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1
2 An act relating to funeral, cemetery, and consumer
3 services; amending s. 497.164, F.S.; prohibiting a
4 licensee of funeral or cemetery services from entering
5 into certain contracts, agreements, or arrangements;
6 amending s. 497.263, F.S.; revising the procedures for
7 applicants seeking a cemetery license; amending s.
8 497.270, F.S.; conforming a provision to changes made
9 by the act; amending s. 497.369, F.S.; revising the
10 requirements for an applicant seeking licensure by
11 endorsement to be an embalmer; amending s. 497.374,
12 F.S.; revising the requirements for an applicant
13 seeking licensure by endorsement to be a funeral
14 director; amending s. 497.375, F.S.; deleting an
15 exception to the educational requirements for an
16 applicant seeking licensure to be a funeral director;
17 amending s. 497.376, F.S.; revising the requirements
18 for an applicant seeking a license by endorsement as a
19 combination funeral director and embalmer; amending s.
20 497.377, F.S.; revising the educational requirements
21 for licensure to be a combination funeral director and
22 embalmer intern; amending s. 497.386, F.S.;
23 authorizing a licensee or a licensed facility to
24 dispose of human remains in a specified manner if the
25 legally authorized person of the decedent fails,
26 neglects, or refuses to direct the disposition;
27 amending s. 497.459, F.S.; revising the method in
28 which a preneed licensee must send written notice to
29 cancel a preneed contract; authorizing the Board of

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

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

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

497.164 Solicitation of goods or services.—

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

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

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

(2) APPLICATION PROCEDURES.—

(g) The proposed cemetery must contain at least 30

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

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

72 497.270 Minimum acreage; sale or disposition of cemetery
73 lands.—

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

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88 sale must ~~shall~~ be conveyed to and revested in the licensee
89 before ~~prior to~~ consummation of any such sale, conveyance, or
90 disposition.

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

93 497.369 Embalmers; licensure as an embalmer by endorsement;
94 licensure of a temporary embalmer.—

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

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

104 497.374 Funeral directing; licensure as a funeral director
105 by endorsement; licensure of a temporary funeral director.—

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

113 Section 6. Paragraph (b) of subsection (1) of section
114 497.375, Florida Statutes, is amended to read:

115 497.375 Funeral directing; licensure of a funeral director
116 intern.—

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(1)

(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.

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

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

497.376 License as funeral director and embalmer permitted.—

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

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

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497.377 Combination funeral director and embalmer
internships.—

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

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

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

~~2. Has completed at least 75 percent of the course of study
in mortuary science as certified by the college in which the
applicant is currently enrolled.~~

~~3. Has taken and received a passing grade in a college
credit course in mortuary law or funeral service law and has
taken and received a passing grade in a college credit course in
ethics.~~

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

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

(6) If any human remains have been in the lawful possession
of any licensee or licensed facility for 90 days or more, and

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the legally authorized person of the decedent fails, neglects,
or refuses to direct the disposition, the licensee or licensed
facility may dispose of the human remains.

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

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

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

(b)1. The notice in paragraph (a) must be provided by
certified mail, registered mail, or permitted delivery service,
~~return receipt requested~~, to the last known e-mail or mailing
address of the purchaser or the beneficiary's legally authorized
person, whichever is applicable, as provided to the preneed
licensee. If the notice is returned as undeliverable within 30
calendar days after the preneed licensee sent the notice, the
trustee must ~~shall~~ perform a diligent search and inquiry to
obtain a different e-mail or mailing address for the purchaser
or the beneficiary's legally authorized person, whichever is
applicable. The board may adopt rules to implement this
subparagraph ~~For purposes of this subparagraph, any address~~
~~known and used by the purchaser or the beneficiary's legally~~
~~authorized person, whichever is applicable, for sending regular~~
~~mailings or other communications from the purchaser or the~~
~~beneficiary's legally authorized person, whichever is~~
~~applicable, to the preneed licensee or any address produced~~
~~through a current address service or searchable database shall~~
~~be included with other addresses produced from the diligent~~
~~search and inquiry, if any. If the trustee's diligent search and~~
~~inquiry produces an address different from the notice address,~~

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the trustee shall mail a copy of the notice by certified mail, registered mail, or permitted delivery service, return receipt requested, to any and all addresses produced as a result of the diligent search and inquiry.

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

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

497.607 Cremation; procedure required.—

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

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

627.404 Insurable interest; personal insurance.—

(5) A contract of insurance upon a person, other than a policy of prepaid funeral contract, group life insurance or group or blanket accident, health, or disability insurance, may not be carried out ~~effectuated~~ unless, on or before the time of entering into such contract, the person insured, having legal

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capacity to contract, applies for or consents in writing to the contract and its terms, except that any person having an insurable interest in the life of a minor younger than 15 years of age or any person upon whom a minor younger than 15 years of age is dependent for support and maintenance may obtain ~~effectuate~~ a policy of insurance on the minor.

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

497.260 Cemeteries; exemption; investigation and mediation.—

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

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