribed by rule.

384 (b) the application shall require the name, business
385 address, residence address, date and place of birth or
386 incorporation, and business phone number, of the applicant and
387 all principals of the applicant. the application shall require
388 the applicant's social security number or, if the applicant is
389 an entity, its federal tax identification number.

390 (c) The application shall name the licensed direct
391 disposer or licensed funeral director acting as the direct
392 disposer in charge of the direct disposal establishment.

393 (d) The application may require information as to the
394 applicant's financial resources.

395 (e) The application may require information as to the
396 educational and employment history of an individual applicant;
397 and as to applicants that are not natural persons, the business
398 and employment history of the applicant and principals of the
399 applicant.

400 (f) The applicant shall be required to make disclosure of

HB 1231

2026

401 the applicant's criminal records, if any, as required by s.
402 497.142.

403 (g) The application shall require the applicant to
404 disclose whether the applicant or any of the applicant's
405 principals including its proposed supervising licensee has ever
406 had a license or the authority to practice a profession or
407 occupation refused, suspended, fined, denied, or otherwise acted
408 against or disciplined by the licensing authority of any
409 jurisdiction. A licensing authority's acceptance of a
410 relinquishment of licensure, stipulation, consent order, or
411 other settlement, offered in response to or in anticipation of
412 the filing of charges against the license, shall be construed as
413 action against the license.

414 (h) The applicant shall submit fingerprints in accordance
415 with s. 497.142.

416 (i) The application shall require the applicant to
417 demonstrate that the applicant does, or will before commencing
418 operations under the license, comply with all requirements of
419 this chapter relating to the licensure applied for.

420 (j) The application shall be signed in accordance with s.
421 497.141(12).

422 (k) The application shall be accompanied by a
423 nonrefundable fee of \$300. The licensing authority may from time
424 to time by rule increase the fee but not to exceed \$500.

425 (3) ACTION CONCERNING APPLICATIONS. A duly completed

426 application for licensure under this section, accompanied by the
427 required fee, shall be approved if the licensing authority
428 determines that the following conditions are met:

429 (a) The applicant is a natural person at least 18 years of
430 age, a corporation, a partnership, or a limited liability
431 company.

432 (b) The applicant does or will prior to commencing
433 operations under the license comply with all requirements of
434 this chapter relating to the license applied for. The applicant
435 shall have passed an inspection prior to issuance of a license
436 under this section, in accordance with rules of the licensing
437 authority.

438 (c) The applicant and the applicant's principals are of
439 good character and have no demonstrated history of lack of
440 trustworthiness or integrity in business or professional
441 matters.

442 (4) ISSUANCE OF LICENSE. Upon approval of the application
443 by the licensing authority, the license shall be issued.

444 (5) PROBATIONARY STATUS. It is the policy of this state to
445 encourage competition for the public benefit in the direct
446 disposal establishment business by, among other means, the entry
447 of new licensees into that business. To facilitate issuance of
448 licenses concerning applications judged by the licensing
449 authority to be borderline as to qualification for licensure,
450 the licensing authority may issue a new license under this

451 section on a probationary basis, subject to conditions specified
452 by the licensing authority on a case-by-case basis, which
453 conditions may impose special monitoring, reporting, and
454 restrictions on operations for up to the first 24 months of
455 licensure, to ensure the licensee's responsibility, competency,
456 financial stability, and compliance with this chapter. However,
457 no such probationary license shall be issued unless the
458 licensing authority determines that issuance would not pose an
459 unreasonable risk to the public, and the licensing authority
460 must within 24 months after issuance of the license either
461 remove the probationary status or determine that the licensee is
462 not qualified for licensure under this chapter and institute
463 proceedings for revocation of licensure.

464 (4) ~~(8)~~ SUPERVISION OF FACILITIES.—

465 (a) Each direct disposal establishment shall have a
466 funeral director in charge, subject to s. 497.380(7). However, a
467 licensed direct disposer may continue acting as the direct
468 disposer in charge if, as of September 30, 2010:

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

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

473 3. The name of the licensed direct disposer was included,
474 as required in paragraph (2)(c), in the direct disposal
475 establishment's most recent application for issuance or renewal

476 of its license or was included in the establishment's notice of
477 change provided under subsection (3) ~~(7)~~.

478 (5) ~~(9)~~ REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.—

479 (b) The practice of direct disposition must be engaged in
480 at a fixed location of at least 625 contiguous interior
481 ~~contiguous~~ square feet, to be used solely for the business of
482 the establishment, and must maintain or make arrangements for
483 suitable capacity for the refrigeration and storage of dead
484 human bodies handled and stored by the establishment.

485 (c) Each direct disposal establishment shall at all times
486 be subject to the inspection of all its buildings, grounds, and
487 vehicles used in the conduct of its business, by the department,
488 the Department of Health, and local government inspectors and by
489 their agents. There shall be adopted rules which establish such
490 inspection requirements. There shall be adopted by rule of the
491 licensing authority an annual inspection fee not to exceed \$300,
492 payable upon ~~issuance of license~~ and upon each renewal of such
493 license.

494 **Section 14. Paragraph (a) of subsection (3) of section
495 497.607, Florida Statutes, is amended to read:**

496 497.607 Cremation; procedure required.—

497 (3) (a) With respect to any person who intends to provide
498 for the cremation of the deceased, if, after a period of 90 ~~120~~
499 days from the time of cremation the cremated remains have not
500 been claimed, the funeral or direct disposal establishment may

HB 1231

2026

501 dispose of the cremated remains. Such disposal shall include
502 scattering them at sea or placing them in a licensed cemetery
503 scattering garden or pond or in a church columbarium or
504 otherwise disposing of the remains as provided by rule.

505 **Section 15. Subsection (5) of section 627.404, Florida
506 Statutes, is amended to read:**

507 627.404 Insurable interest; personal insurance.—

508 (5) A contract of insurance upon a person, other than a
509 preneed contract, a policy of group life insurance, or a policy
510 of group or blanket accident, health, or disability insurance,
511 may not be effectuated unless, on or before the time of entering
512 into such contract, the person insured, having legal capacity to
513 contract, applies for or consents in writing to the contract and
514 its terms, except that any person having an insurable interest
515 in the life of a minor younger than 15 years of age or any
516 person upon whom a minor younger than 15 years of age is
517 dependent for support and maintenance may effectuate a policy of
518 insurance on the minor.

519 **Section 16.** This act shall take effect July 1, 2026.