

By the Committee on Banking and Insurance; and Senator Truenow

597-02757-26

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A bill to be entitled  
An act relating to funeral, cemetery, and consumer services; amending s. 497.164, F.S.; prohibiting a licensee of funeral or cemetery services from entering into certain contracts, agreements, or arrangements; 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; 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

597-02757-26

2026598c1

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. 497.607, F.S.; revising the timeframe after which a funeral or direct disposal establishment may dispose of cremated remains if the remains have not been claimed; amending s. 627.404, F.S.; revising the exceptions to the prohibition relating to personal insurance; reenacting s. 497.260(5), F.S., relating to cemeteries, exemptions, investigations, and mediation, to incorporate the amendment made to s. 497.263, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (6) is added to section 497.164, Florida Statutes, to read:

497.164 Solicitation of goods or services.—

(6) A licensee under this chapter may not enter into a contract, agreement, or other arrangement in which such licensee or any affiliated licensee 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. 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.—

597-02757-26

2026598c1

(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, 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~~

597-02757-26

2026598c1

88 All titles, interests, or burial rights which may have been sold  
89 or contracted to be sold in lands which are the subject of the  
90 sale must ~~shall~~ be conveyed to and revested in the licensee  
91 before ~~prior to~~ consummation of any such sale, conveyance, or  
92 disposition.

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

95 497.369 Embalmers; licensure as an embalmer by endorsement;  
96 licensure of a temporary embalmer.—

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

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

106 497.374 Funeral directing; licensure as a funeral director  
107 by endorsement; licensure of a temporary funeral director.—

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

115 Section 6. Paragraph (b) of subsection (1) of section  
116 497.375, Florida Statutes, is amended to read:

597-02757-26

2026598c1

117 497.375 Funeral directing; licensure of a funeral director  
118 intern.—

119 (1)

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

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

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

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

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

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

139 497.376 License as funeral director and embalmer  
140 permitted.—

141 (3) An applicant for a combination license by endorsement  
142 as a funeral director and embalmer under s. 497.373 and s.  
143 497.369, respectively, is not required to meet any educational  
144 or testing requirements other than those in ss. 497.373(2)(b)  
145 and 497.369(4).

597-02757-26

2026598c1

Section 8. 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:

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.—

597-02757-26

2026598c1

175       (6) If any human remains have been in the lawful possession  
176 of any licensee or licensed facility for 90 days or more, and  
177 the legally authorized person of the decedent fails, neglects,  
178 or refuses to direct the disposition, the licensee or licensed  
179 facility may dispose of the human remains. Any licensee or  
180 licensed facility that disposes of human remains pursuant to  
181 this subsection may not be held liable for any action arising  
182 out of such disposal.

183       Section 10. Paragraph (b) of subsection (7) of section  
184 497.459, Florida Statutes, is amended to read:

185       497.459 Cancellation of, or default on, preneed contracts;  
186 required notice.—

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

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

597-02757-26

2026598c1

204 ~~applicable, to the preneed licensee or any address produced~~  
205 ~~through a current address service or searchable database shall~~  
206 ~~be included with other addresses produced from the diligent~~  
207 ~~search and inquiry, if any. If the trustee's diligent search and~~  
208 ~~inquiry produces an address different from the notice address,~~  
209 ~~the trustee shall mail a copy of the notice by certified mail,~~  
210 ~~registered mail, or permitted delivery service, return receipt~~  
211 ~~requested, to any and all addresses produced as a result of the~~  
212 ~~diligent search and inquiry.~~

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

219       Section 11. Paragraph (a) of subsection (3) of section  
220 497.607, Florida Statutes, is amended to read:

221       497.607 Cremation; procedure required.—

222       (3)(a) With respect to any person who intends to provide  
223 for the cremation of the deceased, if, after 90 ~~a period of 120~~  
224 days from the time of cremation the cremated remains have not  
225 been claimed, the funeral or direct disposal establishment may  
226 dispose of the cremated remains. Such disposal includes ~~shall~~  
227 ~~include~~ scattering them at sea or placing them in a licensed  
228 cemetery scattering garden or pond or in a church columbarium or  
229 otherwise disposing of the remains as provided by rule.

230       Section 12. Subsection (5) of section 627.404, Florida  
231 Statutes, is amended to read:

232       627.404 Insurable interest; personal insurance.—



597-02757-26

2026598c1

233 (5) A contract of insurance upon a person, other than a  
234 policy of prepaid funeral contract, group life insurance or  
235 group or blanket accident, health, or disability insurance, may  
236 not be carried out ~~effectuated~~ unless, on or before the time of  
237 entering into such contract, the person insured, having legal  
238 capacity to contract, applies for or consents in writing to the  
239 contract and its terms, except that any person having an  
240 insurable interest in the life of a minor younger than 15 years  
241 of age or any person upon whom a minor younger than 15 years of  
242 age is dependent for support and maintenance may obtain  
243 ~~effectuate~~ a policy of insurance on the minor.

244 Section 13. For the purpose of incorporating the amendment  
245 made by this act to section 497.263, Florida Statutes, in a  
246 reference thereto, subsection (5) of section 497.260, Florida  
247 Statutes, is reenacted to read:

248 497.260 Cemeteries; exemption; investigation and  
249 mediation.—

250 (5) Any religious-institution-owned cemetery exempt under  
251 subsection (1), except those cemeteries qualifying under  
252 paragraph (1)(d), which becomes affiliated with a commercial  
253 enterprise must meet the requirements of s. 497.263.

254 Section 14. This act shall take effect July 1, 2026.