

## CHAPTER 2010-125

### Committee Substitute for Committee Substitute for Senate Bill No. 1152

An act relating to the Florida Funeral, Cemetery, and Consumer Services Act; amending s. 497.005, F.S.; defining the terms “direct supervision” and “general supervision” as they relate to supervision by funeral directors and embalmers; expanding the definition of the term “legally authorized person” to include certain persons designated by a decedent pursuant to certain types of authority; amending s. 497.101, F.S.; revising qualifications for the membership of the Board of Funeral, Cemetery, and Consumer Services; amending s. 497.103, F.S.; authorizing the waiver of certain provisions during a state of emergency; amending s. 497.140, F.S.; authorizing fees for certain inspections of licensees; amending s. 497.141, F.S.; prohibiting the issuance or renewal of a license to an applicant that has specified criminal records under certain circumstances; authorizing a licensing authority of the Department of Financial Services to adopt rules; authorizing the licensing authority to require the submission of applications in an online electronic format; authorizing fees for applications submitted in a paper format; amending s. 497.142, F.S.; requiring an applicant for renewal of a license to disclose certain criminal offenses; requiring an applicant for issuance or renewal of a license to disclose certain criminal pleas; requiring the licensing authority to adopt rules for the disclosure of criminal records; authorizing an exception from disclosure requirements for previously disclosed criminal records; amending s. 497.143, F.S.; revising legislative intent; authorizing the licensing authority to adopt rules for the issuance of limited licenses to certain persons licensed outside the state; revising eligibility and application requirements for a limited license; amending s. 497.147, F.S.; deleting limits on the continuing education credit provided for attendance at board meetings; amending s. 497.152, F.S.; providing that certain criminal pleas are a ground for denial of an application or discipline of a licensee under ch. 497, F.S.; amending s. 497.161, F.S.; authorizing the department to adopt rules that temporarily suspend or modify certain provisions during and following a state of emergency; amending s. 497.162, F.S.; revising which nonlicensed personnel are required to complete a course on communicable diseases; extending the time for completion of the course; amending s. 497.166, F.S.; conforming terminology to changes made by the act; amending s. 497.277, F.S.; authorizing a cemetery company to charge a fee for performing specified duties related to certain cemetery sales contracts; requiring disclosure of the charges; exempting charges from certain trust deposit requirements; authorizing the department to adopt rules; amending s. 497.278, F.S.; authorizing a cemetery company to require certain persons and firms to show proof of certain insurance coverage; prohibiting a cemetery company from setting certain insurance coverage limits; amending s. 497.365, F.S.; prohibiting the embalming of human remains except by certain licensees; amending s. 497.372, F.S.;

revising certain functions construed to be the practice of funeral directing; prohibiting a funeral director from engaging in the practice of funeral directing except under certain circumstances; providing an exception; requiring that the Board of Funeral, Cemetery, and Consumer Services adopt rules; providing that certain provisions of state law do not prohibit a funeral director from being designated the licensed funeral director in charge of a cineration facility; revising the acts that are exempt from regulation as the practice of funeral directing; amending s. 497.373, F.S.; revising the educational and examination requirements for licensure of funeral directors by examination; revising requirements for the supervision of provisional licensees; amending s. 497.374, F.S.; revising the examination requirements for licensure of funeral directors by endorsement; amending s. 497.375, F.S.; establishing educational requirements for funeral director intern licenses; revising the application requirements for funeral director intern licensees; revising requirements for the supervision of funeral director interns; providing for the expiration of funeral director intern licenses; prohibiting the renewal of funeral director intern licenses except under certain circumstances; authorizing rules for the renewal of funeral director intern licenses; providing for license renewal fees; amending s. 497.376, F.S.; deleting provisions requiring rules for the display of certain licenses; amending s. 497.378, F.S.; conforming the continuing education requirements for funeral directors and embalmers to the repeal by the act of provisions requiring a course on HIV and AIDS; authorizing the licensing authority to adopt rules for the renewal of funeral director and embalmer licenses; amending s. 497.380, F.S.; providing duties of a funeral director in charge of a funeral establishment; requiring a funeral director in charge to have an embalmer license and providing exceptions; requiring the reporting of a change in the funeral director in charge of a funeral establishment; requiring certain licensees to display their licenses in funeral establishments; creating s. 497.4555, F.S.; authorizing a preneed licensee to charge a fee for performing certain duties related to a preneed contract; requiring disclosure of the charges; exempting charges from certain trust deposit requirements; authorizing the department to adopt rules; amending s. 497.456, F.S.; authorizing requirements that certain claims forms be sworn and notarized; amending s. 497.464, F.S.; deleting a requirement that trust payments for preneed contracts be deposited in this state; requiring that funds discharging a preneed contract be disbursed from the trust under certain circumstances; amending s. 497.602, F.S.; revising the course requirements for a direct disposer license; deleting provisions requiring rules for the display of certain licenses; amending s. 497.603, F.S.; requiring the licensing authority to adopt rules for the renewal of direct disposer licenses; requiring a course on communicable diseases; conforming the continuing education requirements for direct disposers to the repeal by the act of provisions requiring a course on HIV and AIDS; amending s. 497.604, F.S.; requiring a direct disposal establishment to have a licensed funeral director act as the direct disposer in charge and providing exceptions; requiring certain licensees to display their licenses in direct disposal establishments; repealing s. 497.367, F.S., relating to a continuing

education course required for funeral directors and embalmers on HIV and AIDS; providing an effective date.

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

Section 1. Section 497.005, Florida Statutes, is amended to read:

497.005 Definitions.—As used in this chapter, the term:

(1) “Alternative container” means an unfinished wood box or other nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, that is designed for the encasement of human remains and that is made of fiberboard, pressed wood, composition materials (with or without an outside covering), or like materials.

(2) “At-need solicitation” means any uninvited contact by a licensee or her or his agent for the purpose of the sale of burial services or merchandise to the family or next of kin of a person after her or his death has occurred.

(3) “Bank of belowground crypts” means any construction unit of belowground crypts that is acceptable to the department and that a cemetery uses to initiate its belowground crypt program or to add to existing belowground crypt structures.

(4) “Belowground crypts” consist of interment space in preplaced chambers, either side by side or multiple depth, covered by earth and sod and known also as “lawn crypts,” “westminsters,” or “turf-top crypts.”

(5) “Board” means the Board of Funeral, Cemetery, and Consumer Services.

(6) “Burial merchandise,” “funeral merchandise,” or “merchandise” means any personal property offered or sold by any person for use in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains or cremated remains, including, but not limited to, caskets, outer burial containers, alternative containers, cremation containers, cremation interment containers, urns, monuments, private mausoleums, flowers, benches, vases, acknowledgment cards, register books, memory folders, prayer cards, and clothing.

(7) “Burial right” means the right to use a grave space, mausoleum, columbarium, ossuary, or scattering garden for the interment, entombment, inurnment, or other disposition of human remains or cremated remains.

(8) “Burial service” or “service” means any service offered or provided in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains or cremated remains.

(9) “Care and maintenance” means the perpetual process of keeping a cemetery and its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, mausoleums, columbaria, vaults, crypts, utilities, and other

improvements, structures, and embellishments in a well-cared-for and dignified condition, so that the cemetery does not become a nuisance or place of reproach and desolation in the community. As specified in the rules of the licensing authority, “care and maintenance” may include, but is not limited to, any or all of the following activities: mowing the grass at reasonable intervals; raking and cleaning the grave spaces and adjacent areas; pruning of shrubs and trees; suppression of weeds and exotic flora; and maintenance, upkeep, and repair of drains, water lines, roads, buildings, and other improvements. “Care and maintenance” may include, but is not limited to, reasonable overhead expenses necessary for such purposes, including maintenance of machinery, tools, and equipment used for such purposes. “Care and maintenance” may also include repair or restoration of improvements necessary or desirable as a result of wear, deterioration, accident, damage, or destruction. “Care and maintenance” does not include expenses for the construction and development of new grave spaces or interment structures to be sold to the public.

(10) “Casket” means a rigid container that is designed for the encasement of human remains and that is usually constructed of wood or metal, ornamented, and lined with fabric.

(11) “Cemetery” means a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains; or any combination of one or more of such structures or places.

(12) “Cemetery company” means any legal entity that owns or controls cemetery lands or property.

(13) “Centralized embalming facility” means a facility in which embalming takes place that operates independently of a funeral establishment licensee and that offers embalming services to funeral directors for a fee.

(14) “Cinerator” means a facility where dead human bodies are subjected to cremation.

(15) “Closed container” means any container in which cremated remains can be placed and closed in a manner so as to prevent leakage or spillage of the remains.

(16) “Columbarium” means a structure or building that is substantially exposed above the ground and that is intended to be used for the inurnment of cremated remains.

(17) “Common business enterprise” means a group of two or more business entities that share common ownership in excess of 50 percent.

(18) “Control” means the possession, directly or indirectly, through the ownership of voting shares, by contract, arrangement, understanding,

relationship, or otherwise, of the power to direct or cause the direction of the management and policies of a person or entity. However, a person or entity shall not be deemed to have control if the person or entity holds voting shares, in good faith and not for the purpose of circumventing this definition, as an agent, bank, broker, nominee, custodian, or trustee for one or more beneficial owners who do not individually or as a group have control.

(19) “Cremated remains” means all the remains of the human body recovered after the completion of the cremation process, including processing or pulverization that leaves only bone fragments reduced to unidentifiable dimensions and may include the residue of any foreign matter, including casket material, bridgework, or eyeglasses that were cremated with the human remains.

(20) “Cremation” means any mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, re Cremated, or otherwise further reduced in size or quantity.

(21) “Cremation chamber” means the enclosed space within which the cremation process takes place. Cremation chambers covered by these procedures shall be used exclusively for the cremation of human remains.

(22) “Cremation container” means the casket or alternative container in which the human remains are transported to and placed in the cremation chamber for a cremation. A cremation container should meet substantially all of the following standards:

- (a) Be composed of readily combustible or consumable materials suitable for cremation.
- (b) Be able to be closed in order to provide a complete covering for the human remains.
- (c) Be resistant to leakage or spillage.
- (d) Be rigid enough to be handled with ease.
- (e) Be able to provide protection for the health, safety, and personal integrity of crematory personnel.

(23) “Cremation interment container” means a rigid outer container that, subject to a cemetery’s rules and regulations, is composed of concrete, steel, fiberglass, or some similar material in which an urn is placed prior to being interred in the ground and that is designed to support the earth above the urn.

(24) “Department” means the Department of Financial Services.

(25) “Direct disposal establishment” means a facility licensed under this chapter where a direct disposer practices direct disposition.

(26) “Direct disposer” means any person licensed under this chapter to practice direct disposition in this state.

(27) “Direct supervision” means supervision by a licensed:

(a) Funeral director who provides initial direction and periodic inspection of the arrangements and who is physically present or on the premises of the funeral establishment at all times when the tasks, functions, and duties relating to funeral directing are performed; or

(b) Embalmer who provides initial direction and instruction regarding the preservation of a dead human body in its entirety or in part and who is physically present or on the premises of the funeral establishment or embalming facility at all times when the tasks, functions, and duties relating to embalming are performed.

~~(28)~~(27) “Director” means the director of the Division of Funeral, Cemetery, and Consumer Services.

~~(29)~~(28) “Disinterment” means removal of a dead human body from earth interment or aboveground interment.

~~(30)~~(29) “Division” means the Division of Funeral, Cemetery, and Consumer Services within the Department of Financial Services.

~~(31)~~(30) “Embalmer” means any person licensed under this chapter to practice embalming in this state.

~~(32)~~(31) “Final disposition” means the final disposal of a dead human body by earth interment, aboveground interment, cremation, burial at sea, or delivery to a medical institution for lawful dissection if the medical institution assumes responsibility for disposal. “Final disposition” does not include the disposal or distribution of cremated remains and residue of cremated remains.

~~(33)~~(32) “Funeral” or “funeral service” means the observances, services, or ceremonies held to commemorate the life of a specific deceased human being and at which the human remains are present.

~~(34)~~(33) “Funeral director” means any person licensed under this chapter to practice funeral directing in this state.

~~(35)~~(34) “Funeral establishment” means a facility licensed under this chapter where a funeral director or embalmer practices funeral directing or embalming.

(36) “General supervision” means supervision by a licensed:

(a) Funeral director who is reasonably available and in a position to provide direction and guidance by being physically present, being on the premises of the funeral establishment, or being in proximity to the funeral establishment and available telephonically or by electronic communication at all times when the tasks, functions, and duties relating to funeral directing are performed; or

(b) Embalmer who is reasonably available and in a position to provide direction and guidance by being physically present, being on the premises of the funeral establishment or embalming facility, or being in proximity to the funeral establishment or embalming facility and available telephonically or by electronic communication at all times when the tasks, functions, and duties relating to embalming are performed.

~~(37)~~(35) “Grave space” means a space of ground in a cemetery intended to be used for the interment in the ground of human remains.

~~(38)~~(36) “Human remains” or “remains,” or “dead human body” or “dead human bodies,” means the body of a deceased human person for which a death certificate or fetal death certificate is required under chapter 382 and includes the body in any stage of decomposition.

~~(39)~~(37) “Legally authorized person” means, in the priority listed;

(a) The decedent, when written inter vivos authorizations and directions are provided by the decedent;

(b) The person designated by the decedent as authorized to direct disposition pursuant to Pub. L. No. 109-163, s. 564, as listed on the decedent’s United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, if the decedent died while serving military service as described in 10 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States Armed Forces, United States Reserve Forces, or National Guard;

(c) The surviving spouse, unless the spouse has been arrested for committing against the deceased an act of domestic violence as defined in s. 741.28 that resulted in or contributed to the death of the deceased;

(d) A son or daughter who is 18 years of age or older;

(e) A parent;

(f) A brother or sister who is 18 years of age or older;

(g) A grandchild who is 18 years of age or older;

(h) A grandparent; or

(i) Any person in the next degree of kinship.

In addition, the term may include, if no family member exists or is available, the guardian of the dead person at the time of death; the personal representative of the deceased; the attorney in fact of the dead person at the time of death; the health surrogate of the dead person at the time of death; a public health officer; the medical examiner, county commission, or administrator acting under part II of chapter 406 or other public administrator; a representative of a nursing home or other health care institution in charge of final disposition; or a friend or other person not listed in this subsection who is willing to assume the responsibility as the legally authorized person. Where there is a person in any priority class listed in this subsection, the funeral establishment shall rely upon the authorization of any one legally authorized person of that class if that person represents that she or he is not aware of any objection to the cremation of the deceased's human remains by others in the same class of the person making the representation or of any person in a higher priority class.

~~(40)~~~~(38)~~ “License” includes all authorizations required or issued under this chapter, except where expressly indicated otherwise, and shall be understood to include authorizations previously referred to as registrations or certificates of authority in chapters 470 and 497 as those chapters appeared in the 2004 edition of the Florida Statutes.

~~(41)~~~~(39)~~ “Licensee” means the person or entity holding any license or other authorization issued under this chapter, except where expressly indicated otherwise.

~~(42)~~~~(40)~~ “Mausoleum” means a structure or building that is substantially exposed above the ground and that is intended to be used for the entombment of human remains.

~~(43)~~~~(41)~~ “Mausoleum section” means any construction unit of a mausoleum that is acceptable to the department and that a cemetery uses to initiate its mausoleum program or to add to its existing mausoleum structures.

~~(44)~~~~(42)~~ “Monument” means any product used for identifying a grave site and cemetery memorials of all types, including monuments, markers, and vases.

~~(45)~~~~(43)~~ “Monument establishment” means a facility that operates independently of a cemetery or funeral establishment and that offers to sell monuments or monument services to the public for placement in a cemetery.

~~(46)~~~~(44)~~ “Net assets” means the amount by which the total assets of a licensee, excluding goodwill, franchises, customer lists, patents, trademarks, and receivables from or advances to officers, directors, employees, salespersons, and affiliated companies, exceed total liabilities of the licensee. For purposes of this definition, the term “total liabilities” does not include the capital stock, paid-in capital, or retained earnings of the licensee.



~~(47)~~(45) “Net worth” means total assets minus total liabilities pursuant to generally accepted accounting principles.

~~(48)~~(46) “Niche” means a compartment or cubicle for the memorialization or permanent placement of a container or urn containing cremated remains.

~~(49)~~(47) “Ossuary” means a receptacle used for the communal placement of cremated remains without benefit of an urn or any other container in which cremated remains may be commingled with other cremated remains and are nonrecoverable. It may or may not include memorialization.

~~(50)~~(48) “Outer burial container” means an enclosure into which a casket is placed and includes, but is not limited to, vaults made of concrete, steel, fiberglass, or copper; sectional concrete enclosures; crypts; and wooden enclosures.

~~(51)~~(49) “Person,” when used without qualification such as “natural” or “individual,” includes both natural persons and legal entities.

~~(52)~~(50) “Personal residence” means any residential building in which one temporarily or permanently maintains her or his abode, including, but not limited to, an apartment or a hotel, motel, nursing home, convalescent home, home for the aged, or a public or private institution.

~~(53)~~(51) “Practice of direct disposition” means the cremation of human remains without preparation of the human remains by embalming and without any attendant services or rites such as funeral or graveside services or the making of arrangements for such final disposition.

~~(54)~~(52) “Practice of embalming” means disinfecting or preserving or attempting to disinfect or preserve dead human bodies by replacing certain body fluids with preserving and disinfecting chemicals.

~~(55)~~(53) “Practice of funeral directing” means the performance by a licensed funeral director of any of those functions authorized by s. 497.372.

~~(56)~~(54) “Preneed contract” means any arrangement or method, of which the provider of funeral merchandise or services has actual knowledge, whereby any person agrees to furnish funeral merchandise or service in the future.

~~(57)~~(55) “Preneed sales agent” means any person who is licensed under this chapter to sell preneed burial or funeral service and merchandise contracts or direct disposition contracts in this state.

~~(58)~~(56) “Principal” means and includes the sole proprietor of a sole proprietorship; all partners of a partnership; all members of a limited liability company; regarding a corporation, all directors and officers, and all stockholders controlling more than 10 percent of the voting stock; and all other persons who can exercise control over the person or entity.

~~(59)~~(57) “Processing” means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual means.

~~(60)~~(58) “Profession” and “occupation” are used interchangeably in this chapter. The use of the word “profession” in this chapter with respect to any activities regulated under this chapter shall not be deemed to mean that such activities are not occupations for other purposes in state or federal law.

~~(61)~~(59) “Pulverization” means the reduction of identifiable bone fragments after the completion of the cremation and processing to granulated particles by manual or mechanical means.

~~(62)~~(60) “Refrigeration facility” means a facility that is operated independently of a funeral establishment, crematory, or direct disposal establishment, that maintains space and equipment for the storage and refrigeration of dead human bodies, and that offers its service to funeral directors, funeral establishments, direct disposers, direct disposal establishments, or crematories for a fee.

~~(63)~~(61) “Religious institution” means an organization formed primarily for religious purposes that has qualified for exemption from federal income tax as an exempt organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

~~(64)~~(62) “Removal service” means any service that operates independently of a funeral establishment or a direct disposal establishment, that handles the initial removal of dead human bodies, and that offers its service to funeral establishments and direct disposal establishments for a fee.

~~(65)~~(63) “Rules” refers to rules adopted under this chapter unless expressly indicated to the contrary.

~~(66)~~(64) “Scattering garden” means a location set aside, within a cemetery, that is used for the spreading or broadcasting of cremated remains that have been removed from their container and can be mixed with or placed on top of the soil or ground cover or buried in an underground receptacle on a commingled basis and that are nonrecoverable. It may or may not include memorialization.

~~(67)~~(65) “Servicing agent” means any person acting as an independent contractor whose fiduciary responsibility is to assist both the trustee and licensee in administrating their responsibilities pursuant to this chapter.

~~(68)~~(66) “Solicitation” means any communication that directly or implicitly requests an immediate oral response from the recipient.

~~(69)~~(67) “Statutory accounting” means generally accepted accounting principles, except as modified by this chapter.

(70)(68) “Temporary container” means a receptacle for cremated remains usually made of cardboard, plastic, or similar material designated to hold the cremated remains until an urn or other permanent container is acquired.

(71)(69) “Urn” means a receptacle designed to permanently encase cremated remains.

Section 2. Subsection (2) of section 497.101, Florida Statutes, is amended to read:

497.101 Board of Funeral, Cemetery, and Consumer Services; membership; appointment; terms.—

(2) Two members of the board shall be funeral directors licensed under part III of this chapter who are associated with a funeral establishment. One member of the board shall be a funeral director licensed under part III of this chapter who is associated with a funeral establishment licensed under part III of this chapter that has a valid preneed license issued pursuant to this chapter and who owns or operates a cinerator facility approved under chapter 403 and licensed under part VI of this chapter. Two members of the board shall be persons whose primary occupation is associated with a cemetery company licensed pursuant to this chapter. Three members of the board shall be consumers who are residents of the state, have never been licensed as funeral directors or embalmers, are not connected with a cemetery or cemetery company licensed pursuant to this chapter, and are not connected with the death care industry or the practice of embalming, funeral directing, or direct disposition. One of the consumer members shall be at least 60 years of age, and one shall be licensed as a certified public accountant under chapter 473. One member of the board shall be a principal of a monument establishment licensed under this chapter as a monument builder or, for board appointments made before June 1, 2006, a licensed monument establishment certified by the department to be eligible for licensure as a monument builder. One member shall be the State Health Officer or her or his designee. There shall not be two or more board members who are principals or employees of the same company or partnership or group of companies or partnerships under common control.

Section 3. Subsection (8) is added to section 497.103, Florida Statutes, to read:

497.103 Authority of board and department; Chief Financial Officer recommendations.—

(8) STATE-OF-EMERGENCY WAIVER.—The licensing authority may temporarily waive any provision of this chapter during a state of emergency declared pursuant to s. 252.36 in any threatened area or areas specified in the Governor’s executive order or proclamation.

Section 4. Subsection (9) is added to section 497.140, Florida Statutes, to read:

497.140 Fees.—

(9) The licensing authority may impose a fee upon a licensee for conducting an inspection of the licensee's facilities if required under this chapter following a change in ownership or control or a change in location. The fee may not exceed the amount of the licensee's annual inspection fee.

Section 5. Subsection (5) of section 497.141, Florida Statutes, is amended, and subsection (13) is added to that section, to read:

497.141 Licensing; general application procedures.—

(5)(a) The licensing authority may not issue, and effective July 1, 2011, may not renew, a license under this chapter to an applicant that has a criminal record required to be disclosed under s. 497.142(10) unless the applicant demonstrates that issuance of the license, according to rules adopted by the licensing authority, does not create a danger to the public. A licensee who previously disclosed her or his criminal record upon initial application or renewal of her or his license must disclose only a criminal offense for which the licensee was convicted or entered a plea of guilty or nolo contendere since the most recent renewal of her or his license or, if the license has not been renewed, since the licensee's initial application.

(b) The board may refuse to rule on an initial application for licensure by any applicant who is under investigation or prosecution in any jurisdiction for an action which there is reasonable cause to believe would constitute a violation of this chapter if committed in this state, until such time as such investigation or prosecution is completed and the results of the investigation or prosecution are reviewed by the board.

(13)(a) The licensing authority may adopt rules that require applicants for any category of licensure under this chapter to apply for the issuance or renewal of their licenses in an online electronic format.

(b) The online electronic format for renewal of a license must not allow submission of an improperly prepared renewal application. Upon an applicant's submission of her or his renewal application, the online electronic format must allow the applicant to print a receipt of the properly prepared renewal application.

(c) The rules may allow an applicant to submit a paper form in lieu of the online electronic format and may impose an additional fee not to exceed \$25 per form for submitting the paper form.

Section 6. Paragraphs (a), (b), and (g) of subsection (10) of section 497.142, Florida Statutes, are amended to read:

497.142 Licensing; fingerprinting and criminal background checks.—

(10)(a) When applying for any license under this chapter, every applicant must shall be required to disclose the applicant's criminal records in

accordance with this subsection. When applying for renewal of any license under this chapter, every licensee must disclose only those criminal offenses required to be disclosed under this subsection since the most recent renewal of her or his license or, if the license has not been renewed, since the licensee's initial application.

(b) The criminal record required to be disclosed shall be any crime listed in paragraph (c) ~~for~~ of which the person or entity required to make disclosure has been convicted or to which that person or entity entered a plea ~~in the nature of guilty or nolo contendere~~ ~~no~~ contest. Disclosure ~~is~~ shall be required pursuant to this subsection regardless of whether adjudication ~~is~~ was entered or withheld by the court ~~in which the case was prosecuted.~~

(g) The licensing authority shall ~~may~~ adopt rules specifying forms and procedures to be ~~used~~ ~~utilized~~ by persons required to disclose criminal records under this subsection. The rules may require a licensee to disclose only those criminal records that have not previously been disclosed under this subsection at the renewal of her or his license or, if the license has not been renewed, at the initial issuance of the license. The licensing authority may conduct investigation and further inquiry of any person regarding any criminal record disclosed pursuant to this section.

Section 7. Subsections (1), (2), and (3) of section 497.143, Florida Statutes, are amended to read:

497.143 Licensing; limited licenses for times of critical need ~~retired professionals.~~—

(1) It is the intent of the Legislature that, absent a threat to the health, safety, and welfare of the public, ~~the use of retired Florida licensee professionals in good standing, and active licensees in good standing from other jurisdictions, be able to serve this state during times of critical need should be encouraged. To that end, rules may be adopted to permit practice by retired professionals as limited licensees under this section.~~

(2) As used in ~~For purposes of~~ this section, the term “critical need” means an executive order ~~of~~ ~~from~~ the Governor or a federal order declaring that ~~that~~ a state of emergency exists ~~exists~~ in an area.

(3) The licensing authority may adopt rules for the issuance of limited licenses in accordance with this section. ~~A~~ ~~Any person seeking~~ ~~desiring to obtain~~ a limited license, when permitted by rule, shall submit to the department an application and fee, ~~not to exceed \$300,~~ and an affidavit stating that the applicant is a retired Florida licensee or holds an active license has been licensed to practice in another any jurisdiction of in the United States for at least 10 years in the profession for which the applicant seeks ~~the~~ a limited license. The affidavit shall also state that the applicant ~~has retired from the practice of that profession and intends to practice only pursuant to the restrictions of the limited license granted~~ under pursuant to this section. ~~If the applicant for a limited license submits a notarized~~

~~statement from the employer stating that the applicant will not receive monetary compensation for any service involving the practice of her or his profession, all licensure fees shall be waived. In no event may A person holding a limited license under this section may not engage in preneed sales under the such limited license.~~

Section 8. Subsection (5) of section 497.147, Florida Statutes, is amended to read:

497.147 Continuing education; general provisions.—

(5) ~~The board may by rule provide up to 5 hours of continuing education credit for each per continuing education reporting period for licensees attending board meetings or selected types or portions of board meetings, as specified by such rules. The rules may limit the number of times such credit may be utilized by a licensee. The rules may include provisions that establish as to the minimum amount of time that must be spent in the board meeting room viewing proceedings, which may be more than 5 hours of attendance, requirements for advance notice by licensees to department staff of proposed attendance, requirements to sign in and out of the meeting room on lists maintained at the meeting site by department staff, forms that must be completed by the licensee to obtain such credit, and such other requirements deemed by the board to be advisable or necessary to prevent abuse of such rules and to ensure that useful information is obtained by licensees as a result of attendance. Procedural requirements of such rules requiring action by the department are shall be subject to approval by the department before prior to promulgation.~~

Section 9. Subsection (2) of section 497.152, Florida Statutes, is amended to read:

497.152 Disciplinary grounds.—~~This section sets forth conduct that is prohibited and that shall constitute grounds for denial of any application, imposition of discipline, or other enforcement action against the licensee or other person committing such conduct. For purposes of this section, the requirements of this chapter include the requirements of rules adopted under authority of this chapter. No subsection heading in this section shall be interpreted as limiting the applicability of any paragraph within the subsection.~~

(2) CRIMINAL ACTIVITY.—~~Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction that relates to the practice of, or the ability to practice, a licensee's profession or occupation under this chapter.~~

Section 10. Subsection (4) is added to section 497.161, Florida Statutes, to read:

497.161 Other rulemaking provisions.—

(4) The department may, subject to approval by the board, adopt rules that temporarily suspend or modify any provision of this chapter during a state of emergency declared pursuant to s. 252.36. The rules may allow only the suspension or modification of a provision that is necessary or advisable to allow licensees under this chapter to provide essential services to the public under the emergency conditions. The rules may be adopted before any emergency exists, but may not take effect until the Governor issues an executive order or proclamation declaring a state of emergency. The rules may remain in effect after a state of emergency is terminated but only for the limited period necessary to allow for the transition back to normal operations under the nonemergency requirements of this chapter. However, a rule suspending or modifying any provision of this chapter may not remain in effect for more than 12 months after the state of emergency is terminated.

Section 11. Section 497.162, Florida Statutes, is amended to read:

497.162 Health and safety education.—All individuals not licensed under this chapter who intend to be employed as operational personnel affiliated with a direct disposal establishment, cinerator facility, removal service, refrigeration facility, or centralized embalming facility who have direct contact with, ~~as well as all nonlicensed individuals who intend to be involved in the removal or transportation of~~ human remains on behalf of a funeral establishment, direct disposal establishment, or cinerator facility shall complete one course approved by the licensing authority on communicable diseases, within ~~30~~ 10 days after the date that they begin functioning as operational personnel on behalf of any entity that is regulated by this chapter. The course shall not exceed 3 hours and shall be offered at approved locations throughout the state. Such locations may include establishments that are licensed under this chapter. The licensing authority shall adopt rules to implement and enforce this provision, which rules shall include provisions that provide for the use of approved videocassette courses and other types of audio, video, Internet, or home study courses to fulfill the continuing education requirements of this section.

Section 12. Paragraphs (a) and (b) of subsection (3) of section 497.166, Florida Statutes, are amended to read:

497.166 Preneed sales.—

(3)(a) The funeral director in charge of a funeral establishment ~~is~~ shall be responsible for the control and activities of the establishment's preneed sales agents.

(b) The direct disposer in charge or a funeral director acting as ~~the~~ a direct disposer in charge of a direct disposal establishment ~~is~~ shall be responsible for the control and activities of the establishment's preneed sales agents.

Section 13. Subsection (6) is added to section 497.277, Florida Statutes, to read:

497.277 Other charges.—Other than the fees for the sale of burial rights, burial merchandise, and burial services, no other fee may be directly or indirectly charged, contracted for, or received by a cemetery company as a condition for a customer to use any burial right, burial merchandise, or burial service, except for:

(6) Charges paid for processing, filing, and archiving a cemetery sales contract and for performing other administrative duties related to the contract. However, these charges may not be imposed on a cemetery sales contract for the opening and closing of a grave or other burial right or for the installation of a vault in a grave for which burial rights were previously purchased. A cemetery company must disclose these charges to the customer and include them on its standard printed price lists and other disclosure information provided to the public under s. 497.282. These charges are not subject to the trust deposit requirements in s. 497.458. The department may, subject to approval by the board, adopt rules to administer this subsection.

Section 14. Subsection (3) of section 497.278, Florida Statutes, is amended to read:

497.278 Monuments; installation fees.—

(3) A cemetery company may ~~not~~ require any person or firm that delivers, installs, places, or sets a monument to show proof of liability obtain any form of insurance coverage and, if required by law, workers' compensation insurance coverage. However, a cemetery company may not set liability insurance coverage limits or require any person or firm to obtain any form of bond, or surety, or make any form of pledge, deposit, or monetary guarantee, as a condition for entry on or access to cemetery property.

Section 15. Subsection (13) is added to section 497.365, Florida Statutes, to read:

497.365 Licensure; inactive and delinquent status.—

(13) A person may not embalm human remains unless he or she is licensed under this chapter as:

(a) An embalmer;

(b) A funeral director and embalmer; or

(c) An embalmer intern or embalmer apprentice, while under the direct supervision or general supervision of a licensed embalmer or licensed funeral director and embalmer as required by this chapter.

Section 16. Section 497.372, Florida Statutes, is amended to read:

497.372 Funeral directing; conduct constituting practice of funeral directing.—



(1) The practice of funeral directing shall be construed to consist of the following functions, which may be performed only by a licensed funeral director:

(a) Selling or offering to sell funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, on an at-need basis.

(b) Planning or arranging, on an at-need basis, the details of a funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, service with the family or friends of the decedent or any other person responsible for such services service; setting the time of the services service; establishing the type of services service to be rendered; acquiring the services of the clergy; and obtaining vital information for the filing of death certificates and obtaining of burial transit permits.

(c) Making, negotiating, or completing the financial arrangements for a funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, service on an at-need basis, except provided that nonlicensed personnel may assist the funeral director in performing such tasks.

(2) A funeral director may not engage in the practice of funeral directing except through affiliation with a funeral establishment licensed under this chapter. The board shall adopt by rule criteria for determining whether such an affiliation exists through the funeral director's ownership of, employment by, or contractual relationship with, a funeral establishment. This subsection does not prohibit a funeral director from being designated the licensed funeral director in charge of a cineration facility.

~~(3)~~(2) The practice of funeral directing shall not be construed to consist of the following functions:

(a) The phoning-in, or faxing, or electronic transmission of obituary notices; ordering of flowers or merchandise; delivery of death certificates to attending physicians; or clerical preparation and processing of death certificates, insurance forms, and any clerical tasks that record the information compiled by the funeral director or that are incidental to any of the functions specified above.

(b) Furnishing standard printed price lists and other disclosure information to the public by telephone or by providing such lists to persons making inquiry.

(c) Removing or transporting human remains from the place of death, or removing or transporting human remains from or to a funeral establishment, centralized embalming facility, refrigeration facility, cemetery, crematory, medical examiner's office, common carrier, or other locations as authorized and provided by law.

(d) Arranging, coordinating, or employing licensed removal services, licensed refrigeration facilities, or licensed centralized embalming facilities.

(e) Any aspect of making preneed funeral arrangements or entering into preneed contracts.

(f) Any functions normally performed by cemetery or crematory personnel.

Section 17. Paragraph (d) of subsection (1) and subsections (2) and (3) of section 497.373, Florida Statutes, are amended to read:

497.373 Funeral directing; licensure as a funeral director by examination; provisional license.—

(1) Any person desiring to be licensed as a funeral director shall apply to the licensing authority to take the licensure examination. The licensing authority shall examine each applicant who has remitted an examination fee set by rule of the licensing authority not to exceed \$200 plus the actual per applicant cost to the licensing authority for portions of the examination and who the licensing authority certifies has:

(d)1. Received an associate in arts degree, associate in science degree, or an associate in applied science degree in mortuary science approved by the licensing authority; or

2. Holds an associate degree or higher from a college or university accredited by a regional accrediting agency association of colleges and schools recognized by the United States Department of Education and is a graduate of a at least an approved 1-year course of study in mortuary science or funeral service arts approved by the licensing authority from a college or university accredited by the American Board of Funeral Service Education.

(2) The licensing authority shall license the applicant as a funeral director if she or he:

(a) Passes an examination ~~on the subjects of the theory and practice of funeral directing and funeral service arts, public health and sanitation, and local, state, and federal laws and rules relating to the disposition of dead human bodies~~; however, the licensing authority may approve there may be approved by rule the use of a national examination, such as the funeral service arts examination prepared by the Conference of Funeral Service Examining Boards, in lieu of ~~part of~~ this examination requirement.

(b) Passes an examination approved by the department on the local, state, and federal laws and rules relating to the disposition of dead human bodies.

~~(c)~~(b) Completes a 1-year internship under a licensed funeral director.

(3) Any applicant who has completed the required 1-year internship and has been approved for examination as a funeral director may qualify for a provisional license to work in a licensed funeral establishment, under the direct supervision of a licensed funeral director for a limited period of 6 months as provided by rule of the licensing authority. However, a provisional licensee may work under the general supervision of a licensed funeral director upon passage of the laws-and-rules examination required under paragraph (2)(b). The fee for provisional licensure shall be set by rule of the licensing authority but may not exceed \$200. The fee required in this subsection shall be nonrefundable and in addition to the fee required by subsection (1). This provisional license may be renewed no more than one time.

Section 18. Paragraph (b) of subsection (1) 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.—

(1) The licensing authority shall issue a license by endorsement to practice funeral directing to an applicant who has remitted a fee set by rule of the licensing authority not to exceed \$200 and who:

(b)1. Holds a valid license to practice funeral directing in another state of the United States, provided that, when the applicant secured her or his original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in this state; or

2. Meets the qualifications for licensure in s. 497.373 and has successfully completed a state, regional, or national examination in mortuary science or funeral service arts, which, as determined by rule of the licensing authority, is substantially equivalent to or more stringent than the examination given by the licensing authority.

Section 19. Section 497.375, Florida Statutes, is amended to read:

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

(1)(a) Any person desiring to become a funeral director intern must apply to the licensing authority shall make application on forms prescribed as required by rule of the licensing authority, together with a nonrefundable fee set as determined by rule of the licensing authority but not to exceed \$200.

(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.

(c) An The application ~~must include~~ shall indicate the name and address of the licensed funeral director licensed under s. 497.373 or s. 497.374(1) under whose supervision the intern will receive training and the name of the licensed funeral establishment where the such training will ~~is to~~ be conducted.

(d) A The funeral director intern may perform only the tasks, functions, and duties relating to funeral directing which are performed ~~shall intern~~ under the direct supervision of a licensed funeral director who has an active, valid license under s. 497.373 or s. 497.374(1). However, a funeral director intern may perform those tasks, functions, and duties under the general supervision of a licensed funeral director upon graduation from a licensing authority-approved course of study in mortuary science or funeral service arts required under s. 497.373(1)(d)2. and passage of the laws-and-rules examination required under s. 497.373(2)(b), if the funeral director in charge of the funeral director internship training agency, after 6 months of direct supervision, certifies to the licensing agency that the intern is competent to complete the internship under general supervision.

(2) Rules shall be adopted establishing a funeral director internship program and criteria for funeral director intern training agencies and supervisors. Any funeral establishment where funeral directing is conducted may apply to the licensing authority for approval as a funeral director intern training agency.

(3) A funeral establishment designated as a funeral director intern training agency may not exact a fee from any person obtaining intern training at such funeral establishment.

(4)(a) A funeral director intern license expires 1 year after issuance and, except as provided in paragraph (b) or paragraph (c), may not be renewed.

(b) A funeral director intern who is eligible for licensure under subparagraph (1)(b)2. may renew her or his funeral director intern license for an additional 1-year period if the funeral director in charge of the funeral director intern training agency certifies to the licensing authority that the intern has completed at least one-half of the course of study in mortuary science or funeral service arts.

(c) The licensing authority may adopt rules that allow a funeral director intern to renew her or his funeral director intern license for an additional 1-year period if the funeral director intern demonstrates her or his failure to complete the internship before expiration of the license due to illness, personal injury, or other substantial hardship beyond her or his reasonable control or demonstrates that she or he has completed the requirements for licensure as a funeral director but is awaiting the results of a licensure examination. However, a funeral director intern who renews her or his license under paragraph (b) is not eligible to renew the license under this paragraph.

(d) The licensing authority may require payment of a nonrefundable fee for the renewal of any funeral director intern license. The fee shall be set by rule of the licensing authority but may not exceed the fee set pursuant to paragraph (1)(a) for an initial funeral director intern license.

Section 20. Section 497.376, Florida Statutes, is amended to read:

497.376 License as funeral director and embalmer permitted; ~~display of license.—~~

~~(1) Nothing in This chapter does not may be construed to prohibit a person from holding a license as an embalmer and a license as a funeral director at the same time. There may be issued and renewed by the licensing authority a combination license as both funeral director and embalmer to persons meeting the separate requirements for both licenses as set forth in this chapter. The licensing authority may adopt rules providing procedures for applying for and renewing such combination license. The licensing authority may by rule establish application, renewal, and other fees for such combination license, which fees shall not exceed the sum of the maximum fees for the separate funeral director and embalmer license categories as provided in this chapter. Persons holding a combination license as a funeral director and an embalmer shall be subject to regulation under this chapter both as a funeral director and an embalmer.~~

~~(2) There shall be adopted rules which require each license issued under this chapter to be displayed in such a manner as to make it visible to the public and to facilitate inspection by the licensing authority. However, each licensee shall permanently affix a recent photograph of the licensee to each displayed license issued to that licensee as a funeral director or embalmer.~~

Section 21. Subsection (1) of section 497.378, Florida Statutes, is amended to read:

497.378 Renewal of funeral director and embalmer licenses.—

(1) The licensing authority There shall renew be renewed a funeral director or embalmer license upon receipt of the renewal application and fee set by the licensing authority, not to exceed \$500. The licensing authority may adopt rules for the renewal of a funeral director or embalmer license.

~~The rules may require prescribe by rule continuing education requirements of up to 12 classroom hours and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis, in addition to a licensing authority-approved course on communicable diseases that includes the course on human immunodeficiency virus and acquired immune deficiency syndrome required by s. 497.367, for the renewal of a funeral director or embalmer license. The rules rule may also provide for the waiver of continuing education requirements in circumstances that would justify the waiver, such as hardship, disability, or illness. The continuing education requirement is not required for a licensee who is over the age of 75 years if the licensee does not qualify as the sole person in charge of an establishment or facility.~~

Section 22. Subsections (7) and (12) of section 497.380, Florida Statutes, are amended, and subsection (15) is added to that section, to read:

497.380 Funeral establishment; licensure; display of license.—

(7) Each licensed funeral establishment shall have one full-time funeral director in charge and shall have a licensed funeral director reasonably available to the public during normal business hours for ~~the~~ that establishment. The full-time funeral director in charge is responsible for ensuring that the facility, its operation, and all persons employed in the facility comply with all applicable state and federal laws and rules. The full-time funeral director in charge must have an active license and may not be the full-time funeral director in charge of any other funeral establishment or of any other direct disposal establishment. Effective October 1, 2010, the full-time funeral director in charge must hold an active, valid embalmer license or combination license as a funeral director and an embalmer. However, a funeral director may continue as the full-time funeral director in charge without an embalmer or combination license if, as of September 30, 2010:

(a) The funeral establishment and the funeral director both have active, valid licenses.

(b) The funeral director is currently the full-time funeral director in charge of the funeral establishment.

(c) The name of the funeral director was included, as required in subsection (4), in the funeral establishment's most recent application for issuance or renewal of its license or was included in the establishment's report of change provided under paragraph (12)(c).

(12)(a) A change in ownership of a funeral establishment shall be promptly reported pursuant to procedures established by rule and shall require the relicensure of the funeral establishment, including reinspection and payment of applicable fees.

(b) A change in location of a funeral establishment shall be promptly reported to the licensing authority pursuant to procedures established by

rule. Operations by the licensee at a new location may not commence until an inspection by the licensing authority of the facilities, pursuant to rules of the licensing authority, has been conducted and passed at the new location.

(c) A change in the funeral director in charge of a funeral establishment shall be promptly reported pursuant to procedures established by rule.

(15)(a) A funeral establishment and each funeral director and, if applicable, embalmer employed at the establishment must display their current licenses in a conspicuous place within the establishment in such a manner as to make the licenses visible to the public and to facilitate inspection by the licensing authority. If a licensee is simultaneously employed at more than one location, the licensee may display a copy of the license in lieu of the original.

(b) Each licensee shall permanently affix a photograph taken of the licensee within the previous 6 years to each displayed license issued to that licensee as a funeral director or embalmer.

Section 23. Section 497.4555, Florida Statutes, is created to read:

497.4555 Charges for preneed contract.—A preneed licensee may charge the purchaser of a preneed contract for processing, filing, and archiving the contract and for performing other administrative duties related to the contract. A preneed licensee must disclose these charges to the purchaser and include them on its standard printed price lists and other disclosure information provided to the public under s. 497.468. These charges are not subject to the trust deposit requirements in s. 497.458. The department may, subject to approval by the board, adopt rules to administer this section.

Section 24. Paragraph (a) of subsection (13) of section 497.456, Florida Statutes, is amended to read:

497.456 Preneed Funeral Contract Consumer Protection Trust Fund.—

(13) Regarding the Preneed Funeral Contract Consumer Protection Trust Fund, the licensing authority shall have authority to adopt rules for the implementation of this section, including:

(a) Forms to be used in filing claims against the trust fund, which may require that the claims be sworn to or affirmed, and that the forms be signed, before a notary public.

Section 25. Subsections (3) and (7) of section 497.464, Florida Statutes, are amended to read:

497.464 Alternative preneed contracts.—

(3) The contract must require that the purchaser make all payments required by the contract directly to the trustee or its qualified servicing agent and that the funds shall be deposited in this state, subject to the terms of a

trust instrument approved by the licensing authority. The licensing authority may adopt rules establishing procedures and forms for the submission of trust instruments for approval by the licensing authority, establishing criteria for the approval of such trust instruments, and specifying information required to be provided by the applicant in connection with submission of a trust instrument for approval. A copy of the trust instrument shall be made available to the purchaser, at any reasonable time, upon request.

~~(7) The trustee shall disburse Disbursement of funds discharging a any preneed contract shall be made by the trustee to the person issuing or writing the such contract upon the trustee's receipt of a certified copy of the contract beneficiary's death certificate or satisfactory of the contract beneficiary and evidence, as the licensing authority shall define by rule, satisfactory to the trustee that the preneed contract has been fully performed in whole or in part. However, if the contract is only partially performed, the disbursement shall cover only that portion of the contract performed. In the event of any contract default by the contract purchaser, or in the event that the funeral merchandise or service contracted for is not provided or is not desired by the purchaser or the heirs or personal representative of the contract beneficiary, the trustee shall return, within 30 days after its receipt of a written request therefor, funds paid on the contract to the contract purchaser or to her or his assigns, heirs, or personal representative, subject to the lawful liquidation damage provision in the contract.~~

Section 26. Paragraph (b) of subsection (3) and subsection (5) of section 497.602, Florida Statutes, are amended to read:

497.602 Direct disposers, license required; licensing procedures and criteria; regulation.—

(3) ACTION CONCERNING APPLICATIONS.—A duly completed application for licensure under this section, accompanied by the required fees, shall be approved if the licensing authority determines that the following conditions are met:

(b) The applicant has taken and received a passing grade in a college credit course in Florida mortuary law and has taken and received a passing grade in a college credit course in ethics.

~~(5) DISPLAY OF LICENSE.— There shall be adopted rules which require each license issued under this section to be displayed in such a manner as to make it visible to the public and to facilitate inspection by the department. Each licensee shall permanently affix a recent photograph of the licensee to each displayed license issued to that licensee as a direct disposer.~~

Section 27. Subsection (2) of section 497.603, Florida Statutes, is amended to read:

497.603 Direct disposers, renewal of license.—



(2) ~~The licensing authority~~ There shall ~~adopt~~ be adopted rules establishing ~~procedures, forms, and a schedule and forms and procedure~~ for the biennial renewal of ~~direct disposer licenses as direct disposers~~. ~~The rules~~ There shall ~~require~~ be adopted by rule continuing education requirements of up to 6 classroom hours, ~~including, but not limited to, a course on communicable diseases approved by the licensing authority, and there may establish~~ by rule be established criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis, ~~in addition to an approved course on communicable diseases that includes the course on human immunodeficiency virus and acquired immune deficiency syndrome required by s. 497.367, for the renewal of a license as a direct disposer.~~

Section 28. Paragraph (c) of subsection (2), subsection (8), and paragraph (d) of subsection (9) of section 497.604, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

497.604 Direct disposal establishments, license required; licensing procedures and criteria; license renewal; regulation; ~~display of license.~~—

(2) APPLICATION PROCEDURES.—

(c) The application shall name the licensed direct disposer or licensed funeral director ~~who will be acting as~~ the a direct disposer in charge of the direct disposal establishment.

(8) SUPERVISION OF FACILITIES.—

(a) ~~Effective October 1, 2010, each direct disposal establishment shall have one full-time licensed direct disposer or licensed funeral director acting as the a direct disposer in charge. However, a licensed direct disposer may continue acting as the direct disposer in charge, if, as of September 30, 2010:~~

1. ~~The direct disposal establishment and the licensed direct disposer both have active, valid licenses.~~

2. ~~The licensed direct disposer is currently acting as the direct disposer in charge of the direct disposal establishment.~~

3. ~~The name of the licensed direct disposer was included, as required in paragraph (2)(c), in the direct disposal establishment's most recent application for issuance or renewal of its license or was included in the establishment's notice of change provided under subsection (7).~~

(b) ~~The licensed funeral director or licensed direct disposer in charge of a direct disposal establishment must be and~~ reasonably available to the public during normal business hours for ~~the that establishment and~~. Such person may be in charge of only one ~~direct disposal establishment facility~~. ~~The~~ Such licensed funeral director or licensed direct disposer ~~in charge of the establishment is~~ shall be responsible for making sure the facility, its operations, and all persons employed in the facility comply with all applicable state and federal laws and rules.

(9) REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.—

(d) Each direct disposal establishment must display at the public entrance the name of the establishment and the name of the licensed direct disposer or licensed funeral director acting as the a direct disposer in charge of the responsible for that establishment. A direct disposal establishment must transact its business under the name by which it is licensed.

(10) DISPLAY OF LICENSE.—

(a) A direct disposer establishment and each direct disposer, or funeral director acting as a direct disposer, employed at the establishment must display their current licenses in a conspicuous place within the establishment in such a manner as to make the licenses visible to the public and to facilitate inspection by the licensing authority. If a licensee is simultaneously employed at more than one location, the licensee may display a copy of the license in lieu of the original.

(b) Each licensee shall permanently affix a photograph taken of the licensee within the previous 6 years to each displayed license issued to that licensee as a direct disposer or funeral director acting as a direct disposer.

Section 29. Section 497.367, Florida Statutes, is repealed.

Section 30. This act shall take effect July 1, 2010.

Approved by the Governor May 27, 2010.

Filed in Office Secretary of State May 27, 2010.