

1                   A bill to be entitled  
2     An act relating to final disposition, funeral, and  
3     cemetery services; amending s. 497.005, F.S.; revising  
4     and providing definitions; amending s. 497.164, F.S.;  
5     prohibiting solicitations of sales of final  
6     disposition, funeral, and cemetery services by  
7     licensees of such services under certain  
8     circumstances; amending s. 497.263, F.S.; revising  
9     land requirements for proposed cemeteries; amending s.  
10    497.270, F.S.; conforming a provision to changes made  
11    by the act; amending ss. 497.369 and 497.374, F.S.;  
12    specifying educational and testing requirements for  
13    licensure as embalmers and funeral directors by  
14    endorsement, respectively; amending s. 497.375, F.S.;  
15    revising requirements for licensure for funeral  
16    director interns; amending s. 497.376, F.S.;  
17    specifying educational and testing requirements for  
18    licensure as both funeral directors and embalmers by  
19    endorsement; amending s. 497.377, F.S.; revising  
20    requirements for combination licensure as funeral  
21    director and embalmer interns; amending s. 497.386,  
22    F.S.; authorizing persons, establishments, and  
23    facilities licensed in final disposition, funeral, and  
24    cemetery services to dispose of human remains under  
25    certain circumstances; amending s. 497.459, F.S.;

26        revising requirements for notices to purchasers and  
27        legally authorized persons of unfulfilled preneed  
28        contracts; providing rulemaking authority; creating s.  
29        497.6065, F.S.; requiring licensure of natural organic  
30        reduction facilities; providing requirements for the  
31        application for and approval of licensure; requiring  
32        the Department of Financial Services, the Department  
33        of Health, and the Department of Environmental  
34        Protection to adopt specified rules; providing  
35        requirements for licensure of such facilities,  
36        including licensure on a probationary basis; providing  
37        requirements for the renewal of such licenses and  
38        changes to licensure; providing requirements for the  
39        supervision of such facilities; requiring the adoption  
40        of standards for such facilities by rule; providing  
41        requirements for the practice of natural organic  
42        reduction and facilities conducting such practice;  
43        amending s. 497.607, F.S.; decreasing the waiting time  
44        period for funeral and direct disposal establishments  
45        to dispose of cremated remains; creating s. 497.6075,  
46        F.S.; providing requirements for the performance of  
47        natural organic reduction and reduced human remains;  
48        authorizing the Board of Funeral, Cemetery, and  
49        Consumer Services to adopt and enforce specified rules  
50        and regulations; amending s. 627.404, F.S.; excluding

51 preneed contracts from requirements that insured  
52 persons apply for or consent to such contracts and  
53 terms; providing an effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 **Section 1. Subsections (50) through (79) of section**  
58 **497.005, Florida Statutes, are renumbered as subsections (52)**  
59 **through (81), respectively, subsection (22) is amended, and new**  
60 **subsections (50) and (51) are added to that section, to read:**

61 497.005 Definitions.—As used in this chapter, the term:

62 (22) "Cremation" means any mechanical or thermal process  
63 whereby a dead human body is reduced to ashes and bone  
64 fragments. Cremation also includes any other mechanical or  
65 thermal process whereby human remains are pulverized, burned,  
66 cremated, or otherwise further reduced in size or quantity,  
67 including natural organic reduction.

68 (50) "Natural organic reduction" means the contained,  
69 accelerated conversion of human remains to soil.

70 (51) "Natural organic reduction facility" means a  
71 structure, room, or other space in a building or a real property  
72 where natural organic reduction of a human body occurs.

73 **Section 2. Subsection (6) is added to section 497.164,**  
74 **Florida Statutes, to read:**

75 497.164 Solicitation of goods or services.—

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

82        **Section 3. Paragraph (g) of subsection (2) of section**  
83        **497.263, Florida Statutes, is amended to read:**

84        497.263 Cemetery companies; license required; licensure  
85        requirements and procedures.—

86        (2) APPLICATION PROCEDURES.—

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

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

100        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

151 credentials required for a funeral director license is eligible  
152 for licensure as a funeral director intern if the applicant:

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

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

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

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

166 497.376 License as funeral director and embalmer  
167 permitted.—

168 (3) An applicant for a combination license as both a  
169 funeral director by endorsement under s. 497.374 and embalmer by  
170 endorsement under s. 497.369 need not meet any educational or  
171 testing requirements other than those required under ss.  
172 497.373(2)(b) and 497.368(2)(a).

173 **Section 9. Paragraph (a) of subsection (2) of section**  
174 **497.377, Florida Statutes, is amended to read:**

175 497.377 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:

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

2. 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.

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

~~3. 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 10. Subsections (6) and (7) of section 497.386, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section to read:**

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



201       (6) If any human remains have been in the lawful  
202       possession of a licensee or licensed establishment or facility  
203       for at least 90 days and the legally authorized person of the  
204       decendent fails, neglects, or refuses to direct the disposition  
205       of the human remains, the licensee or licensed establishment or  
206       facility having lawful possession of the human remains may  
207       dispose of the human remains.

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

210       497.459 Cancellation of, or default on, preneed contracts;  
211       required notice.—

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

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

221       1. Fifty years after the date of execution of the preneed  
222       contract by the purchaser.

223       2. The beneficiary of the preneed contract attains the age  
224       of 105 years of age or older.

225       3. The social security number of the beneficiary of the

226 preneed contract, as shown on the contract, is contained within  
227 the United States Social Security Administration Death Master  
228 File.

229 (b)1. The notice in paragraph (a) must be provided by e-  
230 mail, certified mail, registered mail, or permitted delivery  
231 service, ~~return receipt requested~~, to the last known e-mail or  
232 mailing address of the purchaser or the beneficiary's legally  
233 authorized person, whichever is applicable, as provided to the  
234 preneed licensee. If the notice is returned as undeliverable  
235 within 30 calendar days after the preneed licensee sent the  
236 notice, the trustee shall perform a diligent search and inquiry  
237 to obtain a different e-mail address or address for the  
238 purchaser or the beneficiary's legally authorized person,  
239 whichever is applicable. ~~For purposes of this subparagraph, any~~  
240 ~~address known and used by the purchaser or the beneficiary's~~  
241 ~~legally authorized person, whichever is applicable, for sending~~  
242 ~~regular mailings or other communications from the purchaser or~~  
243 ~~the beneficiary's legally authorized person, whichever is~~  
244 ~~applicable, to the preneed licensee or any address produced~~  
245 ~~through a current address service or searchable database shall~~  
246 ~~be included with other addresses produced from the diligent~~  
247 ~~search and inquiry, if any. If the trustee's diligent search and~~  
248 ~~inquiry produces an address different from the notice address,~~  
249 ~~the trustee shall mail a copy of the notice by certified mail,~~  
250 ~~registered mail, or permitted delivery service, return receipt~~

~~requested, to any and all addresses produced as a result of the diligent search and inquiry.~~

2. If the purchaser or the beneficiary's legally authorized person, whichever is applicable, fails to respond to 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 497.6065, Florida Statutes, is created to read:**

497.6065 Natural organic reduction facility; license required.—

(1) LICENSE REQUIRED.—A person may not conduct, maintain, manage, or operate a natural organic reduction facility unless a license for such facility has been issued and is in good standing under this section.

276        (2) APPLICATION PROCEDURES.—

277        (a) A person seeking licensure as a natural organic  
278 reduction facility shall apply for such licensure using forms  
279 prescribed by rule.

280        (b) The application shall require the name, business  
281 address, residence address, date and place of birth or  
282 incorporation, and business telephone number of the applicant  
283 and all principals of the applicant. The application shall  
284 require the applicant's social security number or, if the  
285 applicant is an entity, its federal tax identification number.

286        (c) The application shall name the licensed funeral  
287 director and national or state certified natural organic  
288 reduction operator who will be in charge of the natural organic  
289 reduction facility.

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

292        (e) The application may require information as to the  
293 educational and employment history of an individual applicant,  
294 and as to applicants that are not natural persons, the business  
295 and employment history of the applicant and principals of the  
296 applicant.

297        (f) The applicant shall be required to make disclosure of  
298 the applicant's criminal records, if any, as required by s.  
299 497.142.

300        (g) The applicant and its principals shall submit

fingerprints in accordance with s. 497.142.

(h) The application shall require the applicant to disclose whether the applicant or any of the applicant's principals, including its proposed supervising licensee, 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.

(i) 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.

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

(k) There shall not be any licensure or license renewal fees for natural organic reduction facilities.

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

(a) The applicant has been inspected and approved as

326 meeting all requirements as set forth by the department, the  
327 Department of Health, the Department of Environmental  
328 Protection, or any local ordinance regulating the facility.

329 (b) The applicant is a natural person at least 18 years of  
330 age, a corporation, a partnership, or a limited liability  
331 company.

332 (c) The applicant does, or will before commencing  
333 operations under the license, comply with all requirements of  
334 this chapter relating to the license applied for.

335 (d) The applicant and the applicant's principals are of  
336 good character and have no demonstrated history of lack of  
337 trustworthiness or integrity in business or professional  
338 matters.

339 (4) RULEMAKING.—The department, the Department of Health,  
340 and the Department of Environmental Protection shall adopt rules  
341 establishing health and environmental inspection standards for  
342 natural organic reduction facilities.

343 (5) PROBATIONARY STATUS.—It is the policy of this state to  
344 encourage competition for the public benefit in the natural  
345 organic reduction facility business by, among other means, the  
346 entry of new licensees into that business. To facilitate  
347 issuance of licenses concerning applications judged by the  
348 licensing authority to be borderline as to qualification for  
349 licensure, the licensing authority may issue a new license under  
350 this section on a probationary basis, subject to conditions

351 specified by the licensing authority on a case-by-case basis,  
352 which conditions may impose special monitoring, reporting, and  
353 restrictions on operations for up to the first 24 months of  
354 licensure, to ensure the licensee's responsibleness, competency,  
355 financial stability, and compliance with this chapter. However,  
356 such a probationary license shall not be issued unless the  
357 licensing authority determines that issuance would not pose an  
358 unreasonable risk to the public, and the licensing authority  
359 must, within 24 months after issuance of the license, either  
360 remove the probationary status or determine that the licensee is  
361 not qualified for licensure under this chapter and institute  
362 proceedings for revocation of licensure.

363 (6) ISSUANCE OF LICENSE.—Upon approval of the application  
364 by the licensing authority, the license shall be issued.

365 (7) RENEWAL OF LICENSE.—Licenses under this section shall  
366 be renewed annually in accordance with a schedule, forms, and  
367 procedures established by rule.

368 (8) CHANGES SUBSEQUENT TO LICENSURE.—Each licensee under  
369 this section shall provide notice as required by rule before any  
370 change in location, ownership, or control of the licensee or  
371 licensed person in charge of the licensee's operations. A change  
372 in control is subject to approval by the licensing authority,  
373 and to reasonable conditions imposed by the licensing authority,  
374 for the protection of the public to ensure compliance with this  
375 chapter. Operations by the licensee at a new location may not

376 commence until an inspection by the licensing authority of the  
377 facilities, pursuant to rules of the licensing authority, has  
378 been conducted and passed at the new location.

379 (9) SUPERVISION OF FACILITIES.—Each natural organic  
380 reduction facility shall have a funeral director in charge for  
381 that facility. The funeral director in charge shall be licensed  
382 as a funeral director and a nationally certified or state-  
383 certified natural organic reduction operator. Such funeral  
384 director in charge shall be responsible for ensuring that the  
385 facility, its operations, and all persons employed in the  
386 facility comply with all applicable state and federal laws and  
387 rules. A funeral director in charge, with appropriate, active  
388 licenses, may serve as a funeral director in charge for not more  
389 than a total of two of the following: funeral establishments,  
390 centralized embalming facilities, direct disposal  
391 establishments, natural organic reduction facilities, or  
392 cinerator facilities, as long as the two locations are not more  
393 than 75 miles apart as measured in a straight line.

394 (10) REGULATION OF NATURAL ORGANIC REDUCTION FACILITIES.—

395 (a) There shall be established by rule standards for  
396 natural organic reduction facilities, including, but not limited  
397 to, requirements for refrigeration and storage of dead human  
398 bodies, use of forms and contracts, and record retention.

399 (b) The practice of natural organic reduction must be  
400 engaged in at a fixed location of at least 1,250 interior



401 contiguous square feet and must maintain or make arrangements  
402 for suitable capacity for the refrigeration and storage of dead  
403 human bodies handled and stored by the establishment.

404 (c) No more than one dead human body may be placed in an  
405 organic human reduction container at one time, unless written  
406 permission has been received from a legally authorized person  
407 for each body.

408 (d) Each natural organic reduction facility shall at all  
409 times be subject to the inspection of all its buildings,  
410 grounds, records, equipment, and vehicles used in the conduct of  
411 its business, by the department, the Department of Environmental  
412 Protection, the Department of Health, and local government  
413 inspectors and by their agents. Rules shall be adopted which  
414 establish such inspection requirements.

415 (e) Each natural organic reduction facility must display  
416 at its public entrance the name of the facility and the name of  
417 the funeral director in charge of that facility. A natural  
418 organic reduction facility must transact its business under the  
419 name by which it is licensed.

420 (f) Human remains may be transported in a cremation  
421 container or stored if they are completely covered and at all  
422 times treated with dignity and respect.

423 (g) Rules shall be adopted which require each facility to  
424 submit periodic reports to the department which include the  
425 names of persons undergoing natural organic reduction, the date

426 and county of death, the name of each person supervising each  
427 natural organic reduction, the name and license number of the  
428 establishment requesting natural organic reduction, the types of  
429 containers used to hold the body during the natural organic  
430 reduction process, the annual quantity of reduced human remains,  
431 and any additional information required by rule.

432 (h) The natural organic reduction facility may not offer  
433 its services to the public. The facility may only operate  
434 through a funeral establishment.

435 (i) Each natural organic reduction facility shall be  
436 inspected before the initial issuance of its license and  
437 annually thereafter and shall:

- 438 1. Be at a specific address or location.
- 439 2. Be at least 1,250 contiguous square feet of space.
- 440 3. Have at least one operable organic human reduction  
441 container.
- 442 4. Have at least one operable processing station for  
443 grinding of organically reduced remains.
- 444 5. Place human remains in an operable organic human  
445 reduction container within 8 hours after receipt, or maintain  
446 refrigeration that satisfies the standards set by the Department  
447 of Health and contains sufficient refrigerated space for the  
448 average daily number of bodies stored.
- 449 6. Maintain the premises in a clean and sanitary  
450 condition.

**Section 13. 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 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 14. Section 497.6075, Florida Statutes, is created to read:**

497.6075 Natural organic reduction; procedure required.—

(1) At the time of the arrangement for a reduction performed by any person licensed pursuant to this chapter, the legally authorized person contracting for reduction services shall be required to designate her or his intentions with respect to disposition of the reduced remains of the deceased in a signed declaration of intent which shall be provided by and retained by the funeral or direct disposal establishment. A reduction may not be performed until a legally authorized person gives written authorization, which may include the declaration of intent to dispose of the reduction remains, for such natural organic reduction process. The reduction must be initiated

476 within 48 hours after a specified time which has been agreed to  
477 in writing by the person authorizing the reduction. A funeral  
478 establishment making arrangements for a reduction shall not be  
479 responsible for or take possession of unclaimed reduced remains.

480 (2) Reduced remains are not property, as defined in s.  
481 731.201, and are not subject to partition for purposes of  
482 distribution under s. 733.814. A division of reduced remains  
483 requires the consent of the legally authorized person who  
484 approved the reduction or, if the legally authorized person is  
485 the decedent, the next legally authorized person pursuant to s.  
486 497.005(43). A dispute regarding the division of reduced remains  
487 shall be resolved by a court of competent jurisdiction.

488 (3) With respect to any person who intends to provide for  
489 the reduction of the deceased, if, after a period of 120 days  
490 from the time the reduction is finalized, the reduced remains  
491 have not been claimed, the funeral establishment may dispose of  
492 the reduced remains. Such disposal shall include placement  
493 within a conservation area or otherwise disposing of the remains  
494 as provided by rule.

495 (4) The board may adopt and enforce such rules and  
496 regulations as may be reasonable and necessary to provide for  
497 the sanitary disposal of dead human bodies by natural organic  
498 reduction and prevent the spread of disease and to protect the  
499 health, safety, and welfare of the people of this state. Such  
500 rules and regulations may include required inspections of any

501 natural organic reduction container by the manufacturer or other  
502 authorized repair company once every year to ensure proper  
503 operations.

504 (5) Upon completion of the reduction process, the reduced  
505 remains shall be pulverized until no single fragment is  
506 recognizable as skeletal tissue. Such pulverized remains shall  
507 then be transferred to a container or multiple containers, if so  
508 requested by the legally authorized person, and delivered to the  
509 legally authorized person or otherwise disposed of as set forth  
510 herein.

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

513 627.404 Insurable interest; personal insurance.—

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

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