

1 A bill to be entitled
2 An act relating to final disposition, funeral, and
3 cemetery services; amending s. 497.164, F.S.;
4 prohibiting solicitations of sales of final
5 disposition, funeral, and cemetery services by
6 licensees of such services under certain
7 circumstances; amending s. 497.169, F.S.; providing
8 exceptions to civil actions against persons and
9 companies offering final disposition, funeral, and
10 cemetery services; amending s. 497.263, F.S.; revising
11 land requirements for proposed cemeteries; amending s.
12 497.270, F.S.; conforming a provision to changes made
13 by the act; amending ss. 497.369 and 497.374, F.S.;
14 specifying educational and testing requirements for
15 licensure as embalmers and funeral directors by
16 endorsement, respectively; amending s. 497.375, F.S.;
17 revising requirements for licensure for funeral
18 director interns; amending s. 497.376, F.S.;
19 specifying educational and testing requirements for
20 licensure as both funeral directors and embalmers by
21 endorsement; amending s. 497.377, F.S.; revising
22 requirements for combination licensure as funeral
23 director and embalmer interns; amending s. 497.386,
24 F.S.; authorizing persons, establishments, and
25 facilities licensed in final disposition, funeral, and

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,**
52 **Florida Statutes, to read:**

53 497.164 Solicitation of goods or services.—

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

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

62 497.169 Private actions; actions on behalf of consumers;
63 attorney's fee.—

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

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

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

(2) APPLICATION PROCEDURES.—

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

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

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

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

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

Section 5. Subsection (4) of section 497.369, Florida Statutes, is amended to read:

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

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

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

Statutes, is amended to read:

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

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

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

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

(1)

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

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

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

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

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

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

497.376 License as funeral director and embalmer permitted.—

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

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

497.377 Combination funeral director and embalmer internships.—

(2)(a) An applicant who has not completed the educational credentials required for a combination license as both funeral director and embalmer is eligible for licensure as a combination 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

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

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

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

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

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

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

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

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

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

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

~~(2) APPLICATION PROCEDURES.—~~

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

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

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

~~(d) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142.~~

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

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

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

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

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

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

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

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

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

~~(c) The applicant has completed a course on communicable diseases approved by the licensing authority.~~

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

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

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

~~(4) ISSUANCE OF LICENSE. Upon approval of the application by the licensing authority, the license shall be issued. The licensing authority shall recognize military-issued credentials relating to funeral and cemetery services for purposes of licensure as a direct disposer. A member of the United States Armed Forces and a veteran of the United States Armed Forces seeking licensure as a direct disposer under this section shall submit to the licensing authority a certification that the military-issued credential reflects knowledge, training, and experience substantially similar to the requirements of this chapter for licensure as a direct disposer. The licensing 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 cinerator
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~~

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~~

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

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

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

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

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

3. The name of the licensed direct disposer was included~~7~~ as required in paragraph ~~(2)(c)~~, in the direct disposal establishment's most recent application for ~~issuance or renewal~~

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

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

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

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

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

497.607 Cremation; procedure required.—

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

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

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

627.404 Insurable interest; personal insurance.—

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

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