



LEGISLATIVE ACTION

Senate

House

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The Committee on Banking and Insurance (Truenow) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete lines 79 - 546

4 and insert:

5 Section 2. Paragraph (g) of subsection (2) of section
6 497.263, Florida Statutes, is amended to read:

7 497.263 Cemetery companies; license required; licensure
8 requirements and procedures.—

9 (2) APPLICATION PROCEDURES.—

10 (g) The proposed cemetery must contain at least 30



834316

11 ~~contiguous~~ acres. Such acreage must be contiguous, except that
12 ~~parcels of land divided solely by a public right-of-way or~~
13 ~~public road may be considered contiguous, provided the parcels~~
14 ~~are in close geographic proximity and form a unified cemetery~~
15 ~~property. The application must state the exact number of acres~~
16 ~~in the proposed cemetery and must identify any public rights-of-~~
17 ~~way or roads dividing the parcels. Parcels located in separate~~
18 ~~or distant geographic areas, even if along the same roadway or~~
19 ~~corridor, do not satisfy the contiguity requirement of this~~
20 ~~paragraph The application shall state the exact number of acres~~
21 ~~in the proposed cemetery.~~

22 Section 3. Subsection (2) of section 497.270, Florida
23 Statutes, is amended to read:

24 497.270 Minimum acreage; sale or disposition of cemetery
25 lands.—

26 (2) Any lands owned by a licensee and dedicated for use by
27 it as a cemetery, which meet the criteria set forth in s.
28 ~~497.263(2)(g) are in excess of a minimum of 30 contiguous acres,~~
29 may be sold, conveyed, or disposed of by the licensee, after
30 obtaining written approval pursuant to procedures and using
31 utilizing forms specified by rule and consistent with subsection
32 (3), for use by the new owner for other purposes than as a
33 cemetery. All of the human remains which have been previously
34 interred therein must shall first be ~~have been~~ removed from the
35 lands proposed to be sold, conveyed, or disposed of; however,
36 ~~the provisions of ss. 497.152(8)(e) and 497.384 must be complied~~
37 ~~with before prior to~~ any disinterment of human remains. ~~Any and~~
38 All titles, interests, or burial rights which may have been sold
39 or contracted to be sold in lands which are the subject of the



40 sale must ~~shall~~ be conveyed to and revested in the licensee
41 before ~~prior to~~ consummation of any such sale, conveyance, or
42 disposition.

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

45 497.369 Embalmers; licensure as an embalmer by endorsement;
46 licensure of a temporary embalmer.—

47 (4) Each applicant for licensure by endorsement shall ~~must~~
48 pass the examination on local, state, and federal laws and rules
49 relating to the disposition of dead human bodies ~~which is~~
50 required under s. 497.368 and which shall be given by the
51 licensing authority. Licensure by endorsement under subparagraph
52 (1) (b)1. does not require any educational or testing
53 requirements other than those required in this subsection.

54 Section 5. Subsection (4) of section 497.374, Florida
55 Statutes, is amended to read:

56 497.374 Funeral directing; licensure as a funeral director
57 by endorsement; licensure of a temporary funeral director.—

58 (4) Each applicant for licensure by endorsement shall ~~must~~
59 pass the examination on local, state, and federal laws and rules
60 relating to the disposition of dead human bodies ~~which is~~
61 required under s. 497.373 and which shall be given by the
62 licensing authority. Licensure by endorsement under subparagraph
63 (1) (b)1. does not require education or testing requirements
64 other than those required in s. 497.373(2) (b).

65 Section 6. Paragraph (b) of subsection (1) of section
66 497.375, Florida Statutes, is amended to read:

67 497.375 Funeral directing; licensure of a funeral director
68 intern.—



69 (1)

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

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

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

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

83 ~~c. Has taken and received a passing grade in a college~~
84 ~~credit course in mortuary law or funeral service law and has~~
85 ~~taken and received a passing grade in a college credit course in~~
86 ~~ethics.~~

87 Section 7. Subsection (3) is added to section 497.376,
88 Florida Statutes, to read:

89 497.376 License as funeral director and embalmer
90 permitted.—

91 (3) An applicant for a combination license by endorsement
92 as a funeral director and embalmer under s. 497.373 and s.
93 497.369, respectively, is not required to meet any educational
94 or testing requirements other than those in ss. 497.373(2) (b)
95 and 497.369(4).

96 Section 8. Paragraph (a) of subsection (2) of section
97 497.377, Florida Statutes, is amended to read:



834316

98 497.377 Combination funeral director and embalmer
99 internships.—

100 (2) (a) An applicant who has not completed the educational
101 credentials required for a combination license as both funeral
102 director and embalmer is eligible for licensure as a combination
103 funeral director and embalmer intern if the applicant:

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

108 2. Is currently enrolled in and attending a college
109 accredited by the American Board of Funeral Service Education
110 (ABFSE) in a course of study in mortuary science accredited by
111 ABFSE.

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

115 3. ~~Has taken and received a passing grade in a college~~
116 ~~credit course in mortuary law or funeral service law and has~~
117 ~~taken and received a passing grade in a college credit course in~~
118 ~~ethics.~~

119 Section 9. Present subsections (6) and (7) of section
120 497.386, Florida Statutes, are redesignated as subsections (7)
121 and (8), respectively, and a new subsection (6) is added to that
122 section, to read:

123 497.386 Storage, preservation, and transportation of human
124 remains.—

125 (6) If any human remains have been in the lawful possession
126 of any licensee or licensed facility for 90 days or more, and



834316

127 the legally authorized person of the decedent fails, neglects,
128 or refuses to direct the disposition, the licensee or licensed
129 facility may dispose of the human remains. Any licensee or
130 licensed facility who disposes of human remains pursuant to this
131 subsection may not be held liable for any action arising out of
132 such disposal.

133 Section 10. Paragraph (b) of subsection (7) of section
134 497.459, Florida Statutes, is amended to read:

135 497.459 Cancellation of, or default on, preneed contracts;
136 required notice.—

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

138 (b)1. The notice in paragraph (a) must be provided by
139 certified mail, registered mail, or permitted delivery service,
140 ~~return receipt requested~~, to the last known e-mail or mailing
141 address of the purchaser or the beneficiary's legally authorized
142 person, whichever is applicable, as provided to the preneed
143 licensee. If the notice is returned as undeliverable within 30
144 calendar days after the preneed licensee sent the notice, the
145 trustee must shall perform a diligent search and inquiry to
146 obtain a different e-mail or mailing address for the purchaser
147 or the beneficiary's legally authorized person, whichever is
148 applicable. The board may adopt rules to implement this
149 subparagraph For purposes of this subparagraph, any address
150 known and used by the purchaser or the beneficiary's legally
151 authorized person, whichever is applicable, for sending regular
152 mailings or other communications from the purchaser or the
153 beneficiary's legally authorized person, whichever is
154 applicable, to the preneed licensee or any address produced
155 through a current address service or searchable database shall



834316

156 ~~be included with other addresses produced from the diligent~~
157 ~~search and inquiry, if any. If the trustee's diligent search and~~
158 ~~inquiry produces an address different from the notice address,~~
159 ~~the trustee shall mail a copy of the notice by certified mail,~~
160 ~~registered mail, or permitted delivery service, return receipt~~
161 ~~requested, to any and all addresses produced as a result of the~~
162 ~~diligent search and inquiry.~~

163 2. If the purchaser or the beneficiary's legally authorized
164 person, whichever is applicable, fails to respond to such notice
165 within 120 days after delivery of the last mailed notice under
166 subparagraph 1., the funds held in trust must be distributed in
167 accordance with the terms of the preneed contract, the trust
168 agreement, and any applicable provisions of chapter 717.

169

170 ===== T I T L E A M E N D M E N T =====

171 And the title is amended as follows:

172 Delete lines 6 - 57

173 and insert:

174 amending s. 497.263, F.S.; revising the procedures for
175 applicants seeking a cemetery license; amending s.
176 497.270, F.S.; conforming a provision to changes made
177 by the act; amending s. 497.369, F.S.; revising the
178 requirements for an applicant seeking licensure by
179 endorsement to be an embalmer; amending s. 497.374,
180 F.S.; revising the requirements for an applicant
181 seeking licensure by endorsement to be a funeral
182 director; amending s. 497.375, F.S.; deleting an
183 exception to the educational requirements for an
184 applicant seeking licensure to be a funeral director;



834316

185 amending s. 497.376, F.S.; revising the requirements
186 for an applicant seeking a license by endorsement as a
187 combination funeral director and embalmer; amending s.
188 497.377, F.S.; revising the educational requirements
189 for licensure to be a combination funeral director and
190 embalmer intern; amending s. 497.386, F.S.;
191 authorizing a licensee or a licensed facility to
192 dispose of human remains in a specified manner if the
193 legally authorized person of the decedent fails,
194 neglects, or refuses to direct the disposition;
195 providing that the licensee or licensed facility is
196 not liable for any action arising out of such
197 disposal; amending s. 497.459, F.S.; revising the
198 method in which a preneed licensee must send written
199 notice to cancel a preneed contract; authorizing the
200 Board of Funeral, Cemetery, and Consumer Services to
201 adopt rules; amending s.