

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Banking and Insurance

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BILL: SB 598

INTRODUCER: Senator Truenow

SUBJECT: Funeral, Cemetery, and Consumer Services

DATE: February 10, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Knudson	Knudson	BI	<b>Pre-meeting</b>
2.			AEG	
3.			FP	

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**I. Summary:**

SB 598 revises chapter 497, Florida Statutes, the Florida Funeral, Cemetery, and Consumer Services Act (Act), which provides for the regulation of funeral and cemetery services.

The bill prohibits licensees from contracting to become the exclusive or sole provider of funeral, cremation, refrigeration, or removal services for any entity that provides medical, palliative, or other end-of-life care and services to the general public.

The bill limits to \$200,000, the total liability for damages in any civil action for negligence brought against a licensee.

The bill allows licensees to dispose of human remains that have been in their lawful possession for at least 90 days if the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition. Licensees may not be held liable for doing so. The bill also provides that if, after 90 days (current law is 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.

The bill eliminates the licenses for direct disposers and direct disposer establishments, effective July 1, 2026; however, current licensees may renew their licensure after that date and continue practicing. Under current law, licensed direct disposers may engage in a limited scope of practice that allows them to sell services to the public for lawfully facilitating cremation without preparation by embalming and without any attendant services or rites.

The bill provides that the minimum acreage of a cemetery 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.

To attract new practitioners of funeral and cemetery services in Florida, the bill revises licensure requirements under the Act, providing that:

- A licensure by endorsement as an embalmer, funeral director, or a combination funeral director and embalmer for an applicant that holds a valid license in another state and has at least 5 years' experience of licensed practice in that state does not require educational or testing requirements other than passage of the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies.
- The educational requirements that a funeral director licensure applicant who has not completed the educational credentials required for the license are revised to remove passage of a college course in mortuary or funeral service law.
- Licensure as a combination funeral director and embalmer intern, a licensure that is available to applicants who have not completed the educational credentials required for a combination license as both a funeral director and embalmer, requires either an associate degree or higher from an accredited college or university or current enrollment in an accredited college in an accredited course of study in mortuary science.

The bill exempts prepaid funeral contracts from the insurable interest requirements of the Florida Insurance Code. The bill also allows the written notice by the preneed licensee to the purchaser or beneficiary's legally authorized person of the preneed licensee's intent to distribute funds related to unfulfilled services, may be sent to the to the last known e-mail or mailing address of the purchaser or the beneficiary's legally authorized person, whichever is applicable.

The bill's effective date is July 1, 2026.

## II. Present Situation:

### Funeral, Cemetery, and Consumer Services

Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act (Act), provides for the regulation of funeral and cemetery services.<sup>1</sup> The Act authorizes the Board of Funeral, Cemetery, and Consumer Services (Board) within the Department of Financial Services (DFS) to regulate cemeteries, columbaria, cremation services and practices, cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.<sup>2</sup>

Section 20.121(4), F.S., creates the Board within the Division of Funeral, Cemetery, and Consumer Services of the DFS. The Board acts as the licensing and rulemaking authority for certain matters related to examinations and other substantive requirements for licensure within the death care industry under ch. 497, F.S., including facility requirements;<sup>3</sup>

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<sup>1</sup> See Section 497.001, F.S.

<sup>2</sup> Sections 497.101 and 497.103, F.S.

<sup>3</sup> See s. 497.103(1)(a)-(cc), F.S. Licenses available to natural persons include: embalmer apprentice and intern; funeral directors and intern; funeral director and embalmer, direct disposer, monument establishment sales agent, and preneed sales agent. Section 497.141(12)(a), F.S. Licenses available to natural persons, corporations, limited liability companies, and partnerships include: funeral establishment, centralized embalming facility, refrigeration facility, direct disposal establishment, monument establishment, cinerator facility, removal service, preneed sales business under s. 497.453, F.S., and cemetery. Section 497.141(12)(b)-(c), F.S.

The Board has broad authority over licensure and examination of applicants for various licenses including:

- Authority to determine any and all criteria for licensure;
- Authority to specify who may conduct practical examination;
- Authority to specify the content of examinations for licensure, both written and practical, and the relative weighting of areas examined, and grading criteria, and determination of what constitutes a passing grade;
- Authority to strike any examination question determined before or after an examination to be inappropriate for any reason;
- Authority to specify which national examinations or parts thereof shall or shall not be required or accepted regarding Florida licensure;
- Authority to determine time limits and substantive requirements regarding reexamination of applicants who fail any portion of a licensing examination; and
- Authority to determine substantive requirements and conditions relating to apprenticeships and internships, and temporary licensure pending examination.<sup>4</sup>

The Board must have 10 members, nine of whom are to be appointment by the Chief Financial Officer (CFO) and confirmed by the Senate and one member must be the State Health Officer, or his or her designee.<sup>5</sup> The composition of the Board must be as follows:

- The State Health Officer;
- Two funeral directors who are:
  - Licensed under part III of ch. 497, F.S., as funeral directors, and
  - Associated with a funeral establishment;
- One funeral director who is:
  - Licensed under part III of ch. 497, F.S., and
  - Associated with a funeral establishment licensed under part III of ch. 497, F.S., that has a valid preneed license issued pursuant to ch. 497, F.S.
- Two persons whose primary occupation is associated with a licensed cemetery;
- Three consumers who:
  - Are residents of Florida;
  - Have never been licensed funeral directors or embalmers;
  - Are not connected with a cemetery or licensed cemetery company;
  - Are not connected to the death care industry or the practice of embalming, funeral directing, or direct disposition;
  - At least one of which is at least 60 years of age; and
  - At least one of which is a licensed certified public accountant; and
- One principal of a monument establishment licensed under ch. 497, F.S., as a monument builder.<sup>6</sup>

Two or more members may not be principals or employees of the same company or partnership, or group of companies or partnerships under common control.<sup>7</sup> Board members are appointed for

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<sup>4</sup> Section 497.103(1)(a)-(g), F.S.

<sup>5</sup> Section 497.101(1), F.S.

<sup>6</sup> Section 497.101(2), F.S.

<sup>7</sup> *Id.*

four-year terms, however, a member may not serve for more than 8 consecutive years (except for the State Health Officer, who serves so long as he or she holds the office).<sup>8</sup>

### ***Funeral Director and Embalmer Licensure***

The practice of funeral services is divided into three relevant licenses. A person may be licensed as a funeral director,<sup>9</sup> an embalmer,<sup>10</sup> or with a combination license for the practice of funeral directing and embalming.<sup>11</sup>

Applicants for an embalmer license must take courses in mortuary science, complete a one-year internship, and pass an examination on the subjects of the theory and practice of embalming, restorative art, pathology, anatomy, microbiology, chemistry, hygiene, public health and sanitation, and local, state, and federal laws and rules relating to the disposition of dead human bodies.<sup>12</sup> Applicants for a combination funeral directing and embalmer license must meet the requirements for an embalmer's license, as well as take approved courses in funeral service arts, and pass the funeral services arts section of the national board examination.<sup>13</sup>

Applicants for a funeral director-only license are required to take classes in both mortuary science and funeral service arts, complete a one-year internship, pass the state and federal laws and rules examination relating to the disposition of human remains, and an examination on the theory and practice of funeral directing and funeral service arts.<sup>14</sup>

### ***Direct Disposer Licensure***

A "direct disposer" is any person licensed to practice direct disposition in Florida.<sup>15</sup> The "practice of direct disposition" is the cremation of human remains without preparation by embalming and without any attendant services or rites.<sup>16</sup> Applicants for a direct disposer license must take a course on communicable diseases and pass an examination on the local, state, and federal laws and rules relating to the disposition of dead human bodies.<sup>17</sup>

### ***Funeral Establishment Licensure***

Section 497.380, F.S., provides for the regulation of funeral establishments. Each licensed funeral establishment must have one full-time funeral director in charge.<sup>18</sup> A funeral establishment must:

- Be a place at a specific street address or location;
- Consist of at least 1,250 contiguous interior square feet;

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<sup>8</sup> Section 497.101(3), F.S.

<sup>9</sup> Section 497.372, F.S.

<sup>10</sup> Section 497.368, F.S.

<sup>11</sup> Section 497.376, F.S.

<sup>12</sup> Section 497.368, F.S.

<sup>13</sup> Section 497.376, F.S.

<sup>14</sup> Section 497.373, F.S.

<sup>15</sup> Section 497.005(28), F.S.

<sup>16</sup> Section 497.005(58), F.S.

<sup>17</sup> Section 497.602(3), F.S.

<sup>18</sup> Section 497.380(7), F.S.

- Maintain or make arrangements for the refrigeration and storage of dead human bodies handled and stored by the establishment; and
- Maintain or make arrangements for a preparation room equipped with necessary ventilation and drainage and containing necessary instruments for embalming dead human bodies.<sup>19</sup>

### ***Direct Disposal Establishment Licensure***

Section 497.604, F.S., provides for the regulation of direct disposal establishments. Each licensed direct disposal establishment must have one full-time funeral director in charge.<sup>20</sup> A direct disposal establishment must:

- Be in a fixed location;
- Consist of at least 625 contiguous interior square feet; and
- Maintain or make arrangements for the refrigeration and storage of dead human bodies handled and stored by the establishment.<sup>21</sup>

### ***Storage, Preservation, and Transportation of Human Remains***

Human remains may only be stored at a licensed establishment or facility licensed under ch. 497, F.S., or a health care facility, medical examiner's facility, morgue, or cemetery holding facility.<sup>22</sup> A dead human body may not be held in any place or in transit over 24 hours after death or pending final disposition unless the body is maintained at a temperature of 40 degrees Fahrenheit or below or is embalmed or otherwise preserved in a manner approved by the licensing authority.<sup>23</sup>

In an emergency situation, including the abandonment of any licensed establishments or facilities, the DFS is authorized to enter and secure certain locations.<sup>24</sup> In such a situation, the DFS may remove human remains and cremated remains.<sup>25</sup> These locations include:

- An establishment or facility licensed under ch. 497, F.S.
- Any medical examiner's facility or morgue; and
- A cemetery holding facility.<sup>26</sup>

### ***Cremation***

Cremation of human remains in Florida is governed by s. 497.607, F.S. Cremation of human remains requires written authorization from a legally authorized person.<sup>27</sup> The cremation must be performed within 48 hours after a specified time which has been agreed to in writing by the person authorizing the cremation.<sup>28</sup> If, after a period of 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, which may include scattering them at sea or placing them in a

<sup>19</sup> Section 497.380(1), F.S.

<sup>20</sup> Section 497.604(8)(a), F.S.

<sup>21</sup> Section 497.604(9)(b), F.S.

<sup>22</sup> Section 497.386(1), F.S.

<sup>23</sup> Section 497.386(2), F.S.

<sup>24</sup> Section 497.386(5), F.S.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Section 497.607(1), F.S.

<sup>28</sup> *Id.*

licensed cemetery scattering garden or pond or in a church columbarium or otherwise disposing of the remains as provided by rule of the Board.<sup>29</sup>

### ***Cemetery Companies***

A person seeking a cemetery license must apply for a license.<sup>30</sup> The proposed cemetery must contain at least 30 contiguous acres and the application must state the exact number of acres in the proposed cemetery.<sup>31</sup> Any land dedicated for use as a cemetery, which is in excess of a minimum of 30 contiguous acres, may be sold, conveyed, or disposed of by the licensee, after obtaining written approval of the DFS for use by the new owner for purposes other than as a cemetery.<sup>32</sup> All of the human remains that have been previously interred therein, if any, must first have been removed from the land proposed to be sold, conveyed, or disposed of.<sup>33</sup>

### ***Solicitation of Goods or Services***

The Board is charged with protecting the public from solicitation of sales of burial rights, merchandise, or services by licensees which is intimidating, overreaching, fraudulent, or misleading; which utilizes undue influence; or which takes undue advantage of a person's ignorance or emotional vulnerability.<sup>34</sup> At-need solicitation of sales of burial rights, merchandise, or services is prohibited. The family or next of kin of a deceased person may not be contacted to sell services or merchandise unless the person making contact has been initially called or contacted by the family or next of kin and requested to provide services or merchandise.<sup>35</sup>

### ***Private actions; actions on behalf of consumers; attorney's fee***

The Attorney General, or the DFS on behalf of Florida residents, or any person may bring a civil action against a person or company violating the provisions of ch. 497, F.S.<sup>36</sup> If the civil action is successful, the defendant is liable for actual damages caused by the violation.<sup>37</sup> The court may award punitive damages and may provide such other equitable relief as it deems suitable.<sup>38</sup> If the litigation results from a transaction involving a violation by a cemetery company, a burial rights broker, a monument establishment, or a preneed entity or preneed sales agent the court may award reasonable attorney's fees and costs.<sup>39</sup>

### ***Preneed Contracts - Cancellation or Default***

Part IV of ch. 497, F.S., governs preneed funeral merchandise or service contract businesses and preneed burial merchandise or service contract businesses. Such businesses are exempt from the Florida Insurance Code.<sup>40</sup> A "preneed contract" is any arrangement or method for which the

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<sup>29</sup> Section 497.607(3)(a), F.S.

<sup>30</sup> Section 497.263(2)(a), F.S.

<sup>31</sup> Section 497.263(2)(g), F.S.

<sup>32</sup> Section 497.270(2), F.S.

<sup>33</sup> *Id.*

<sup>34</sup> Section 497.164(1) and (2), F.S.

<sup>35</sup> Section 497.164(5), F.S.

<sup>36</sup> Section 497.169(1), F.S.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> Section 497.169(2), F.S.

<sup>40</sup> Section 497.450, F.S.

provider of funeral merchandise or services receives any payment in advance for funeral or burial merchandise and services after the death of the contract beneficiary.<sup>41</sup> Persons who sell preneed contracts are licensed by the Board.<sup>42</sup> Any person who receives funds under a preneed contract for funeral services or merchandise or burial services or merchandise to deposit certain percentages of the amounts received with a trust company operating pursuant to ch. 660, F.S., with a national or state bank holding trust powers, or with a federal or state savings and loan association holding trust powers.<sup>43</sup>

A preneed licensee must provide to the purchaser or to the beneficiary's legally authorized person written notice of the licensee's intent to distribute funds if any obligation of the licensee remains to be fulfilled under the contract, upon the occurrence of the earliest of any of the following events:

- Fifty years after the date of execution of the preneed contract by the purchaser.
- The beneficiary of the preneed contract attains the age of 105 years of age or older.
- The social security number of the beneficiary of the preneed contract, as shown on the contract, is contained within the United States Social Security Administration Death Master File.<sup>44</sup>

Such written notice must be provided by certified mail, registered mail, or permitted delivery service, return receipt requested, to the last known mailing address of the purchaser or the beneficiary's legally authorized person, whichever is applicable, as provided to the preneed licensee.<sup>45</sup>

### ***Insurable Interest; Personal Insurance***

A person of legal capacity may procure or effect an insurance contract on his or her own life or body for the benefit of any person but may not procure or cause to be procured an insurance contract on the life of another individual unless the benefits under such contract are payable to the individual insured or his or her personal representatives, or to any person having, at the time such contract was made, an insurable interest in the individual insured.<sup>46</sup> Other than a policy of group life insurance or group or blanket accident, health, or disability insurance, a contract of insurance upon a person may not be effectuated unless, on or before the time of entering into such contract, the person insured applies for or consents in writing to the contract and its terms.<sup>47</sup> Insurable interest requirements exist to prevent the moral hazard associated with third parties benefiting financially because of the death of the insured or because of damage to the insured's real or personal property.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 497.164, F.S., to provide that a licensee under ch. 497, F.S., may not enter into a contract, agreement, or other arrangement in which that licensee or any affiliated licensee

<sup>41</sup> Section 497.005(62), F.S.

<sup>42</sup> Section 497.453, F.S.

<sup>43</sup> Section 497.458, F.S.

<sup>44</sup> Section 497.459(7)(a), F.S.

<sup>45</sup> Section 497.459(7)(b)1., F.S.

<sup>46</sup> Section 627.404(1), F.S.

<sup>47</sup> Section 627.404(5), F.S.

becomes the exclusive or sole provider of funeral, cremation, refrigeration, or removal services for any entity that provides medical, palliative, or other end-of-life care and services to the general public.

**Section 2** amends s. 497.169, F.S., to provide that the total liability for damages in any civil negligence action brought against a person or company licensed pursuant to this section may not exceed \$200,000.

- Please see VI. – Technical Deficiencies, regarding ambiguous language in this section.

**Sections 3 and 4** amend ss. 497.263 and 497.270, F.S., to provide that the minimum acreage of a cemetery 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 cemetery license 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.

**Section 5** amends s. 487.369, F.S., to provide that licensure by endorsement as an embalmer for an applicant that holds a valid license in good standing to practice embalming in another state and has engaged in the full-time, licensed practice of embalming in that state for at least 5 years does not require any educational or testing requirements other than passage of the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies required under s. 497.368, F.S.

**Section 6** amends s. 497.374, F.S., to provide that licensure by endorsement as a funeral director for an applicant that holds a valid license in good standing to practice funeral directing in another state and has engaged in the full-time, licensed practice of funeral directing in that state for at least 5 years does not require any educational or testing requirements other than passage of the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies required under s. 497.373(2)(b), F.S.

**Section 7** amends s. 497.375, F.S., to remove one of the three educational requirements that a funeral director licensure applicant must meet if seeking licensure despite not completing the educational credentials required for the license. The bill eliminates the requirement to receive a passing grade in a college credit course in mortuary law or funeral service law and in a college credit course in ethics. The other two requirements retained by the bill are that the applicant must hold an associate degree or higher from an accredited college or university and must be enrolled in and attending a licensing authority-approved course of study in mortuary science or funeral service arts required for licensure as a funeral director.

**Section 8** amends s. 497.376, F.S., to provide that an applicant for licensure for a combination license by endorsement as a funeral director and embalmer under ss. 497.373 and s. 497.369, F.S., respectively, is not required to meet any educational or testing requirements other than passage of the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies required under ss. 497.373(2)(b) and 497.369(4), F.S.

**Section 9** amends s. 497.377, F.S., to revise the requirements for licensure as a combination funeral director and embalmer intern, a licensure that is available to applicants who have not completed the educational credentials required for a combination license as both a funeral director and embalmer. The bill provides that such applicants, to obtain the intern license, must:

- Hold 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
- 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.

Current law requires that to obtain the intern license, the applicant must meet the latter of these requirements and must also have completed at least 75 percent of the course of study in mortuary science and have received a passing grade in a college course in mortuary law or funeral service law.

**Section 10** amends s. 497.386, F.S., to provide that if any human remains have been in the lawful possession of any licensee or licensed facility for 90 days or more, and the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition of the remains, the licensee or licensed facility may dispose of the human remains and licensee or licensed facility who disposes of such human remains pursuant to this subsection may not be held liable for any action arising out of such disposal.

**Section 11** amends s. 497.459, F.S., to provide that for purposes of ensuring the performance of unfulfilled preneed contracts, the required written notice by the preneed licensee to the purchaser or to the beneficiary's legally authorized person of the preneed licensee's intent to distribute funds in accordance with the terms of the preneed contract, if any obligation of the preneed licensee remains to be fulfilled under the contract, may be sent to the 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.

**Section 12** amends s. 497.602, F.S., to provide that effective July 1, 2026, applications may not be submitted to, and licenses may not be issued by the DFS for direct disposers. However, a person licensed as a direct disposer before July 1, 2026, may continue to practice as such, provided the person continues to renew their direct disposer license pursuant to s. 497.603, F.S.

**Section 13** amends s. 497.604, F.S., to provide that effective July 1, 2026, applications may not be submitted to, and licenses may not be issued by, the DFS for direct disposal establishments. However, a person licensed as a direct disposal establishment before July 1, 2026, may continue to practice as such, provided the person continues to renew his or her direct disposal establishment license pursuant to subsection 497.604(3), F.S.

**Section 14** amends s. 497.607, F.S., to provide that if any person who intends to provide for the cremation of the deceased, if, after 90 days (current law is 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.

**Section 15** amends s. 627.404, F.S., to exempt prepaid funeral contracts from the requirement that an insurance contract may not be carried out 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.

**Section 16** reenacts s. 497.260, F.S, for purposes of incorporating the amendment made by the bill to s. 497.263, F.S.

**Section 17** provides that bill takes effect July 1, 2026.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Endorsement licensure applicants will no longer be required to pay for a national examination, which is administered in two parts, with each part costing \$285.<sup>48</sup>

The elimination of the licenses for direct disposer and direct disposer establishments may reduce the availability of a lower cost cremation option for consumers.

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<sup>48</sup> Department of Financial Services, *2026 Legislative Bill Analysis SB 598*, pg. 4 (2026).

The limitation on damages for a civil liability action based on negligent violations of ch. 497, F.S., will benefit licensees but limit possible recoveries by plaintiffs.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

Lines 97-99 provide that, “The total liability for damages in any civil action for negligence brought against a *person or company licensed pursuant to this section* may not exceed \$200,000.” Presumably, the intent is to limit negligence actions brought pursuant to s. 497.169, F.S., which authorizes such actions for violations of ch. 497, F.S. The bill text, however, can be read to refer to persons or companies licensed pursuant to this section (s. 497.169, F.S.), which is not a licensure statute.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 497.164, 497.169, 497.263, 497.270, 497.369, 497.374, 497.375, 497.376, 497.377, 497.386, 497.459, 497.602, 497.604, 497.607, 627.404, 497.260

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.