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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 79 - 546

and insert:

Section 2. 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



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~~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, provided the parcels are in close geographic proximity and form a unified cemetery property. The application must state the exact number of acres in the proposed cemetery and must identify any public rights-of-way or 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 of this paragraph ~~The application shall state the exact number of acres in the proposed cemetery.~~

Section 3. 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 set forth 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 using ~~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 must ~~shall~~ first be ~~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 before ~~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



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

Section 4. 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 shall ~~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. Licensure by endorsement under subparagraph
(1)(b)1. does not require any educational or testing
requirements other than those required in this subsection.

Section 5. 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 shall ~~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. Licensure by endorsement under subparagraph
(1)(b)1. does not require education or testing requirements
other than those required in s. 497.373(2)(b).

Section 6. 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.—



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(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.

~~c. 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 7. 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 by endorsement as a funeral director and embalmer under s. 497.373 and s. 497.369, respectively, is not required to meet any educational or testing requirements other than those in ss. 497.373(2)(b) and 497.369(4).

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



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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. 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;
or

2. 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.

~~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 9. Present subsections (6) and (7) of section
497.386, Florida Statutes, are redesignated 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.—

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



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

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

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

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

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



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~~be included with other addresses produced from the diligent search and inquiry, if any. If the trustee's diligent search and inquiry produces an address different from the notice address, the trustee shall mail a copy of the notice by certified mail, 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.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete lines 6 - 57
and insert:
amending s. 497.263, F.S.; revising the procedures for applicants seeking a cemetery license; amending s. 497.270, F.S.; conforming a provision to changes made by the act; amending s. 497.369, F.S.; revising the requirements for an applicant seeking licensure by endorsement to be an embalmer; amending s. 497.374, F.S.; revising the requirements for an applicant seeking licensure by endorsement to be a funeral director; amending s. 497.375, F.S.; deleting an exception to the educational requirements for an applicant seeking licensure to be a funeral director;



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