

**MEMORANDUM**  
**Department of Financial Services**  
**Division of Funeral, Cemetery, and Consumer Services**

TO: Rules Committee Members (Board of Funeral, Cemetery, and Consumer Services)  
FROM: Douglas Shropshire, Division Director *DAS*  
DATE: 9-8-08  
RE: Agenda for Rules Committee Meeting on 9-17-08

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If without objection by the Rules Committee Chair, I submit the following three items for consideration and action at the Rules Committee's teleconference meeting on 9-17-08:

- 1) New rule 25.004, Application Procedure for Limited License for Retired Professionals During Times of Critical Need
- 2) Proposed amendment to existing rule 6.009, Identification Tags - Acceptable Materials, Locations, and Methods of Affixing, (to allow use of electronic tags)
- 3) Proposed amendment to rule 21.003, Inspection Criteria (Funeral Establishments) (guidance as to the term "contiguous")

This Rules Committee meeting will be at the Division's offices in Tallahassee (Alexander Building, 2020 Capital Circle SE, Tallahassee, FL). It will commence at 10 AM. Although affected Committee members are free to attend in person, the Division will facilitate participation by committee members via teleconference. LaTonya Bryant will contact committee members with information concerning participating by teleconference. The state cannot compensate you for travel costs if you attend in person.

The meeting will be open to the public. Persons desiring more information as to the meeting should call LaTonya Bryant, Division of Funeral, Cemetery, and Consumer Services, 850-413-4083.

Attachments

**Item 1 -- Proposed new rule 25.004, Application Procedure for Limited License for Retired Professionals During Times of Critical Need**

The FCCS Division's files indicate that proposed rule 25.004 came before the rules committee 2-5-08, and the rules committee requested some changes. According to notes of the Department's Legal staff from the 2-5-08 meeting, the draft below incorporates the changes requested by the rules committee.

FCCS Division Recommendation: That the rules committee approve the proposed rule 25.004 below for presentation to the Board at the October 2008 Board meeting.

69K-25.004 Application Procedure for Limited License for Retired Professionals During Times of Critical Need.

(1) A limited licensee shall only provide services during times of critical need within the State and shall work for an entity licensed under Chapter 497, F.S. A limited license shall be effective for so long as the executive or federal order declaring a state of emergency remains in effect including the time the state of emergency is extended as authorized by law.

(2) Each person desiring to obtain a limited license as a retired funeral director, embalmer, or combination funeral director/embalmer shall apply to the Department by submitting the following:

(a) A completed "Application for Retired Professionals," Form DFS-N1-1746, effective 10/06, which form is incorporated by reference in Rule 69K-1.001, F.A.C., and is available on the Department's website (www.myfloridacfo.com) or by contacting the Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361.

(b) A notarized affidavit stating that the applicant:

1. Has been licensed to practice in any jurisdiction in the United States for at least ten years in the profession for which the applicant seeks a limited license;
2. Has retired from the practice of that profession;
3. Intends to practice only pursuant to the restrictions of the limited license; and
4. Shall not engage in preneed sales under such license.

*Specific Authority 497.103(5)(b), 497.143 FS. Law Implemented 497.143, ~~420.60(1)~~, 497.367(2)*

*FS. History--New \_\_\_\_\_.*

**Item 2 -- Amend rule 6.009, Identification Tags - Acceptable Materials, Locations, and Methods of Affixing**

The Department Legal Division's notes indicate that at the 2-6-08 rules committee meeting the committee requested the amendments shown underlined below, to this rule.

FCCS Division recommendation: That the Rules committee approve the proposed amendments to rule 6.009 for presentation to the Board at the October 2008 Board meeting.

**69K-6.009 Identification Tags - Acceptable Materials, Locations, and Methods of Affixing.**

(1) Caskets.

(a) Acceptable materials for an identification tag for a casket shall include only the following:

1. Plastic.
2. Non-corrosive metal.
3. Encased in plastic.
4. Plasticized paper used with laser printer or permanent marker pen.
5. Weatherproof adhesive labels used with laser printer or permanent marker pen.
6. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver.

(b) Acceptable locations for an identification tag for a casket shall include:

1. Tag affixed on top, side, end, or handle.
2. Tag placed in seam between lid and base of casket when it does not have handles.
3. A threaded casket insert at the end of the casket.

(c) Acceptable methods to affix the identification tag on a casket shall include:

1. Tag taped, glued, or epoxied to casket with durable and long-lasting adhesive.
2. Tag attached by metal, plastic, or wire on handle of casket.
3. Plastic strap.
4. Non-corrosive metal strap.
5. Non-corrosive wire twisters.
6. Inside a threaded casket insert with gasket sealed with a threaded brass cap with gasket.

(2) Alternative Containers.

(a) Acceptable materials for an identification tag for an alternative container shall include only the following:

1. Plastic.
2. Metal.
3. Encased in plastic.
4. Plasticized paper used with laser printer or permanent marker pen.
5. Weatherproof adhesive labels used with laser printer or permanent marker pen.

6. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver.

(b) Acceptable locations for an identification tag for an alternative container shall include:

1. Tag affixed on top, side, end, or handle of alternative container.

(c) Acceptable methods to affix an identification tag on an alternative container shall include:

1. Tag taped, glued, or epoxied to alternative container with durable and long-lasting adhesive.
2. Tag attached by metal, plastic, or wire on handle of alternative container.
3. Plastic strap.

4. Non-corrosive metal strap.
5. Non-corrosive wire twisters.

(3) Cremation Containers.

(a) Acceptable materials for an identification tag for a cremation container shall include only the following:

1. Plastic.
2. Metal.
3. Encased in plastic.
4. Plasticized paper used with laser printer or permanent marker pen.
5. Weatherproof adhesive labels used with laser printer or permanent marker pen.

6. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver.

(b) Acceptable locations for an identification tag for a cremation container shall include:

1. Tag affixed on top, side, end, or handle of alternative container.

(c) Acceptable methods to affix an identification tag on a cremation container shall include:

1. Tag taped, glued, or epoxied to cremation container with durable and long-lasting adhesive.
2. Tag attached by metal, plastic, or wire on handle of cremation container.
3. Plastic strap.
4. Metal strap.
5. Wire twisters.

(4) Outer Burial Containers.

(a) Acceptable materials for a tag or permanent marker for outer burial containers shall include only the following:

1. Non-corrosive metal.
2. Plastic.
3. Written directly on container by paint, indelible ink, etching, or engraving.
4. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver.

(b) Acceptable locations for a tag or permanent marker for outer burial containers shall include:

1. Tag affixed on top, side, end, handle, or hook.
2. Inside niche or crypt.

(5) Cremation Interment Containers.

(a) Acceptable materials for a tag or permanent marker for cremation interment containers shall include only the following:

1. Non-corrosive metal.
2. Plastic.
3. Written directly on container by paint, indelible ink, etching, or engraving.

4. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver.

(b) Acceptable locations for a tag or permanent marker for cremation interment containers shall include:

1. Exterior of cremation interment container.

Specific Authority 497.103(1)(n), (5)(a), 497.171 FS. Law Implemented 497.103(1)(n), 497.171 FS. History – New 2-6-07, Amended \_\_\_\_\_.

**Item 3 – Amend 21.003, Inspection Criteria (Funeral Establishments)**

Section 497.380(1), Florida Statutes, provides as follows:

(1) A funeral establishment shall be a place at a specific street address or location consisting of at least 1,250 contiguous interior square feet and shall maintain or make arrangements for capacity for the refrigeration and storage of dead human bodies handled and stored by the establishment and a preparation room equipped with necessary ventilation and drainage and containing necessary instruments for embalming dead human bodies or shall make arrangements for a preparation room as established by rule.

The Department's Legal Division notes indicate that at a meeting some time ago the rules committee requested that some guidance be inserted into the rules as to the meaning of "contiguous." The Department's legal Division staff proposed some language, and the rules committee requested some modifications, including reference to conference rooms and meeting rooms.

FCCS Division recommendation: That the Rules committee approve the proposed new subsection 21.003 (9) for presentation to the Board at the October 2008 Board meeting.

Proposed amendment – add new subsection (9) to existing rule 21.003, to read as follows:

(9) The funeral establishment consists of at least 1,250 contiguous interior square feet which is utilized for the exclusive operation of such funeral establishment. For purposes of this rule, the word "contiguous" shall mean touching or sharing a common edge or boundary, other than at a corner or a single point. If the property is leased, shared common areas shall not be included in the determination of square footage. "Shared common areas" shall mean hallways, reception areas, lobbies, bathrooms, stairways, elevator shafts, mechanical rooms, conference rooms and meeting rooms.

*Specific Authority 497.103, 497.161(1)(f), 497.380 FS. Law Implemented 497.380 FS. History—  
New 2-13-80, Amended 5-21-81, 9-28-83, 3-26-84, Formerly 21J-21.03, Amended 12-11-88,  
Formerly 21J-21.003, Amended 3-30-94, 2-20-95, 3-24-98, 6-14-00, 1-30-02, 4-15-02, 7-6-04,  
Formerly 61G8-21.003, Amended \_\_\_\_\_.*