

**By** the Committee on Banking and Insurance; and Senator Truenow

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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

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30       method in which a preneed licensee must send written  
31       notice to cancel a preneed contract; authorizing the  
32       Board of Funeral, Cemetery, and Consumer Services to  
33       adopt rules; amending s. 497.607, F.S.; revising the  
34       timeframe after which a funeral or direct disposal  
35       establishment may dispose of cremated remains if the  
36       remains have not been claimed; amending s. 627.404,  
37       F.S.; revising the exceptions to the prohibition  
38       relating to personal insurance; reenacting s.  
39       497.260(5), F.S., relating to cemeteries, exemptions,  
40       investigations, and mediation, to incorporate the  
41       amendment made to s. 497.263, F.S., in a reference  
42       thereto; providing an effective date.

43  
44       Be It Enacted by the Legislature of the State of Florida:

45  
46       Section 1. Subsection (6) is added to section 497.164,  
47       Florida Statutes, to read:

48       497.164 Solicitation of goods or services.—

49       (6) A licensee under this chapter may not enter into a  
50       contract, agreement, or other arrangement in which such licensee  
51       or any affiliated licensee becomes the exclusive or sole  
52       provider of funeral, cremation, refrigeration, or removal  
53       services for any entity that provides medical, palliative, or  
54       other end-of-life care and services to the general public.

55       Section 2. Paragraph (g) of subsection (2) of section  
56       497.263, Florida Statutes, is amended to read:

57       497.263 Cemetery companies; license required; licensure  
58       requirements and procedures.—

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## 59                   (2) APPLICATION PROCEDURES.—

60                   (g) The proposed cemetery must contain at least 30  
61 ~~contiguous~~ acres. Such acreage must be contiguous, except that  
62 parcels of land divided solely by a public right-of-way or  
63 public road may be considered contiguous, provided the parcels  
64 are in close geographic proximity and form a unified cemetery  
65 property. The application must state the exact number of acres  
66 in the proposed cemetery and must identify any public rights-of-  
67 way or roads dividing the parcels. Parcels located in separate  
68 or distant geographic areas, even if along the same roadway or  
69 corridor, do not satisfy the contiguity requirement of this  
70 paragraph. The application shall state the exact number of acres  
71 in the proposed cemetery.

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

74                   497.270 Minimum acreage; sale or disposition of cemetery  
75 lands.—

76                   (2) Any lands owned by a licensee and dedicated for use by  
77 it as a cemetery, which meet the criteria set forth in s.  
78 ~~497.263(2)(g) are in excess of a minimum of 30 contiguous acres,~~  
79 may be sold, conveyed, or disposed of by the licensee, after  
80 obtaining written approval pursuant to procedures and using  
81 utilizing forms specified by rule and consistent with subsection  
82 (3), for use by the new owner for other purposes than as a  
83 cemetery. All of the human remains which have been previously  
84 interred therein must ~~shall~~ first be ~~have been~~ removed from the  
85 lands proposed to be sold, conveyed, or disposed of; however,  
86 ~~the provisions of ss. 497.152(8)(e) and 497.384 must be complied~~  
87 ~~with before prior to~~ any disinterment of human remains. Any and

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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:

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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).

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146       Section 8. Paragraph (a) of subsection (2) of section  
147 497.377, Florida Statutes, is amended to read:

148       497.377 Combination funeral director and embalmer  
149 internships.—

150       (2) (a) An applicant who has not completed the educational  
151 credentials required for a combination license as both funeral  
152 director and embalmer is eligible for licensure as a combination  
153 funeral director and embalmer intern if the applicant:

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

158       2. Is currently enrolled in and attending a college  
159 accredited by the American Board of Funeral Service Education  
160 (ABFSE) in a course of study in mortuary science accredited by  
161 ABFSE.

162       3. Has completed at least 75 percent of the course of study  
163 in mortuary science as certified by the college in which the  
164 applicant is currently enrolled.

165       4. Has taken and received a passing grade in a college  
166 credit course in mortuary law or funeral service law and has  
167 taken and received a passing grade in a college credit course in  
168 ethics.

169       Section 9. Present subsections (6) and (7) of section  
170 497.386, Florida Statutes, are redesignated as subsections (7)  
171 and (8), respectively, and a new subsection (6) is added to that  
172 section, to read:

173       497.386 Storage, preservation, and transportation of human  
174 remains.—

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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

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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.—

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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.