

CHAPTER 69K-1
GENERAL APPLICATION AND LICENSURE REQUIREMENTS

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69K-1.001 List of Approved Forms; Incorporation by Reference.

The following forms are hereby adopted and incorporated by reference and can be obtained from the Department by writing to the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, by logging on to the Department's website at <http://www.myfloridacfo.com/Division/funeralcemetery/>, or by telephoning (850)413-3039:

- (1) DFS-PNL-1, "Application for Preneed License," Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09968>.
- (2) DFS-HistS, "Historical Sketch," Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09966>.
- (3) DFS-PNLB, "Application for Preneed Branch Office License," Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09967>.
- (4) DFS-PNLT1, "Application for Transfer of a Preneed License," Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09965>.
- (5) DFS-PNS-1, "Preneed Sales Agent Application for Agent License and Initial Appointment," Rev. 10-06.
- (6) DFS-CEMN, "Application to Organize a New Cemetery Company," Rev. 10-06.
- (7) DFS-F-32, "Financial Statement," Rev. 10-06.
- (8) DFS-CEM, "Application to Transact Cemetery Business," Rev. 10-06.
- (9) DFS-F-35, "Application for Authority to Acquire Control of an Existing Cemetery Company," Rev. 10-06.
- (10) DFS-F-43, "Performance Bond," Rev. 10-06.
- (11) DFS-C-3, "Surety Bond Claim Form," Rev. 11/18.
<http://www.flrules.org/Gateway/reference.asp?No=Ref-11117>
- (12) DFS-TFD-1, "Preneed Funeral Contract Consumer Protection Trust Fund Proof of Claim and Disbursement Request," Rev. 10-06.
- (13) DFS-N1-1702, "Cemetery Renewal," Eff. 10-06.
- (14) DFS-N1-1703, "Exempt Cemetery Renewal," Eff. 10-06.
- (15) DFS-N1-1704, "Change of Address or Contact Data – Individuals," Eff. 10-06.
- (16) DFS-N1-1705, "Change of Address or Contact Data – Entities," Eff. 10-06.
- (17) DFS-N1-1706, "Application for Embalmer License by Internship and Examination," Eff. 10-06.
- (18) DFS-N1-1707, "Application for Embalmer License by Endorsement," Eff. 10-06.
- (19) DFS-N1-1708, "Application for Embalmer Intern License," Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09960>.
- (20) DFS-N1-1709, "Other Licensing Examinations," Eff. 10-06.
- (21) DFS-N1-1710, "Endorsement Licenses – Continued," Eff. 10-06.
- (22) DFS-N1-1712, "Application to Re-Take Florida Law & Rules Exam," Eff. 10-06.
- (23) DFS-N1-1713, "Miscellaneous Applications," Eff. 10-06.
- (24) DFS-N1-1714, "Certification of High School Graduation," Eff. 10-06.
- (25) DFS-N1-1715, "Adverse Licensing Action History Form," Eff. 10-06.
- (26) DFS-N1-1716, "Criminal History Form," Eff. 10-06.
- (27) DFS-N1-1717, "Other Licenses Form," Eff. 10-06.

- (28) DFS-N1-1718, "Business Entity – List of Principals," Eff. 10-06.
- (29) DFS-N1-1719, "Mortuary Science Course Information Form," Eff. 10-06.
- (30) DFS-N1-1720, "Application for Funeral Director License by Internship and Examination," Eff. 10-06.
- (31) DFS-N1-1721, "Application for Funeral Director License by Endorsement," Eff. 10-06.
- (32) DFS-N1-1722, "Application for Funeral Director Intern License," Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09964>.
- (33) DFS-N1-1723, "Application for Combination Funeral Director & Embalmer License by Endorsement," Eff. 10-06.
- (34) DFS-N1-1724, "Application for Combination Funeral Director & Embalmer License by Internship & Exam," Eff. 10-06.
- (35) DFS-N1-1725, "Application to Reactivate Inactive or Delinquent Embalmer License," Eff. 10-06.
- (36) DFS-N1-1726, "Application to Reactivate an Inactive or Delinquent Funeral Director License," Eff. 10-06.
- (37) DFS-N1-1727, "Application to Reactivate an Inactive or Delinquent Funeral Director/Embalmer License," Eff. 10-06.
- (38) DFS-N1-1728, "Application for Inactive Status," Eff. 10-06.
- (39) DFS-N1-1729, "Purchase Order Brochure," Eff. 10-06.
- (40) DFS-N1-1730, "Trustee's Report, Preconstruction Trust Fund," Eff. 10-06.
- (41) DFS-N1-1731, "Trustee's Report, Care & Maintenance Trust Fund," Eff. 10-06.
- (42) DFS-N1-1732, "Application for Concurrent Funeral Director and Embalmer Intern License," Effective 02/23,
<https://www.flrules.org/Gateway/reference.asp?No=Ref-15122>.
- (43) DFS-N1-1734, "Notice of Termination/Change of Supervisor," Eff. 10-06.
- (44) DFS-N1-1742, "Certification of Licensure in Good Standing," Rev. 10-06.
- (45) DFS-N1-1743, "Change of Funeral Director/Direct Disposer in Charge," Rev. 10-06.
- (46) DFS-N1-1744, "Application for Direct Disposer License," Rev. 10-06.
- (47) DFS-N1-1746, "Application for Retired Professionals," Eff. 10-06.
- (48) DFS-N1-1747, "Supervisor's Quarterly Report of Apprentice or Intern Training," Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09982>.
- (49) DFS-N1-1748, "Application for Funeral Establishment License," Effective 02/23,
<https://www.flrules.org/Gateway/reference.asp?No=Ref-15123>.
- (50) DFS-N1-1749, "Registration as Training Agency," Rev. 08/12
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09981>.
- (51) DFS-N1-1750, "Application for Cinerator Facility License," Rev. 10-06.
- (52) DFS-N1-1751, "Funeral Establishment/Monthly Report of Cases Embalmed or Bodies Handled," Rev. 10-06.
- (53) DFS-N1-1752, "Direct Disposal Establishment/Monthly Report of Cases Embalmed or Bodies Handled," Rev. 10-06.
- (54) DFS-N1-1753, "Cinerator Facility/Monthly Report of Cases Embalmed or Bodies Handled," Rev. 10-06.
- (55) DFS-N1-1754, "Centralized Embalming Facility/Monthly Report of Cases Embalmed or Bodies Handled," Rev. 10-06.
- (56) DFS-N1-1756, "Application for Centralized Embalming Facility License," Effective 02/23
<https://www.flrules.org/Gateway/reference.asp?No=Ref-15124>.
- (57) DFS-N1-1757, "Application for Direct Disposal Establishment License," Effective 02/23
<https://www.flrules.org/Gateway/reference.asp?No=Ref-15125>.
- (58) DFS-N1-1758, "Application for Refrigeration Facility License," Rev. 10-06.
- (59) DFS-N1-1759, "Application for Removal Service License," Rev. 10-06.
- (60) DFS-N1-1760, "Application for Approved Continuing Education Provider Status," Rev. 10-06.
- (61) DFS-N1-1761, "Application for Continuing Education Course Approval," Rev. 10-06.
- (62) DFS-N1-1762, "Monument Establishment Sales Agent Application for Agent License," Eff. 10-06.
- (63) DFS-N1-1763, "Monument Sales Agent Renewal," Eff. 10-06.
- (64) DFS-N1-1764, "Change of Name & Request for Revised License Certificate – Entities," Eff. 10-06.
- (65) DFS-N1-1765, "Change of Name & Request for Revised License Certificate – Individuals," Eff. 10-06.
- (66) DFS-N1-1766, "Request for Duplicate License," Eff. 10-06.
- (67) DFS-N1-1768, "Provisional or Temporary License, Application for Initial License," Eff. 10-06.
- (68) DFS-N1-1769, "Provisional or Temporary License, Application for Renewal," Eff. 10-06.
- (69) DFS-N1-1770, "Election of Procedures for Removal of Cremated Remains and Postcremation Processing," Eff. 10-06.

- (70) DFS-N1-1771, “Broker of Burial Rights Renewal,” Eff. 10-06.
- (71) DFS-N1-1772, “Monument Establishment Renewal,” Eff. 10-06.
- (72) DFS-N1-1774, “Preneed Sales Agent – Application for Appointment,” Eff. 10-06.
- (73) DFS-C-MON1, “Application for Monument Establishment License,” Effective 02/23
<http://www.flrules.org/Gateway/reference.asp?No=Ref-15126>.
- (74) DFS-EC-1, “Report of Identification for an Exempt Cemetery,” Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09980>.
- (75) DFS-PNL-R, “Cover Sheet and General Instructions for Preneed License and Branch Annual Renewal Packet,” Eff. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09963>.
- (76) DFS- PNL-R1, “Invoice – Renewal of Preneed License,” Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09971>.
- (77) DFS- PNL-R2, “Financial Statement Instructions,” Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09962>.
- (78) DFS-PNL-R2A, “Balance Sheet of Preneed Licensee,” Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09978>.
- (79) DFS-PNL-R2B, “Income Statement,” Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09977>.
- (80) DFS- PNL-R3A, “Statement of Preneed Sales Under Each Individual Trust, Surety Bond, or Insurer,” Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09976>.
- (81) DFS-PNL-R3B, “Summary of Preneed Activity,” Eff. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09975>.
- (82) DFS-PNL-R4, “Annual PNL Financial Statement and Renewal Statement Certification and Application for Renewal,” Eff. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09974>.
- (83) DFS-PNL-R5, “Notice of Non-Renewal of Preneed License,” Eff. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09973>.
- (84) DFS-PNL-R6, “Net Worth Alternatives Form,” Eff. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09972>.
- (85) DFS-C-BBRI, “Broker of Burial Rights License Application,” Rev. 10-06.
- (86) DFS-PNLBR “Application for Preneed Branch Office Renewal License,” Eff.10-06.
- (87) DFS-N1-2001, “Notice of Change in Location of Funeral Establishment,” Eff. 10/09.
- (88) DFS-N1-2002, “Notice of Change in Location of Cinerator Facility,” Eff. 10/09.
- (89) DFS-N1-2003, “Notice of Change in Location of Direct Disposal Establishment,” Eff. 10/09.
- (90) DFS-N1-2036, “Application to Renew Funeral Director Internship to Continue Course of Study,” Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09969>.
- (91) DFS-N1-2037, “Application to Renew Internship Due to Illness, Hardship, or Awaiting Results,” Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09979>.
- (92) DFS-N1-2038, “Application to Take the Florida Law & Rules Exam,” Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09984>.
- (93) DFS-N1-2039, “Certification for General Supervision of Intern,” Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09983>.
- (94) DFS-N1-2040, “Report of Suspension of Intern’s Conditions of Internship,” Rev. 08/16
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09970>.
- (95) DFS-N1-2041, “Application for Approval of a Course of Study under section 497.373(1)(d)2., F.S.,” Eff. 1/12.
- (96) DFS-N1-2183, “Preneed Trust Fund, Annual Trustee Report,” Eff. 03/19
<http://www.flrules.org/Gateway/reference.asp?No=Ref-11118>.

Rulemaking Authority 497.103, 497.141, 497.142, 497.146, 497.147, 497.152, 497.263, 497.264, 497.266, 497.269, 497.270, 497.272, 497.281, 497.283, 497.287, 497.368, 497.369, 497.370, 497.373, 497.374, 497.375, 497.376, 497.380, 497.382, 497.385, 497.453, 497.454, 497.456, 497.458, 497.462, 497.464, 497.466, 497.550, 497.551, 497.553, 497.554, 497.602, 497.603, 497.604, 497.606, 497.608 FS. Law Implemented 497.103, 497.140, 497.141, 497.142, 497.143, 497.146, 497.147, 497.263, 497.264, 497.266, 497.269, 497.270, 497.272, 497.281, 497.283,

497.287, 497.365, 497.368, 497.369, 497.370, 497.373, 497.374, 497.375, 497.376, 497.377, 497.378, 497.379, 497.380, 497.382, 497.385, 497.453, 497.454, 497.456, 497.458, 497.462, 497.464, 497.466, 497.550, 497.551, 497.553, 497.554, 497.602, 497.603, 497.604, 497.606, 497.608 FS. History—New 9-28-03, Formerly 3F-5.010, 69K-5.010, Amended 1-24-08, 4-18-10, 6-17-10, 7-22-12, 12-27-18, 10-6-19, 2-20-23.

69K-1.002 Fingerprint Requirement and Waiver.

(1) Each person and entity applying for a license under chapter 497, F.S., shall submit fingerprints to the Department for a criminal history report as part of the license application process as follows:

- (a) Where the applicant is a natural person, the fingerprints of the natural person making application;
- (b) Where the applicant is a corporation, the fingerprints of the persons serving in the following capacities: chief executive officer and president, or both persons if the positions are filled by different persons; chief financial officer; chief of operations; general counsel if a corporation employee; and members of the board;
- (c) Where the applicant is a limited liability company, the fingerprints of each manager and member of the limited liability company;
- (d) Where the applicant is a partnership, the fingerprints of each partner;
- (e) Where the applicant is a trust, the fingerprints of each trustee.

(2) Persons and entities already licensed under chapter 497, F.S., as of 10-1-05 are not required to submit their fingerprints to renew or retain their existing licenses. However, if such person or entity applies for an additional license under chapter 497, F.S., such person or entity shall be required to submit their fingerprints to the Department.

(3) Applicants are exempt from submitting fingerprints if, within two (2) years preceding their new application, they had previously submitted their fingerprints to the Department of Financial Services in relation to some other type of license application, and the Department obtained a criminal history report utilizing those prior fingerprints.

(4) Fingerprints may be submitted to the Department either in an electronic format or by using a paper fingerprint card.

(5) Information about submitting electronic fingerprints is on the Department's website: <http://myfloridacfo.com/FuneralCemetery/>.

(6)(a) The Department uses the fingerprint cards of the United States Department of Justice, Federal Bureau of Investigation, Form No. FD-258 (rev. 5-11-99), which is incorporated by reference in rule 69K-1.001, F.A.C. Applicants shall obtain this fingerprint card form from the Department with a pre-stamped ORI number to ensure that fingerprint results are sent to the correct agency. Fingerprint cards shall be obtained from the Department prior to submitting an application by calling (850)413-3039.

(b) The fingerprints shall be taken by a law enforcement officer, as defined in section 943.10, F.S., or by an employee of a law enforcement agency whose duty it is to perform fingerprint services for the public.

(c) The completed fingerprint cards shall be mailed to the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361.

Rulemaking Authority 497.103(5)(b), 497.141, 497.142(12) FS. Law Implemented 497.141, 497.142, 497.263, 497.264, 497.281, 497.368, 497.369, 497.370, 497.373, 497.374, 497.380, 497.385, 497.453, 497.466, 497.550, 497.554, 497.602, 497.604, 497.606 FS. History—New 6-1-08.

69K-1.003 Miscellaneous Fees; Name Changes and Duplicate Licenses.

(1) Unless exempt, a special unlicensed activity fee of \$5.00 per licensee shall be imposed on each initial license and each renewal of a license under chapter 497, F.S. These funds shall be used by the Department to identify and combat unlicensed activity which violates the provisions of chapter 497, F.S.

(2) A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within 2 years preceding the application for licensure are exempt from the special unlicensed activity fee associated with initial licensure. The military record must show such member is currently in good standing or such veteran was honorably discharged.

(3) The fee for a name change on a license is \$25. The original of the current license must be returned to the Department before a license in the changed name will be issued. A request for a name change for business entities shall be submitted to the Department on Form DFS-N1-1764, "Change of Name & Request for Revised License Certificate – Entities," effective 10/06. A request for a name change for individuals shall be submitted to the Department on Form DFS-N1-1765, "Change of Name & Request for Revised License Certificate – Individuals," effective 10/06. Both forms are incorporated by reference in rule 69K-1.001, F.A.C.

(4) The fee for a duplicate license is \$25. A request for a duplicate license shall be submitted to the Department on Form DFS-

N1-1766, "Request for Duplicate License," effective 10/06, which is incorporated by reference in rule 69K-1.001, F.A.C.

(5) The fee for certification of public records is \$5.00.

Rulemaking Authority 497.103(5)(b), 497.140(4), (5), 497.161(1)(d) FS. Law Implemented 497.140(4), (5), (6), 497.161(1)(d) FS. History—New 10-6-08, Amended 2-20-19.

69K-1.004 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

Rulemaking Authority 497.103, 497.168 FS. Law Implemented 497.168 FS. History—New 4-10-84, Formerly 21J-17.05, 21J-17.005, Amended 12-10-00, Formerly 61G8-17.005, 69K-17.005, Repealed 2-18-19.

69K-1.005 Licensure Application Procedures.

(1)(a) This rule sets forth the Department's procedure for processing applications of persons and entities who apply for the following licenses under chapter 497, F.S.

1. Broker of burial rights;
2. Centralized embalming facility;
3. Cinerator facility;
4. Concurrent intern (funeral director & embalmer);
5. Direct disposal establishment;
6. Direct disposer;
7. Embalmer apprentice;
8. Embalmer intern;
9. Embalmer;
10. Funeral director and embalmer;
11. Funeral director intern;
12. Funeral director;
13. Funeral establishment;
14. Monument establishment;
15. Refrigeration facility;
16. Removal service.

(b) The provisions of this rule do not apply to persons or entities submitting applications for the following licenses under chapter 497, F.S.

1. Cemetery;
2. Monument establishment sales agent;
3. Preneed sales agent;
4. Preneed sales business (main and branch office).

(2) For purposes of this rule, the following definitions shall apply.

(a) "Application form" means the Department form adopted by rule 69K-1.001, F.A.C., to be used for applying for a particular license under Chapter 497, F.S. Forms can be obtained on the Department's website (www.myfloridacfo.com/FuneralCemetery) or by mail from the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361.

(b) "Complete application" means an application form which the applicant submits to the Department, upon which the applicant has furnished all correct information, including any additional or accompanying documentation, required by chapter 497, F.S., or chapter 69K, F.A.C. An application which contains errors, omissions, or which requires additional or clarifying information is not considered a complete application and shall be referred to in this rule as an "incomplete application."

(c) "Deficiency notice" means a notice by the Department to an applicant that the applicant's application is incomplete and which informs the applicant of what is required to cure the deficiency.

(3) Within thirty (30) days of receipt of an application, the Department shall review the application to determine if it is a complete or an incomplete application.

(4) Pursuant to section 497.167(9), F.S., any application which must be reviewed and acted upon by the Board shall be acted upon by the Board at a regularly scheduled Board meeting. Such application must be complete at least 25 days in advance of a

regularly scheduled Board meeting to be considered by the Board at such Board meeting. The time for approval of completed applications under section 120.60, F.S., shall be deemed tolled between the date the application is complete and the next regularly scheduled Board meeting at which the application may be considered by the Board.

(5) If the Department determines that the application is complete, the application shall be presented to the Board at the next regularly scheduled Board meeting subject to the requirements in subsection (4) of this rule.

(6) If the Department determines that the application is incomplete, it shall send a deficiency notice to the applicant within thirty (30) days of receipt of the application.

(7) The applicant shall have forty-five (45) days from the date of the deficiency notice, unless that time is extended pursuant to an agreement with the Department, to:

- (a) Furnish the requested information; or
- (b) Show cause in writing why such information cannot be supplied.

(8) If the information requested in the deficiency notice is not timely submitted or if the applicant does not show why the requested information cannot be supplied, the application shall be considered an incomplete application. No additional deficiency notice shall be sent by the Department. Since the Department is not required to approve or deny an incomplete application, the Department's file on the incomplete application shall be closed. Any applicant whose application file has been closed by the Department pursuant to this rule shall submit a new complete application, with the appropriate fees, if the applicant wishes to apply again for licensure with the Department.

(9) If the applicant submits a timely response indicating that the information or corrections requested in the deficiency notice cannot be supplied, the Department shall present the application to the Board based on the information currently contained in the application file.

(10) If all of the requested information in the deficiency notice is timely submitted, the application shall be presented to the Board at the next regularly scheduled Board meeting subject to the requirements in subsection (4) of this rule.

(11) **PROOF OF SATISFYING EDUCATIONAL REQUIREMENTS.** This rule section specifies procedures for use by licensure applicants to establish that they have satisfied educational requirements for licensure imposed pursuant to section 497.368, 497.369, 497.370, 497.371, 497.373, 497.374, 497.375, 497.377 or 497.602, F.S.

(a) **PROOF OF CURRENT ENROLLMENT.** An applicant for licensure who pursuant to section 497.375(1)(b)2., F.S., is subject to a licensure pre-requisite of being currently enrolled in a specified course of study, shall submit with their application proof of current enrollment complying with subparagraph 1. or 2., below:

1. An official academic transcript issued by the college or university conducting the course of study, identifying the applicant by name, stating the name of the course, showing applicant as enrolled in the course, and showing on the transcript an as-of date concerning the information shown in the transcript. No such transcript shall be accepted as proof of current enrollment unless the transcript shows an as-of date that is within 45 days of the date the application for licensure is received by the Division.

2. A certificate of enrollment issued by the college or university conducting the course, signed by an employee or faculty member of the college or university, naming the course enrolled in, stating that applicant is enrolled in the course as of the date the certificate is issued, and showing the date on which the certificate is issued. No such certificate shall be accepted as proof of current enrollment unless the certificate was issued within 45 days of the date the application for licensure is received by the Division.

(b) **PROOF OF COMPLETION OF A COURSE.** An applicant for licensure who pursuant to section 497.368, 497.369, 497.370, 497.371, 497.373, 497.374, 497.375, 497.377 or 497.602, F.S., is subject to a licensure pre-requisite of having completed a specified course of study, shall submit with their application for such licensure proof of completion of the required course of study consisting of:

1. An original academic transcript issued by the college or university conducting the course of study, identifying the applicant by name, stating the name of the course completed, and the date completed; or

2. An original certificate of course completion issued by the college or university conducting the course, signed by an employee or faculty member of the college or university, identifying the applicant by name, stating the name of the course completed, and the date completed.

(c) **PROOF OF AWARD OF COLLEGE DEGREE.** An applicant for licensure who pursuant to section 497.373, 497.374, 497.375 or 497.377, F.S., is subject to a licensure pre-requisite of having been awarded a college degree, shall submit with their application for such licensure proof of award of the degree in the form of an original academic transcript issued by the college or university awarding the degree, identifying the applicant by name, the courses taken, major area of study, degree awarded, and date

degree awarded.

(d) EDUCATIONAL RECORDS NO LONGER AVAILABLE.

1. If an applicant shall assert that he or she has fulfilled the educational requirements for licensure but that he or she is unable through no fault of their own to obtain a required academic transcript, certificate of completion, or other required records, the applicant shall submit with their application for license their signed, dated, written statement concerning the matter. The written statement shall:

- a. Identify the name and address of the person or entity that provided the education.
- b. State why the applicant is unable to provide the required transcript, certificate, or other record.
- c. Describe in as much detail as the applicant can recall or obtain, the education they received.

2. The applicant shall attach to the written statements all educational and other records the applicant has or can obtain, that support the applicant's assertion that they have satisfied the education requirements of section 497.373 or 497.374, F.S., as applicable.

3. The applicant shall attach any written, signed statements by any persons who corroborate or otherwise support applicant's assertions or who can provide other information in support of applicant's assertions.

4. The Division shall conduct such investigation of the applicant's assertions as the Division deems appropriate.

5. The Board shall review the application, written statements, and attachments, and other pertinent materials. The application for license shall be denied unless there is clear and convincing evidence that the applicant received an education complying with the applicable requirements of sections 497.373, 497.374, F.S.

(12)(a) This subsection applies only to license applications for the following categories of licensure:

1. Embalmer apprentice;
2. Embalmer intern;
3. Funeral director intern;
4. Funeral director & embalmer intern;
5. Embalmer;
6. Funeral director;
7. Funeral director & embalmer;
8. Direct disposers;
9. Training facilities.

(b) If the Division finds that an applicant for licensure in any of the license categories listed in paragraph (12)(a), has no criminal history required to be reported pursuant to chapter 497, F.S., and has never had disciplinary action taken in Florida or any other state against any funeral, cemetery, or other deathcare industry license held by the applicant, then such applicant and application shall not be required to appear before the Board, and the Division may approve and issue the license applied if and when the Division determines that the application is complete and the applicant meets all applicable requirements for the license applied for. Provided, the Division shall not approve any application as to which the applicant has a criminal history or a disciplinary record; all such applications shall be presented to the Board with the Division's recommendation, for decision by the Board. The Division shall not deny any license application; all applications which the Division believes should be denied pursuant to applicable statutes and rules, shall be presented to the Board with the Division's recommendation, for decision by the Board. The Division shall at each monthly meeting provide the Board with an informational list showing the name of each applicant approved by the Division pursuant to this subsection (12), and the type of license.

(13) RELICENSURE RELATED TO CHANGE OF OWNERSHIP.

(a) This subsection implements the requirement for relicensure of certain specified categories of licensees upon a change of ownership of the licensee, as specified in the following provisions of chapter 497, F.S.:

1. Funeral establishments, section 497.380(12)(a), F.S.;
2. Removal services, section 497.385(1)(g), F.S.;
3. Refrigeration services, section 497.385(1)(g), F.S.;
4. Centralized embalming facilities, section 497.385(2)(g), F.S.;
5. Monument establishments, section 497.553(6)(a), F.S..

(b) For the purposes of the above identified license categories, a change of ownership occurs whenever a person or entity acquires an ownership interest of greater than 50% in the licensee or in a legal entity that directly or through subsidiaries owns the

licensee, which person or entity did not previously have such an ownership interest of greater than 50%. Provided, in the case of a licensee owned by a corporation, LLC, or other legal entity that is part of a group of legal entities under common control, and the ultimate parent entity restructures the group, if the licensee's ultimate parent entity remains unchanged, there is no change of ownership, but a change of licensee name shall be filed with the Division, with the appropriate fee for issuance of a revised license certificate to reflect the different legal entity holding the license.

(c) A relicensure required under the statutes cited in this subsection shall be accomplished by filing the same form or forms as required for initial licensure, but noting on the application for license that the application relates to a change of ownership.

Rulemaking Authority 497.103(1), (2), (5)(b), 497.141(12)(g), 497.167(10), 497.380(12)(a), 497.385(1)(g), (2)(g), 497.553(6)(a) FS. Law Implemented 120.60, 497.103(1), (2), 497.141, 497.167(9), (10), (13), 497.380(12)(a), 497.385(1)(g), (2)(g), 497.553(6)(a) FS. History—New 10-13-09, Amended 1-24-13, 4-22-13, 5-10-17.

69K-1.007 Disclosure of Certain Criminal Records for Renewal of License.

(1) A licensee who, pursuant to section 497.142(10)(a), F.S., is required to disclose a criminal record when renewing his or her license, shall disclose the criminal record by completing and filing with the Division of Funeral, Cemetery, and Consumer Services, a Form DFS-N1-2043, Disclosure of Criminal Record at Renewal of License, <https://www.flrules.org/gateway/reference.asp?NO=Ref-00267>. Form DFS-N1-2043 (Eff. 3/11), which is hereby incorporated by reference, is available on the website of the Division, at <http://www.MyFloridaCFO.com/funeralcemetery/>, or by contacting the Division at phone number (850)413-3039.

(2) Form DFS-N1-2043 shall be filed by mailing or otherwise delivering the completed form to the Division at the following address: Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, FL 32399-0361. Form DFS-N1-2043 shall be filed with the Division prior to the expiration date of the license to which the disclosure relates.

(3) Pursuant to section 497.142(10), F.S., when renewing a license, a licensee is only required to disclose those criminal offenses that occurred since the initial issuance of the license or the most recent renewal of the license, whichever is more recent. Any criminal record that was disclosed to the Division when the license was initially applied for, or that was disclosed in connection with a prior renewal of the license, is not required to be disclosed again at any subsequent renewal. Traffic infractions that are not criminal offenses are not required to be disclosed.

Rulemaking Authority 497.103(5)(b), 497.142(10)(g) FS. Law Implemented 497.103(2)(c), 497.141, 497.142 FS. History—New 6-12-11.

69K-1.008 Applicants with Criminal Records.

(1) This rule implements section 497.141(5)(a), F.S., regarding evaluation of whether an applicant for license who has a criminal record has demonstrated that issuance of the license applied for would not create a danger to the public.

(2) An applicant for new or renewal license that has a criminal record required to be disclosed under section 497.142(10), F.S., shall not be approved unless the applicant demonstrates that issuance of the license will not create a danger to the public. Such applicant shall complete and submit with the application a form DFS-N1-1716, "Criminal History Form" (Oct. 2006), which is incorporated by reference in rule 69K-1.001, F.A.C. Applicant shall also make a written presentation to the Board, in the form of a letter to the Board, dated and signed by the applicant and attached to the application, addressing therein the factors listed below.

(a) A detailed explanation of the facts and circumstances of the criminal conduct.

(b) If applicant was not the sole perpetrator of the crime, a description in detail of applicant's role on the crime.

(c) If there are multiple crimes on different dates, applicant's explanation of why the multiple crimes should not be found to indicate inability or unwillingness to comply with applicable laws.

(d) The age of the applicant when the crime(s) was committed.

(e) Whether the crime involved physical violence, and the nature, amount and circumstances of the violence.

(f) A detailed description of the type and amount of personal or property harm, injury or damage suffered by any victim or innocent bystander as a result of the crime(s).

(g) Whether all legally required restitution has been made. If all legally required restitution has not been made, applicant shall provide an explanation of why it has not been made.

(h) If applicant initially denied or failed to disclose the criminal record on the application for license, an explanation for such denial or failure to disclose.

(i) Identification and description of any evidence that applicant is remorseful concerning the crime.

(j) Whether applicant believes they had a drug or alcohol abuse problem in the time frame the crime was committed and if so, identification and description of any evidence that applicant has been successfully treated, or has otherwise overcome or is in remission concerning such drug or alcohol abuse.

(k) Whether the applicant has successfully completed and complied with, or is completing or complying with, all requirements imposed by the court in the criminal proceedings, including but not limited to probation, and identification and description of any evidence in support of applicant's assertion in that regard.

(l) Whether applicant has, since the criminal court proceeding, engaged in any activity in the nature of community service, apart from and in addition to any criminal sentencing requirements, and if so, identification and description of any evidence in support of applicant's assertion in that regard.

(m) Any other argument by applicant as to why applicant would not be a danger to the public if the license applied for is granted, and identification and description of any evidence in support of such argument and not previously identified and described in applicant's presentation to the Board.

(3) Letters of References. An applicant subject to this rule should submit with their application any letters of reference they can obtain in support of their assertion that if licensed they would not be a danger to the public. Letters of reference may be from current or past employers, clergy, business associates, persons the applicant does or has done business with, law enforcement personnel, or any other persons. Letters of reference shall be given weight by the Board in accordance with the following factors:

(a) Letters of reference that are not signed shall be given no weight.

(b) A letter of reference that is not dated, or does not provide the writer's full mailing address and phone number, will be given reduced weight.

(c) A letter of reference that does not indicate how well, how long, and in what capacity the writer has known the applicant, will be given reduced weight.

(d) A letter of reference that indicates that the writer is aware of applicant's criminal conduct shall be given substantially more weight than a letter of reference that does not so indicate.

Rulemaking Authority 497.103(5), 497.141(5)(a) FS. Law Implemented 497.141 FS. History--New 6-25-13.

CHAPTER 69K-2
MEETINGS OF BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES

69K-2.003 Other Official Board Business

69K-2.003 Other Official Board Business.

Pursuant to section 497.101, F.S., other Board business for purposes of this section is defined as:

- (1) Meetings of committees, appointed by the Chairman of the Board;
- (2) Probable Cause Panel meetings;
- (3) Meetings of a Board member with Department staff or contractors of the Department, at the Department's request;
- (4) Meetings attended by a board member where the attendance and participation of the board member at the meeting has been:
 - (a) Requested or approved by the Department; and
 - (b) The Board member's participation at the meeting is related to the Board's authority as set forth in chapter 497, F.S.
- (5) All activity of Board members, if authorized by the Board, when grading, proctoring, or reviewing examinations given by the Department;
- (6) All participation in Board authorized meetings with professional associations of which the Board member is a member or invitee. This would include all meetings of national associations of registration Boards of which the Board is a member as well as Board authorized participation in meetings of national or professional organizations involved in educating, regulating or reviewing the profession over which the Board has statutory authority;
- (7) Any and all other activities which are Board approved and which are necessary for Board members to attend to protect the public health, safety and welfare, through the regulation of which the Board has statutory authority.

Rulemaking Authority 497.103 FS. Law Implemented 497.101 FS. History—New 4-25-94, Amended 6-16-94, Formerly 3F-2.003.

CHAPTER 69K-5

CEMETERY REGULATION AND PRENEED SALES

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69K-5.012	Application and Renewal Procedures for Broker of Burial Rights License
69K-5.0125	Minimum Records to Be Maintained by Burial Rights Brokers; Inspection of Records
69K-5.013	Procedure for Report of Identification for an Exempt Cemetery

69K-5.0015 Preneed Licenses.

(1) For purposes of a corporation qualifying for a preneed licensee pursuant to Section 497.452(3), F.S., by use of a corporate agent, such corporate agent must have common ownership in excess of 50% of the voting stock with the preneed licensee or applicant. If the applicant or preneed licensed is a not-for-profit corporation, then it must have common membership with any corporate agent through which it plans to sell preneed contracts in accordance with Section 497.452(3), F.S.

(2) Nothing herein shall prohibit a corporate preneed licensee from selling preneed contracts through corporate subsidiaries or other entities with common ownership in excess of 50% of the voting stock or common membership in the case of not-for-profit corporations, so long as such entities are made known to the Board prior to any such preneed sales provided:

(a) The Board determines that the preneed licensee will be legally liable for the acts and liabilities of such entity arising out of its sales; and

(b) The financial condition of the selling entity or subsidiary when viewed in the aggregate with the financial condition of the preneed licensee does not impair the ability of the preneed licensee to qualify for or retain a preneed license.

Rulemaking Authority 497.103 FS. Law Implemented 497.452(3) FS. History—New 10-15-95, Formerly 3F-5.0015, Amended 1-12-04.

69K-5.0016 Preneed License; Financial Requirements.

(1) For the purposes of this section, “Total preneed contracts” is defined as the total retail value of all outstanding preneed contracts.

(2) A Preneed Licensee or applicant must meet and maintain the following requirements on an annual basis, demonstrating its ability to discharge its liabilities as they become due in the normal course of business and must have sufficient funds available to perform its obligation under its existing preneed contracts.

(a) A Preneed Licensee or applicant must submit its most recent year-end financial statements (including a balance sheet and income statement) with the Preneed License application and annually thereafter as provided in Section 497.453(1), F.S. The

financial statements must be prepared in accordance with generally accepted accounting principles (GAAP) as those principles have been defined by the Florida Board of Accountancy in Chapter 61H1-20, F.A.C. If the applicant does not have the minimum net worth as set forth in paragraph (2)(b) or lacks sufficient liquid assets to satisfy current liabilities or does not appear to have any substantial long-term assets, the Department shall request additional financial information concerning financial statements and the statement of cash flows.

(b) The Preneed Licensee's financial statements must demonstrate the following levels of net worth:

1. Preneed Licensee that has total preneed contracts \$100,000 or less-\$10,000 net worth;
2. Preneed Licensee that has total preneed contracts of \$100,001 to \$200,000-\$20,000 net worth;
3. Preneed Licensee that has total preneed contracts of \$200,001 to \$400,000-\$40,000 net worth;
4. Preneed Licensee that has total preneed contracts of \$400,001 to 600,000-\$60,000 net worth;
5. Preneed Licensee that has total preneed contracts of \$600,001 to \$800,000-\$80,000 net worth;
6. Preneed Licensee that has total preneed contracts in excess of \$800,000-\$100,000 net worth.

(c) In the case of a Preneed Licensee or applicant offering preneed sales through a subsidiary agent, as provided in Rule 69K-5.0015, F.A.C., the Preneed Licensee or applicant shall execute a guarantee agreement with respect to any contract obligations resulting from preneed sales of such a selling agent.

(3) If the Preneed Licensee or applicant does not meet the financial requirements in paragraph (2)(b), above, the entity may voluntarily submit to the Board additional evidence or agree to additional oversight as to its meeting the requirements of subsection (2), above, and as a condition of receiving and retaining a Preneed License.

Such additional evidence or oversight agreement shall include as appropriate:

- (a) Agreement to submit monthly financial statements of the entity;
- (b) Agreement to submit quarterly financial statements of the entity;
- (c) Appraisal of the entity's property or broker's opinion of value of entity's assets;
- (d) Credit report of the entity or its principal owners;
- (e) Subordination of debt agreement from the entity's principal owners;
- (f) Indemnification/subrogation agreement binding the entity and principal owners;
- (g) Guarantee agreement for the entity from its principal owners;
- (h) Written explanation of past financial activity;
- (i) Submission of a twelve month projected business plan which shall include:
 1. Statement of cash flows;
 2. Proforma income statement with sources of revenue identified; and,
 3. Marketing initiatives;
- (j) Submission of previous Department examination reports;
- (k) 100% voluntary trusting agreement by the entity;

Upon the Board's review of such additional information or agreements, submitted as stated above, the Board shall issue a Preneed License if such information or agreement results in the Board determining that the applicant or preneed license meets the requirements of Sections 497.452 and 497.453, F.S.

Rulemaking Authority 497.103 FS. Law Implemented 497.452, 497.453 FS. History--New 5-21-95, Amended 12-7-98, 10-18-99, 12-12-00, 6-26-02, Formerly 3F-5.0016, Amended 9-5-18.

69K-5.002 Application for Preneed License.

(1) Each entity desiring to obtain a preneed license shall apply to the Board by submitting the following:

(a) A completed Application for Preneed License, Form DFS-PNL-1, and a Historical Sketch, Form DFS-HistS, which are incorporated by reference in Rule 69K-1.001, F.A.C., and available on the Department's Division of Funeral, Cemetery, and Consumer Services, (Division) website at <http://www.MyFloridacfo.com/Division/FuneralCemetery/>. The application and historical sketch must be completed and signed less than thirty (30) days prior to receipt by the Division; and

(b) An application fee of \$500 and an unlicensed activity fee of \$5 for the annual period beginning July 1 of each year or any part thereof.

(2) The Historical Sketch shall be completed by any person with power to direct the management or policies of the applicant.

(3) Request for Additional Information. Any request for additional information will be made by the Executive Director of the

Board within thirty (30) days after receipt of the application by the Board. The additional information must be received by the Board within forty-five (45) days from the date of request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Board as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60, F.S.

(4) Upon approval of the application, a preneed license will be issued for the remainder of the period.

(5)(a) For the purpose of Section 497.453, F.S., an applicant's principals (including directors, officers, stockholders owning more than 10% of the voting stock of the applicant, and other persons who can direct the management of the applicant) shall appear to be of good character if they:

1. Have never been convicted of, or plead guilty to, a crime involving fraud, perjury, embezzlement, tax evasion, or other crime of moral turpitude;

2. Have never filed false information with any governmental agency; and

3. Have never demonstrated any act or nature that constitutes a lack of honesty or financial responsibility.

(b) If an applicant fails to meet standards in paragraph (5)(a) above, such act or conviction shall not create an irrebuttable presumption that a person is not of good character. The Board shall take into consideration evidence of such person's efforts at rehabilitation and law abiding behavior during the three (3) years preceding the filing of the application to determine if the applicant has the requisite good character.

Rulemaking Authority 497.103, 497.453 FS. Law Implemented 497.140, 497.141, 497.452, 497.453 FS. History—New 4-25-94, Amended 2-7-95, 12-12-00, 6-26-02, Formerly 3F-5.002, Amended 12-24-18.

69K-5.0021 Application for Preneed Branch Office License.

(1) Every Preneed Licensee that is part of a common business enterprise and elects to operate under a different name shall apply to the Board for a license to operate a branch office by submitting the following:

(a) A completed Application for Preneed Branch Office License, Form DFS-PNLB, which is incorporated by reference in Rule 69K-1.001, F.A.C., and available on the Department's website at <http://www.MyFloridacfo.com/Division/FuneralCemetery/>. The licensee must submit an application that was signed less than thirty (30) days prior to receipt by the Division; and

(b) An application fee of \$150 and an unlicensed activity fee of \$5 for the annual period beginning July 1 of each year or any part thereof.

(2) A branch office shall be defined for purposes of this rule to be any location at which the preneed licensee sells, or offers for sale, funeral or cemetery goods or services on a preneed basis in a name different from the name of the common business enterprise. Location identifiers shall not constitute a different name. The branch office may be the same business entity, a qualified corporate agent, corporate subsidiary or other entity as defined in subsection 69K-5.0015(2), F.A.C.

(3) For the purposes of this rule, the name of the common business enterprise shall be considered to be that listed as the entity registered as a Preneed Licensee.

(4) "Operate under a different name" shall be defined for the purposes of this rule as the manner in which the preneed licensee extends itself to the public at any given location. This includes but is not limited to the name of the business as listed on business signs, in advertisements, and on contracts entered into with purchasers either on an at need or preneed basis. The name of the entity listed as "seller" on a preneed contract shall not be the sole determination of the name in which the entity operates.

(5) Request for additional information. Any request for additional information will be made by the Executive Director of the Board within thirty (30) days after receipt of the application by the Board. The additional information must be received by the Board within forty-five (45) days from the date of request. Failure to respond to the request shall be construed by the Board as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60, F.S.

(6) Withdrawal of Application. An applicant, can request withdrawal of an application prior to a determination of the application being made by the Board of Funeral, Cemetery, and Consumer Services by submitting a written request that the application be withdrawn.

(7) Refunds. If the application is withdrawn or denied, the application fee is non-refundable.

(8) Upon approval of the application, a preneed license branch office license will be issued for the remainder of the annual license period ending June 30 of each year.

Rulemaking Authority 497.103, 497.453 FS. Law Implemented 497.103, 497.140, 497.453 FS. History—New 6-5-97, Amended 12-12-00, 9-18-01, Formerly 3F-5.0021, Amended 12-24-18.

69K-5.0022 Applications for Transfer of a Preneed License.

(1) When an entity which holds a preneed license changes ownership it shall cease operating under the preneed license. The successor owner may apply to transfer the preneed license and obtain a temporary preneed license to continue to operate. To be eligible to transfer a preneed license the successor entity must apply for a transfer within thirty (30) days of the change in ownership by submitting the following to the Board of Funeral, Cemetery, and Consumer Services:

(a) A completed Application for Transfer of a Preneed License, Form DFS-PNLT1, and, for each principal, a Historical Sketch, Form DFS HistS. Both forms are incorporated by reference in Rule 69K-1.001, F.A.C., and available on the Department's website at <http://www.MyFloridacfo.com/Division/FuneralCemetery/>. Each of the forms must be signed less than thirty (30) days prior to receipt by the Division;

(b) A non-refundable application fee of \$100 and an unlicensed activity fee of \$5 must accompany the form, for the remainder of the annual license period in which the application is approved; and

(c) Financial statements documenting compliance with Rule 69K-5.0016, F.A.C.;

(2) The Historical Sketch shall be completed by any person with power to direct the management or policies of the applicant.

(3)(a) For the purpose of Section 497.453, F.S., an applicant's principals (including directors, officers, stockholders owning more than 10% of the voting stock of the applicant, and other persons who can direct the management of the applicant) shall appear to be of good character if they:

1. Have never been convicted of, or plead guilty to, a crime involving fraud, perjury, embezzlement, tax evasion, or other crime of moral turpitude;

2. Have never filed false information with any governmental agency; and

3. Have never demonstrated any act or nature that constitutes a lack of honesty or financial responsibility.

(b) If an applicant fails to meet the standards in paragraph (3)(a) above, such act or conviction shall not create an irrefutable presumption that a person is not of good character. The Board shall take into consideration evidence of such person's efforts at rehabilitation and law abiding behavior during the three (3) years preceding the filing of the application to determine if the applicant has the requisite good character.

(4) Request for Additional Information. Any request for additional information will be made by the Executive Director of the Board within thirty (30) days after receipt of the application by the Board. The additional information must be received by the Board within forty-five (45) days from the date of request. Failure to respond to the request within forty-five (45) days from the date of the request shall be construed by the Board as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60, F.S.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Board by submitting a written request that the application be withdrawn.

(6) Refunds. If the application is withdrawn or denied, the application fee is non-refundable.

(7) Upon approval of the application, a letter informing the applicant of the Board's intent to approve the application will be sent to the applicant's mailing address as indicated on the application. Upon receipt of the original preneed license issued to the former owners, notification that the change in ownership or control has been finalized and the effective date of closing, a preneed license will be issued effective the later of the date of closing or the date of notice of intent to approve, for the remainder of the annual license period. Failure to provide required documentation prior to the expiration of the temporary preneed license shall result in denial of the application.

(8) If an application for Transfer of a Preneed License is not filed within the thirty (30) days after the change in entity, the new entity shall not be eligible to file such application. The entity shall be required to file an initial application for Preneed License pursuant to Rule 69K-1.001, F.A.C. Any application for Transfer of a Preneed License which is not timely filed shall be denied by the Board.

Rulemaking Authority 497.103, 497.453 FS. Law Implemented 497.140, 497.453 FS. History—New 5-13-97, Amended 6-26-02, Formerly 3F-5.0022, Amended 12-24-18.

69K-5.0023 Temporary Preneed Licenses.

(1) Upon receipt of a completed application for Transfer of a Preneed License including the required documentation of eligibility for a temporary certificate, the Executive Director of the Board of Funeral, Cemetery, and Consumer Services, may grant a temporary preneed license upon a determination by the Executive Director that issuance of such temporary certificate is in the best

interest of consumer protection and that the applicant has met the following criteria:

- (a) The entity to be acquired holds a current preneed license issued pursuant to Chapter 497, F.S.;
- (b) Applicant has met the financial requirements of Rule 69K-5.0016, F.A.C.;
- (c) There are no pending administrative actions taken either by the Board or the Department against either entity.

(2) The temporary preneed license will be effective upon receipt by the Department of documentation that the above criteria have been met and will continue until the date of the next Board meeting unless renewed by the Board.

(3) Any pending application for a preneed sales agent to register with an entity which has received a temporary certificate shall be considered active as of the later of the effective day of the temporary certificate or the date of receipt of an otherwise complete application for registration as a preneed sales agent.

Rulemaking Authority 497.103(1) FS. Law Implemented 497.453(4) FS. History—New 5-13-97, Formerly 3F-5.0023.

69K-5.0024 Remittances to the Regulatory Trust Fund.

The amounts required to be remitted by a preneed licensee to the Regulatory Trust Fund, pursuant to the provisions of Section 497.453(9), F.S., shall be determined in accordance with the following criteria:

(1) A preneed contract or arrangement shall be deemed to be written within the meaning of Section 497.453, F.S., when a preneed contract or arrangement is executed by both the purchaser and the preneed licensee or its agent. A remittance for a preneed contract or arrangement dated within a specific quarter shall be submitted in the report for such quarter.

(2) Beginning with contracts written July 1, 2009, each preneed licensee shall remit to the Regulatory Trust Fund of the Department of Financial Services a fee of \$6.00 for each preneed contract written; regardless of any payments made by the purchaser.

(3) Assessments required to be remitted pursuant to section 497.453, F.S., shall not be payable from funds subject to the trust provisions of Sections 497.458 and 497.464, F.S. Refund of a regulatory trust fund fee by a licensee to its customer shall not relieve the licensee of its obligation to remit regarding that contract under Section 497.453(6), F.S.

(4) Contracts canceled within thirty days of execution as provided by Section 497.453, F.S., shall not be counted as a contract sold for purposes of determining the amount to be remitted to the Regulatory Trust Fund.

(5) If a contract is canceled after thirty days of execution, the preneed licensee shall not be entitled to credit the remittance for that contract against future remittances.

(6) Quarterly preneed remittances must be made by preneed licensees in the following manner:

(a) Servicing agents must follow the procedures in Form DFS-PNS-1, User Manual for Servicing Agents for the Preneed Remittance System (PNRS) (Eff. 04/22), which is hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-14144> or on the Department's website: <https://www.myfloridacfo.com/Division/funeralcemetery/Licensing>.

(b) Appointing agents and third-party users must follow the procedures in Form DFS-PNS-2, User Manual for Appointing Entity Users for the Preneed Remittance System (PNRS) (Eff. 04/22), which is hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-14145> or on the Department's website: <https://www.myfloridacfo.com/Division/funeralcemetery/Licensing>.

(7) No preneed licensee is entitled to a refund of its contribution to the Regulatory Trust Fund. A preneed licensee who overpays the amount due to the Regulatory Trust Fund may make the necessary adjustments in future reports, provided the adjustment is adequately disclosed and includes a reasonable explanation therefor.

(8) It is the responsibility of the preneed licensee to ensure the correct report and remittance is made.

Rulemaking Authority 497.103, 497.161, 497.453 FS. Law Implemented 497.103, 497.152, 497.161, 497.453 FS. History—New 5-13-97, Amended 12-12-00, Formerly 3F-5.0024, Amended 6-22-09, 6-7-10, 5-29-22.

69K-5.0025 Inactive Preneed Licenses.

(1) A preneed licensee shall be considered inactive upon acceptance by the Board of the surrender of the preneed license, if the preneed licensee fails to submit a renewal application and fees or upon the final expiration of the preneed license after denial of renewal by the Board.

(2) Upon becoming inactive, the preneed licensee shall do the following:

- (a) Cease the sale of preneed contracts.
- (b) Deposit into trust 100% of the funds collected as payments or made on outstanding preneed contracts.
- (c) Notify the Department of the preneed licensee's compliance with this rule.
- (3) The licenses of all preneed sales agents registered with an inactive preneed licensee shall expire immediately upon the preneed licensee becoming inactive.
- (4) If an inactive preneed licensee intends to cease providing at-need services, the inactive preneed licensee shall, prior to ending such services, assign all preneed contracts to a preneed licensee for fulfillment. The Department and all preneed purchasers shall be notified of the assignment.
- (5) As provided by Section 497.465(7), F.S., in order for the Board to exercise its jurisdiction as provided therein, an inactive preneed licensee shall, at the same time as is required for renewing preneed licensees, submit a preneed license renewal form and financial statement. Additionally, an inactive preneed licensee shall continue to be subject to examination by the Department until all outstanding preneed contracts have been fulfilled or assigned to another preneed licensee.
- (6) To ensure compliance with this rule, the Department is authorized to request additional information as needed, concerning trust reports, bank statements, workpapers and statements of accounts receivable.

Rulemaking Authority 497.103(1) FS. Law Implemented 497.465(7) FS. History--New 8-12-02, Formerly 3F-5.0025.

69K-5.0026 Preneed License Renewal.

(1)(a) Each active preneed license shall be renewed for the annual period beginning July 1st of each year upon approval by the Board of Funeral, Cemetery, and Consumer Services. The Department will provide a renewal reminder either by mail or electronic notice to each licensee at the address of record. Failure to receive any notification does not relieve the licensee of the responsibility to meet the renewal application requirements. The application for renewal will be presented to the Board upon receipt by the Department of a non-refundable renewal fee as established by Section 497.453(5), F.S., and a financial statement as of the entity's most recent fiscal year end. The licensee shall apply by mail and pay the renewal fee either online, if available, or by mail to the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, at the address indicated on the form.

(b) The following forms are to be completed by the licensee:

- 1. Form DFS-PNL-R, Cover Sheet and General Instructions for Preneed License and Branch Annual Renewal Packet;
- 2. Form DFS-PNL-R1, Invoice – Renewal of Preneed License;
- 3. Annual Financial Statement:
 - a. Form DFS-PNL-R2, Financial Statement Instructions;
 - b. Form DFS-PNL-R2A, Balance Sheet of Preneed Licensee;
 - c. Form DFS-PNL-R2B, Income Statement;
- 4. Annual Renewal Statement:
 - a. Form DFS-PNL-R3A, Statement of Preneed Sales Under Each Individual Trust, Surety Bond, or Insurer;
 - b. Form DFS-PNL-R3B, Summary of Preneed Activity; and
- 5. Form DFS-PNL-R4, Annual PNL Financial Statement and Renewal Statement Certification and Application for Renewal.

(c) Each preneed licensee that is not renewing its preneed license shall mail in a completed Notice of Non-Renewal of Preneed License, Form DFS-PNL-R5, prior to the expiration of the license.

(d) If, at the time of renewal, a preneed licensee's net worth does not meet the requirements of Section 497.453, F.S., or Rule 69K-5.0016, F.A.C., the preneed licensee shall mail in a completed Net Worth Alternatives Form, Form DFS-PNL-R6.

(e) Each of the forms listed above in subsection (1) is incorporated by reference in Rule 69K-1.001, F.A.C., and can be obtained on the Department's website at <http://www.MyFloridacfo.com/Division/FuneralCemetery/>.

(2) Failure to submit the statements as required in subsection (1) authorizes the Board of Funeral, Cemetery, and Consumer Services to levy a fine in the amount of \$50 per day for each day the financial and renewal statements are not submitted unless an extension is granted, as follows:

(a) Annual Financial Statement must be submitted to and received by the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, within 3 months after the end of the preneed licensee's fiscal year. An extension is automatically granted to allow Financial Statements to be due April 1st of each calendar year.

(b) Annual Renewal Statement and the required renewal fee must be submitted to and received by the Department of Financial

Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, on or before April 1st of each year.

(3) Financial statements may be prepared either on the forms listed in subsection (1) or by an independent certified public accountant in conformity with Rule 69K-5.0016, F.A.C. Audited statements are acceptable. The financial statements must document compliance with the minimum financial responsibility requirements of Rule 69K-5.0016, F.A.C. Failure to comply with said rule shall result in denial of the renewal application.

(4) In the event the renewal application is denied by the Board, the renewal fee paid is not refundable. If a hearing is requested on the denial, the certificate shall remain in active status during the pendency of the hearing.

(5) Any Preneed License not approved or denied by the Board prior to July 1 of each year shall automatically expire on July 1 and the entity shall be required to cease and desist from all selling of preneed funeral and cemetery goods and services. All preneed sales agent appointments associated with the preneed license will be terminated. New applications for certification/appointments must be submitted to and approved by the Board in order to return the certificate and agent appointments to active status. The applicants shall be subject to all requirements of initial application.

Rulemaking Authority 497.103, 497.453 FS. Law Implemented 497.141, 497.453 FS. History—New 6-24-96, Amended 7-10-02, Formerly 3D-30.041, 69K-100.041, Amended 12-24-18.

69K-5.003 Application for Preneed Sales Agent License and Appointment.

(1) Each person desiring to obtain a preneed sales agent license shall apply to the Department by submitting the following by certified mail or online:

(a) A completed Application of a Preneed Sales Agent, Form DFS-PNS-1, adopted in Rule 69K-1.001, F.A.C. The application must be completed and signed by an authorized representative of the preneed licensee within thirty (30) days prior to receipt by the Department;

(b) Fees.

1. The fee for licensure and initial appointment as a preneed sales agent shall be \$250.

2. The fee for each additional appointment shall be \$250.

3. The fee for biennial renewal of a preneed sales agent appointment shall be \$250.

The above fees shall be effective on the later of July 1, 2009, or this rule becoming effective.

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of request. Failure to respond to the request for additional information within forty-five (45) days from the date of request shall be construed by the Board to be grounds for denial of the application for failure to complete the application, and the application shall be denied pursuant to Section 120.60, F.S.

(3) Amendment of Application. An applicant may amend the application as to those factors generally within the control or selection of the applicant, once, as a matter of course, at any time within thirty (30) days from its receipt for filing. Otherwise, the application may be amended only with prior permission from the Department. Any unapproved requests to make changes filed at any time after the application has been received shall be deemed by the Board to be grounds for denial, and a new registration, accompanied by the appropriate fee, shall be required.

(4) Withdrawal of Application. An applicant, or sponsoring preneed licensee, can request withdrawal of an application prior to a determination of the application being made by the Board of Funeral, Cemetery, and Consumer Services by submitting a written request that the application be withdrawn.

(5) Denial of Application. The Department shall notify the applicant at the address of the sponsoring preneed licensee of the Board's intent to deny the application. Upon receipt of the notification, the applicant shall cease conducting business as a preneed sales agent. Upon receipt of the notification, the preneed licensee will use due diligence to stop the preneed sales agent from conducting business as a preneed sales agent on behalf of the preneed licensee. If a request for a hearing has not been received within twenty-six (26) days of the date of the notification, the application shall be denied.

(6) Refunds. If the application is withdrawn or denied, the application fee is non-refundable.

(7) Upon approval of the application, a license will be issued for the remainder of the biennial registration period effective the later of the date the application was received or the date the last deficiency on the application was resolved.

(8) A separate license is required for each different preneed licensee represented by the applicant.

Rulemaking Authority 497.103, 497.466(8)(a) FS. Law Implemented 497.466 FS. History—New 4-25-94, Formerly 3F-5.003, Amended 6-22-09, 3-1-16.

69K-5.0031 Definition of Good Standing With the Board of Funeral, Cemetery, and Consumer Services.

Rulemaking Authority 497.103 FS. Law Implemented 497.466(2) FS. History—New 4-23-95, Formerly 3F-5.0031, Repealed 3-1-16.

69K-5.0035 Termination of Appointment of a Preneed Sales Agent.

Within thirty (30) days of any termination of any registered preneed sales agent, the preneed licensee shall give written notice to the Department. The notice may be submitted in writing, electronically, or via facimile, and shall contain:

- (1) The effective date of termination, the name, and license number of the preneed sales agent;
- (2) The name, license number, and business location of the preneed licensee where the preneed sales agent was working;
- (3) Signature of an authorized agent of the preneed licensee.

Rulemaking Authority 497.103 FS. Law Implemented 497.466(7)(g) FS. History—New 5-29-94, Formerly 3F-5.0035, Amended 1-12-04.

69K-5.004 Procedures for Licensing a New Cemetery.

(1) Any corporation, partnership or limited liability company wishing to establish a cemetery should review the requirements of the Florida Funeral, Cemetery, and Consumer Services Act (Chapter 497, F.S.) and applicable rules and regulations before filing a formal application for permission to start a cemetery in the State of Florida. The following should then be completed and submitted to the Department:

(a) Application To Organize A New Cemetery Company, Form DFS-CEMN, adopted in Rule 69K-1.001, F.A.C., and a non-refundable fee in the amount of \$5,005;

(b) Application to Transact Cemetery Business, Form DFS-CEM, and a license fee of \$255 to \$4,905 depending on the applicant's most current annual gross sales, refundable if license is not issued;

(c) Current Financial Statement of each proponent, Form DFS-F-32, adopted in Rule 69K-1.001, F.A.C.

(2) An application may be submitted to the Department by mail to the Division of Funeral, Cemetery and Consumer Services, Revenue Processing, P.O. Box 6100, Tallahassee, Florida 32399-6100. All forms herein are available by mail from The Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361 or <http://www.myfloridacfo.com/Division/funeralcemetery/>.

Rulemaking Authority 497.103 FS. Law Implemented 497.263, 497.266, 497.268, 497.283 FS. History—New 9-29-75, Amended 6-21-77, 6-21-78, 11-2-78, 1-27-81, Formerly 3D-30.15, Amended 10-23-91, Formerly 3D-30.015, Amended 12-8-98, 6-26-02, Formerly 3F-5.004, Amended 1-12-04, 3-1-16.

69K-5.006 Procedure for Licensing Transferred Cemeteries.

(1) Application. A person, a group of persons or a corporation proposing to purchase or acquire control of an existing cemetery company either by purchasing the outstanding capital stock of any cemetery company, or the interest of the owner or owners, and thereby to change the control of said cemetery company, shall file the following applications with the Department by mail to the Division of Funeral, Cemetery and Consumer Services, Revenue Processing, P.O. Box 6100, Tallahassee, Florida 32399-6100.

(a) Completion of an Application for Authority to Acquire Control of an Existing Cemetery Company, Form DFS-F35, adopted in Rule 69K-1.001, F.A.C., shall be accompanied by a license fee which is based on the cemetery's gross sales for the previous fiscal year, pursuant to Section 497.265, F.S.

(b) Completion of an Application to Transact Cemetery Business, Form CEM, adopted in Rule 69K-1.001, F.A.C., shall be accompanied by a license fee based on the cemeteries' last fiscal year sales pursuant to Section 497.265, F.S.

(2) Existing license must be returned to the Board for cancellation. No license is transferable or assignable.

(3) Conditions. Any deficits must be cleared by present owner to trust funds or a written statement waiving a final examination must be signed by the purchaser; thereby making him responsible for any deficits to the trust fund. If a new trustee is appointed, a copy of the trust agreement must be approved by the Department before the trust fund is transferred.

(4) Investigation. The Department shall investigate the following conditions:

(a) Character, reputation, financial standing, and business qualifications of the new proponents;

- (b) Legal entity;
- (c) Capitalization;
- (d) Whether money is due any of the trust funds, unless waived;
- (e) Current financial statement for each proponent;
- (f) Biographical sketch for each proponent.

(5) Issuance of license. If the department finds that the proposed owner or owners of the existing cemetery company has in good faith complied with all lawful requirements, it shall issue a new cemetery license.

Rulemaking Authority 497.103 FS. Law Implemented 497.264 FS. History—New 9-29-75, Amended 11-2-78, 1-27-81, Formerly 3D-30.17, Amended 10-23-91, Formerly 3D-30.017, Amended 9-18-01, 6-26-02, Formerly 3F-5.006, Amended 1-12-04, 3-1-16.

69K-5.007 Conversion Procedures.

When a municipal, church owned, fraternal or community and non-profit association cemetery converts to a cemetery company as defined in Section 497.005, F.S., then said cemetery shall file the following with the Department:

(1) An Application To Organize A New Cemetery Company, Form DFS-CEMN, adopted in Rule 69K-1.001, F.A.C. This application shall be accompanied by a non-refundable application fee of \$5,005.

(2) Establish and maintain a care and maintenance trust fund. The initial deposit for establishment of this trust fund shall be an amount equal to \$10.00 per space for all spaces either previously sold or contracted for sale in said cemetery at the time of conversion or \$50,000, whichever sum is greater.

(3) Copy of sales agreement.

(4) Completion of an Application To Transact Cemetery Business, Form DFS-CEM, adopted in Rule 69K-1.001, F.A.C. Form DFS-CEM shall be accompanied by a license fee based on the cemetery's last fiscal year sales pursuant to Section 497.265, F.S.

Rulemaking Authority 497.103 FS. Law Implemented 497.263, 497.265 FS. History—New 9-29-75, Amended 1-27-81, Formerly 3D-30.19, Amended 10-23-91, Formerly 3D-30.019, Amended 6-26-02, Formerly 3F-5.007, Amended 3-1-16, 11-7-22.

69K-5.008 Request for Additional Information – Applications.

Rules 69K-5.004, 69K-5.006, 69K-5.007 and 69K-5.009, F.A.C., provide methods, procedures and supporting documentation for the licensing of new cemeteries, transferred cemeteries and for conversion procedures. All information the applicant wants to present in order to support the application should be submitted with the original filing. The required exhibits in the application forms are not intended to limit the applicant's presentation of any of the requirements, but merely represent the minimum information to be filed. Additional information must be submitted within sixty (60) days after a request therefor if specifically requested by the department within thirty (30) days after receipt of the application. Failure to respond to such request within sixty (60) days after the date of the request will be construed by the department and the Board of Funeral, Cemetery, and Consumer Services as grounds for denial of an application in accordance with the provisions of Section 120.60, F.S., and the file shall be closed. Should the file be closed pursuant to these provisions, the applicant shall be duly notified.

Rulemaking Authority 497.103 FS. Law Implemented 497.263 FS. History—New 12-22-81, Formerly 3D-30.29, 3D-30.029, Amended 6-26-02, Formerly 3F-5.008, Amended 1-12-04.

69K-5.009 Regulatory Standards for Evaluating Applications by the Board.

When an application for authority to organize and operate a new cemetery company is filed, it is the applicant's responsibility to meet the statutory criteria warranting the grant of authority. If, in the opinion of the Board, any one of the criteria as set forth in Section 497.263, F.S., which requires board review and approval has not been met and cannot be remedied by the applicant, the Department cannot approve the application.

The applicant shall submit information addressing the following:

(1) Capital structure.

(a) Capital should be adequate to enable the new cemetery to provide necessary services for cemeteries, including adequate service to the community and adequate care and maintenance of the cemetery.

(b) Capital shall be sufficient to purchase a cemetery site of no less than thirty (30) contiguous acres in fee simple unencumbered; to develop at least two (2) acres for burial spaces including paved road from a public roadway; to purchase or lease

adequate equipment for the operation and maintenance of the cemetery; and to build or lease suitable facilities to operate the cemetery.

(c) An applicant shall demonstrate that it has sufficient capital to sustain its operations until its first projected profitable year. Sufficient capital shall mean that the applicant is able to cover its cumulative losses until projected profitability; provided that, in no event may the tangible accounting net worth of the applicant be less than \$50,000. The demonstration of sufficient capital shall be made by submittal of a reasonable business plan covering every year from inception up to and including its first projected year of profitability and providing:

1. Revenue expectations based on the applicant's projected sources of revenue and projected revenue including number of annual sales and average sales on a unit basis and a demographic analysis of the applicant's projected market which supports this revenue projection;

2. An analysis of the cost incurred to achieve the projected revenues including sales costs, product costs, delivery of service costs, financing of capital requirements cost, care and maintenance costs, the cost of perpetual care (including other sources of funds in the event of shortfalls in the perpetual care funds); and,

3. Any information required by the Board and reasonably necessary for the Board to make a determination of the applicant's financial stability.

(2) Proposed executive officers, directors or principals.

(a) Each proposed officer, director, or principal shall submit an executed Historical Sketch, through Form DFS HistS, which is incorporated by reference in Rule 69K-1.001, F.A.C., and can be accessed where indicated in subsection 69K-1.001(1), F.A.C., and shall have reputations evidencing honesty and integrity, and employment and business histories demonstrating their responsibility in financial affairs. The fact that a proposed officer, director, or principal has been adjudicated bankrupt or has filed for relief under the Federal Bankruptcy Act shall be considered a material factor in the evaluation of responsibility in financial affairs.

(b) At least one (1) of the proposed directors or principals, who is not also a proposed officer, shall have had substantial direct experience as an executive officer, director or principal of a cemetery or a preneed licensee licensed pursuant to Section 497.452, F.S., within 3 years of the date of the application. If in the opinion of the Board the aggregate level of experience represented by the proposed board of directors or principals is not substantial, the Board shall require the addition of other outside directors or principals who have adequate experience.

(c) The proposed general manager shall have at least three (3) years of direct cemetery management experience within seven (7) years of the application date as a general manager, director, or regulator of a cemetery, or a similar position having an equivalent level of responsibility for a cemetery. The general manager must have a reputation evidencing honesty and integrity and an employment history demonstrating competent past experience. It is not necessary that the name of the general manager be submitted with the application. However, this individual must be named and have submitted an executed Historical Sketch on Form DFS HistS, which is incorporated by reference in Rule 69K-1.001, F.A.C., no later than ninety (90) days prior to the applicant's intended opening date. The applicant may not open for business without the Department's prior approval of the general manager.

(d) Change of a director, chief executive officer, president, principal or general manager or the addition of any new directors, executive officers through the first two (2) years of operation shall also require approval of the Department and the Board.

(e) The Department shall conduct background investigations on the principals, general manager, executive officers, directors, and major shareholders. Any misrepresentation or omission of fact in an application by any person shall be cause for the Department or the Board to deny that person's participation in the application and to the extent such misrepresentation or omission of fact reflect upon their honesty and integrity shall be grounds for denial of the entire application.

Rulemaking Authority 497.103, 497.263 FS. Law Implemented 497.263 FS. History—New 7-22-97, Amended 6-26-02, Formerly 3F-5.009, Amended 12-24-18.

69K-5.010 List of Approved Forms; Incorporation.

Rulemaking Authority 497.103, 497.260, 497.263, 497.266, 497.272, 497.276, 497.281, 497.283, 497.287, 497.453, 497.456, 497.458, 497.459, 497.460, 497.462, 497.463, 497.464, 497.466 FS. Law Implemented 497.103, 497.263, 497.265, 497.266, 497.268, 497.283, 497.452, 497.453, 497.466 FS. History—New 9-28-03, Formerly 3F-5.010, Transferred to 69K-1.001.

69K-5.0101 Forms and Instructions.

Rulemaking Authority 497.103 FS. Law Implemented 497.103(2)(c), 497.368, 497.369, 497.370, 497.373, 497.374, 497.375, 497.376, 497.377, 497.378, 497.379, 497.380, 497.382, 497.385, 497.602, 497.603, 497.604, 497.605 FS. History—New 11-11-79, Amended 11-9-82, Formerly 21J-14.07, 21J-14.007, Amended 4-16-95, 1-10-02, Formerly 61G8-14.007, Repealed 10-1-07.

69K-5.011 Preneed Sales Agent Renewal.

(1) Each active preneed sales agent (PSA) license shall be renewed for a biennial period beginning two (2) years after their initial date of appointment. Prior to the end of the biennial period, the Department will mail or email a renewal notice to the appointing entity for each PSA at their address of record or email on file through Form DFS-PNSR-1, Notice of Approaching Preneed Sales Agents Renewal Date (Rev. 08/16), which is hereby incorporated by reference as part of this rule, and a copy can be obtained through the Division's website at <https://www.MyFloridacfo.com/Division/funeralcemetery/Licensing/default.htm> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-10101>. In order to timely renew the appointment, the appointing entity must submit the appropriate renewal submission and fees either: (a) electronically through their account on the Department's Producer Appointment System (eAppoint), which can be accessed through the Division's website at <http://www.MyFloridacfo.com/division/funeralcemetery/> or (b) by mailing a copy of the completed paper form's Renewal Summary page to the Department's address indicated on the form. The appointing entity shall follow the instructions provided on either the form or the eAppoint website in order to submit an appointment renewal and pay the renewal fees to the Department. The process overview for PSA renewal submissions electronically through eAppoint is provided in Form DFS-N1-2179, Preneed Sales Agent (PSA) Online Renewal (Effective 08/18), which is hereby incorporated by reference as part of this rule, and a copy can be obtained through the Division's website at <https://www.MyFloridacfo.com/Division/funeralcemetery/Licensing/default.htm> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-10099>. Failure to receive any notification does not relieve the licensee of the responsibility to meet the renewal application requirements. There is a \$250 non-refundable renewal fee for each PSA appointment that is renewed electronically, and for each PSA appointment choosing to renew by paper form there is a \$25 non-refundable fee, in addition to the \$250 non-refundable renewal fee, for manual application processing by the Department. Failure to timely renew and pay the fees for PSA appointments shall result in the termination of the appointment.

(2) The received date shall be the date stamped on the application when received by the Department's cashier office in Tallahassee, Florida.

(3) Renewal filings must be received by the Department on or before the last day of the deadline required in subsection (1). If the last day of the renewal year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., renewal applications received on the next business day will be considered timely received.

(4) A preneed sales agent appointment that is not renewed as required in subsection (1) shall automatically expire on the last day of the biennial period.

Rulemaking Authority 497.103, 497.141 FS. Law Implemented 497.140, 497.141, 497.466 FS. History—New 3-12-02, Formerly 3D-30.060, 69K-100.060, Amended 12-24-18.

69K-5.012 Application and Renewal Procedures for Broker of Burial Rights License.

(1) Each person desiring to obtain licensure as a broker of burial rights shall apply to the Department by submitting the following:

(a) A completed Broker of Burial Rights License Application, Form DFS-C-BBRI, which is incorporated by reference in Rule 69K-1.001, F.A.C., and available on the Department's website at www.myfloridacfo.com/Division/funeralcemetery/ or by mail from the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. The application shall be completed and signed within thirty (30) days prior to receipt by the Department;

(b) A non-refundable license fee of \$150, which shall be the fee for the biennial licensure period beginning October 1 of each odd numbered year or any part thereof;

(c) A \$5 unlicensed activity fee pursuant to Section 497.140(6)(a), F.S.; and,

(d) A set of fingerprints (either electronic or on paper) pursuant to Rule 69K-1.002, F.A.C.

(2) Licensees shall submit renewal requests on Form DFS-N1-1771, Broker of Burial Rights Renewal, which is incorporated by reference in Rule 69K-1.001, F.A.C., and is available from the Department at the address and website listed above. A renewal fee of \$100 and an unlicensed activity fee of \$5 shall accompany the form.

Rulemaking Authority 497.103(2)(c), (5)(b), 497.281 FS. Law Implemented 497.103(2)(c), 497.281 FS. History—New 3-3-97, Formerly 3D-30.105,

69K-5.0125 Minimum Records to be Maintained by Burial Rights Brokers; Inspection of Records.

(1) Definitions. As used in this rule, the following definitions apply:

- (a) “Person” includes natural persons, corporations, limited liability companies, trusts, and partnerships.
- (b) “Department” refers to the Florida Department of Financial Services.

(2) A person involved in the sale or transfer of burial rights under Section 497.281, F.S., shall maintain the following records for each sale or transfer of a burial right:

- (a) The name, address, and phone number of the person selling or transferring the burial right.
- (b) The name, address, and phone number of the person acquiring the burial rights.
- (c) The date of the sale or transfer.
- (d) The price paid or to be paid for the sale or transfer of the burial rights.
- (e) The total amount of compensation paid to the burial rights broker for the sale or transfer, with identification of who has paid the burial rights broker; that is, the acquirer, the seller, or other (named) person.
- (f) The name and address of the cemetery where the burial space is located.
- (g) A record identifying the type of burial rights: an in-ground interment space, a mausoleum, a columbarium, an ossuary, or a scattering garden.
- (h) A record providing detailed identification of the specific location in the cemetery of the burial space, using location identification nomenclature in current use by the cemetery where the burial right is located.

1. Regarding in-ground interment spaces, such detailed identification shall include the name of the garden, lot, plot, and space number of the space.

2. Regarding interment spaces in a mausoleum or columbarium, such detailed identification shall include the unique name or number of the mausoleum or columbarium building or structure, and the location of the crypt or niche within that building or structure.

(i) A list of any merchandise or services that were sold or transferred with the burial rights, if any, including identification of any preneed contract that was transferred or sold.

(j) If the cemetery where the burial space is located requires a burial right transfer form, documentation that such a form has been filed, by whom, and on what date.

(k) If the cemetery where the burial space is located requires payment of a burial rights transfer fee, documentation that the burial rights transfer fee has been paid, by whom, and on what date.

(l) A copy of any written or printed agreement or agreements relating to the sale or transfer of the burial right.

(m) Copies of all correspondence to or from the burial rights broker regarding the sale or transfer of the burial right.

(n) The complaint log and related records required under Section 497.151, F.S.

(3)(a) The records required to be maintained by this rule shall be maintained at the burial rights broker’s address identified on the most recent licensure application or renewal form under Section 497.281, F.S. The records shall be maintained in written or in electronic form. If the records are maintained in electronic form, the burial rights broker shall at all times have available at the same place where the records are maintained, all equipment and software needed to allow the immediate viewing of such records upon request by the Department’s inspector.

(b) When a person licensed under the provisions of Chapter 497, F.S., other than Section 497.281, F.S., engages in activity as a burial rights broker under Section 497.281, F.S., such person shall maintain the records required by subsection (2) of this rule, at such person’s primary place of business in Florida.

(4) Records required to be maintained under this rule shall be kept until the later of the following dates:

- (a) Five years after the date a final interment has occurred using the burial rights that were the subject of the sale or transfer;
- (b) Twelve months after the most recent inspection of the records by the Department under this rule.

(5) The Department of Financial Services shall inspect the records of each burial rights broker at least once every two years.

Rulemaking Authority 497.103(5)(b), 497.281 FS. Law Implemented 497.103(2)(a), 497.281 FS. History—New 5-25-09.

69K-5.013 Procedure for Report of Identification for an Exempt Cemetery.

(1) Each cemetery required to register as an exempt cemetery pursuant to Sections 497.260 and 497.287, F.S., shall submit to

the Department:

(a) A completed Report of Identification for an Exempt Cemetery, Form DFS-EC-1, which is incorporated by reference in Rule 69K-1.001, F.A.C., and available on the Department's website at <http://www.MyFloridaDcf.com/Division/FuneralCemetery/>. The report must be completed, signed, and verified less than thirty (30) days prior to receipt by the Department; and

(b) A non-refundable registration fee of \$25.00 shall be the fee for each five (5) year period beginning October 1, 2013, or any part thereof.

(2) Request for Additional Information. The Department shall review the report to determine that it is complete. If any required information has been omitted, the Department shall notify the exempt cemetery of the omission within thirty (30) days after receipt of the report and shall allow the exempt cemetery forty-five (45) days from the date of the request to respond.

(3) Amendment of Registration. When the information provided to the Department in the Report of Identification form changes, the cemetery shall notify the Department of the change, in writing, within thirty (30) days.

(4) The Board through the Department may institute proceedings for injunctive relief to enforce the requirements of this rule or Section 497.287, F.S. Grounds for such injunctive relief include a reasonable belief that the applicant fails to qualify for the exemption.

Rulemaking Authority 497.103, 497.287 FS. Law Implemented 497.260, 497.287 FS. History—New 3-3-97, Formerly 3D-30.110, 69K-100.110, Amended 12-24-18.

CHAPTER 69K-6 PRACTICE AND PROCEDURES

69K-6.001	Grave Spaces; Definition Limited
69K-6.0015	Definition of Established Adult Grave Space
69K-6.0016	Definition of Developed Area
69K-6.002	Care and Maintenance of Existing Cemetery
69K-6.003	Cemetery By-laws
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69K-6.006	Inspection of Cemeteries
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69K-6.008	Minimum Standards for Interment
69K-6.009	Identification Tags-Acceptable Materials, Locations, and Methods of Affixing

69K-6.001 Grave Spaces; Definition Limited.

“Grave space,” according to the definition in Section 497.005(37), F.S., means a space of ground in a cemetery intended to be used for the interment in the ground of the remains of a deceased person. Said definition is not altered or modified because of the dimensions of the space or whether vertical or horizontal to be the natural contour of the ground or whether the remains or cremains of more than one person occupy the same excavation.

Rulemaking Authority 497.103(5)(a), 497.161(1)(c) FS. Law Implemented 497.005(37) FS. History—New 7-20-73, Renumbered from 3-8.08 to 3D-30.08 on 9-8-75, Amended 1-27-81, Formerly 3D-30.08, 3D-30.008, 3F-6.001.

69K-6.0015 Definition of Established Adult Grave Space.

An established adult grave space is one that was established in a garden designated for ground burials clearly shown in a Plan of Development provided to the Department prior to October 1, 2005 and which was surveyed and pinned with appropriate markers placed prior to October 1, 2005. If no Plan of Development was provided to the Department prior to October 1, 2005, then an established adult grave space is one that is in a section or garden in which a sale or sales were made and specific grave spaces were assigned and shown on a map prior to October 1, 2005.

Rulemaking Authority 497.103(5)(a), 497.161(1)(a) FS. Law Implemented 497.161(1)(a), 497.274 FS. History—New 1-8-07.

69K-6.0016 Definition of Developed Area.

(1) A developed area in a cemetery is a garden or other specifically defined area in which there is an established adult grave space as defined in Rule 69K-6.0015, F.A.C., or established after October 1, 2005.

(2) For the purposes of this rule, the following will be considered a “developed area”:

(a) The addition of an area consisting of not more than 10 adult grave spaces that are created within 50 feet of an adjacent section or garden that contains grave spaces developed prior to or after October 1, 2005 and which is mapped and has internal reference markers.

(b) The addition of 4 or less spaces at any one time within or contiguous to a section or garden which is mapped and which has internal reference markers.

Rulemaking Authority 497.103(5)(a), 497.161(1)(a) FS. Law Implemented 497.161(1)(a), 497.274 FS. History—New 6-10-07.

69K-6.002 Care and Maintenance of Existing Cemetery.

Every licensed cemetery shall be maintained in a reasonable condition as defined in Section 497.005(11), F.S.

Rulemaking Authority 497.103(1)(n), (5)(a), 497.161(1)(c), 497.262 FS. Law Implemented 497.262, 497.266, 497.267 FS. History—Amended 5-10-

69K-6.003 Cemetery By-laws.

(1) Any by-laws which had been submitted to the Department of Banking and Finance and approved prior to the effective date of Chapter 93-389, Laws of Florida (September 30, 1999), shall remain in full force and effect so long as such by-laws do not conflict with the provisions of Chapter 497, F.S., or the rules promulgated thereto.

(2) A cemetery company which seeks to amend its existing by-laws need only submit to the Board of Funeral, Cemetery, and Consumer Services the amendments thereto and those sections of the by-laws which are affected by such amendments.

(3) Upon receipt of a set of proposed by-laws or amendments thereto, the Department shall publish notice of the filing of such by-laws or amendments thereto in the Florida Administrative Register and a newspaper of general circulation in the county in which the applicant cemetery is located, so that substantially affected parties may file comments. A period of thirty days for such comments shall be provided.

(4) Upon receipt of proposed by-laws or amendments thereto and any comments thereon provided by the published notice, the Executive Director of the Board of Funeral, Cemetery, and Consumer Services shall provide the cemetery and the substantially affected persons with an informal conference in accordance with the Pamphlet for Cemetery By-Law Approval, Form DFS-BYLAW1, which is incorporated by reference in Rule 69K-1.001, F.A.C. Within fifteen (15) days after the conclusion of the informal conference, the Executive Director shall forward a recommendation to the Board and give notice to all affected persons that filed written comments of the time and place when the Board of Funeral, Cemetery, and Consumer Services will consider the proposed by-laws or amendments thereto.

(5) If the by-laws or amendments thereto are approved by the Board of Funeral, Cemetery, and Consumer Services, a notice shall be published in the Florida Administrative Register announcing the approval and the date the approval will become effective. The notice shall inform substantially affected parties who object to the by-laws that they may request a hearing in accordance to Chapter 120, F.S.

Rulemaking Authority 497.103(1)(u), (5)(a), 497.161(1)(c) FS. Law Implemented 497.273 FS. History—New 11-2-78, Formerly 3D-30.23, 3D-30.023, Amended 7-27-99, Formerly 3F-6.003, Amended 12-27-11.

69K-6.004 Safekeeping of Records.

All burial records referenced in Section 497.276, F.S., and those contracts under the jurisdiction of the Department and the Board of Funeral, Cemetery, and Consumer Services which have not been audited by the Department must be filed and kept in a secure manner. For purposes of this rule, “secure” means:

- (1) A vault or fire-proof container with a properly certified fire resistant capability of at least one hour; or
- (2) A computer readable media backed up by diskette, or optical disk, or tape which is stored at an off-site location; or
- (3) Microfilm backed up by a security roll stored at an off-site location; or
- (4) A duplicate copy of the records referenced in this rule are kept at an off-site location. Records that are deemed “secure” at an off-site location shall be updated quarterly.

Rulemaking Authority 497.103(1)(n), (5)(a), 497.161(1)(c) FS. Law Implemented 497.103, 497.276 FS. History—New 7-20-73, Renumbered from 3-8.09 to 3D-30.09 on 9-8-75, Amended 8-22-76, Formerly 3D-30.09, 3D-30.009, Amended 3-21-95, Formerly 3F-6.004.

69K-6.005 Records.

The following records shall be made available to the Department for the purposes of examinations or inspections:

- (1) Cemetery License and/or Preneed License;
- (2) Price Disclosure List;
- (3) Advertising file as in Rule 69K-9.001, F.A.C.;
- (4) By-Laws and Rules and Regulations;
- (5) Financial and accounting records, including financial statements, general ledger, accounts receivable, accounts payable and cash receipts, journals, receipt books and invoices;
- (6) Preneed Contracts;
- (7) Other contracts, including at need sales and contracts for burial rights;
- (8) Burial Records;

- (9) Lot ownership records;
- (10) Procedures for handling complaints as referenced by Section 497.260(3), F.S.;
- (11) Mortgages on the property;
- (12) Preneed Funeral Contract Consumer Protection Trust Fund and Regulatory Trust Fund remittances and supporting documentation;
- (13) Record of cancellation requests and refunds given;
- (14) Detailed maps of the cemetery;
- (15) Procedure manuals; and
- (16) Examination work papers as required by Rule 69K-6.0052, F.A.C.

These records will be available for review at the licensed facility or an alternative site of the cemetery company if approved by the Board pursuant to Section 497.276(2), F.S., Preneed Licensees will send written notification to the Board office if records are available for review at an alternative site.

Rulemaking Authority 497.103(1)(n), (t), (u), (5)(a), 497.161(1)(c), 497.276(3) FS. Law Implemented 497.276 FS. History—New 3-21-95, Amended 5-27-98, 4-16-00, Formerly 3F-6.005, Amended 1-12-04.

69K-6.0051 Accounts Receivable Records.

(1) Account receivable records pertaining to each individual purchaser shall be assigned the same serial number as shown on the purchaser's contract and shall be maintained in numerical sequence. The name of the purchaser or beneficiary, deferred payment price, date and amount of each payment, outstanding balance, retail price of each item, wholesale price of merchandise by item, a schedule of payments and percentage required to be deposited in each trust fund from each payment.

(2) The information contained in subsection (1) is the minimum information to be contained in the accounts receivable records.

Rulemaking Authority 497.103(1)(n), (5)(a), 497.161(1)(c), 497.276(3) FS. Law Implemented 497.267, 497.268(5), 497.272(3), 497.276, 497.458 FS. History—New 7-20-73, Renumbered from 3-8.11 to 3D-30.11 on 9-8-75, Amended 1-27-81, Formerly 3D-30.11, 3D-30.011, Amended 5-27-98, Formerly 3F-6.0051.

69K-6.0052 Examination Work Papers.

(1) A licensed entity shall prepare and provide accurate work papers to the Department for the purpose of an examination.

(2) Work papers provided by the company shall include at least the following information for each contract:

- (a) Sequentially ordered contract number;
- (b) Contract type (i.e., void or cancelled);
- (c) Date of contract;
- (d) Payments received during examination period;
- (e) Total trust liability;
- (f) Trust liability percentage;
- (g) Prior liability accrual;
- (h) Current examination liability accrual;
- (i) Prior total withdrawals from Trust; and
- (j) Current withdrawals from Trust.

Paragraphs (2)(d) and (2)(f) may be provided on the accounts receivable records, as separate identifiable entries, in lieu of the work papers. For the purposes of this rule, trust liability and accruals should be detailed by trust funds as applicable (i.e., Care and Maintenance, Merchandise, Preneed, Preconstruction, and Special Care).

(3) Current examination work papers shall include all new contracts written during the examination period and all contracts written in prior examination period with transactional activity and/or trust liability remaining to be accrued. Work papers should include page totals for all applicable items and a grand total.

(4) Work papers that are not substantially similar in form to Examination Workpapers, Form DFS-EW-1, which is incorporated by reference in Rule 69K-1.001, F.A.C., shall be submitted for approval to the Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. Such format shall have a reasonable audit trail that can be followed.

(5) This rule is applicable to all contracts written under Sections 497.458, 497.268, 497.272 and 497.464, F.S., on or after

October 1, 1993.

(6) The Department shall give the licensee at least 45 days notice of the scheduled examination to provide sufficient time for the work papers preparation.

Rulemaking Authority 497.103(1)(n), (u), (5)(a), 497.161(1)(c), 497.276(3) FS. Law Implemented 497.268, 497.272, 497.276, 497.458, 497.464 FS. History—New 8-16-98, Amended 1-1-99, Formerly 3F-6.0052, Amended 12-27-11.

69K-6.0054 Written Contracts Required.

(1) Written contracts on all sales must be made between the cemetery company or preneed license and the purchaser which contracts shall state the sales prices, terms and other pertinent information relative to the transaction. Such contracts shall be serially numbered and filed by the cemetery company or preneed license in numerical sequence. All sales shall be entered into a sales journal numerically.

(2) Any additional purchases or deletions made by a customer more than 30 days subsequent to the original sale must be shown on a separate contract and shall be assigned a separate serial number which number shall be the current unused number in consecutive order.

(3) Only one preneed license and one seller shall be represented on a sales contract. A separate sales contract shall be written for each additional preneed license or seller represented on a contract.

(4) The Sales contract form must comply with all disclosure requirements of Chapter 497, F.S.

(5) A copy of the sales contract form must be approved by the Board of Funeral, Cemetery, and Consumer Services prior to use by the preneed license.

Rulemaking Authority 497.103(1)(n), (u), (5)(a), 497.161(1)(c) FS. Law Implemented 497.267, 497.268(6), 497.272(3), 497.276, 497.283, 497.458 FS. History—New 7-20-73, Renumbered from 3-8.10 to 3D-30.10 on 9-8-75, Amended 5-10-76, 1-27-81, Formerly 3D-30.10, 3D-30.010, Amended 5-27-98, Formerly 3F-6.0054.

69K-6.006 Inspection of Cemeteries.

Inspection of cemeteries will be performed by the Department as often as necessary but not less than once per year. Such inspections shall involve the following:

- (1) Maintenance of the grounds and mausoleums;
- (2) Verification of licenses and notices;
- (3) Safekeeping of records;
- (4) Progress of construction when preconstruction sales have been made;
- (5) Availability of price disclosure lists;
- (6) Confirmation of preneed merchandise and service contracts.

Rulemaking Authority 497.103(2), 497.149(2)(c) FS. Law Implemented 497.149(2) FS. History—New 3-21-95, Amended 5-27-98, Formerly 3F-6.006.

69K-6.007 Criteria for Burial; Disinterment; Reinterment.

(1) A cemetery shall not perform a burial, interment, entombment, or inurnment, until it has received proper authorization. Such authorization shall consist of the following:

- (a) An original completed burial transit permit;
- (b) An authorization, in writing, on forms prescribed by the cemetery, from the individual(s) who own the burial rights for the burial space in which the burial is to take place; and
- (c) An authorization, in writing, according to either cemetery by-laws or written operating procedures of the cemetery, from the individual or individuals who, at the time the interment is to be made, have the right to authorize the burial of the decedent.

(2) The cemetery may charge such burial storage fees, opening and closing fees and removal and reinstallation monument fees as are set forth on the cemetery's Price Disclosure Sheet effective at the time of providing the service, unless the monument is removed and re-installed by a registered monument installation establishment.

(3) The disinterment and reinterment of human remains shall require the physical presence of a licensed funeral director, unless the reinterment is to be made in the same cemetery.

(4) A cemetery shall not be required to perform a disinterment until it has received proper authorization. Such authorization shall consist of the following:

- (a) All required permits;
- (b) Written authorization from the individual or individuals who currently own the burial (interment) rights for the burial space from which the disinterment of the decedent is to take place; and
- (c) Written authorization from the individual(s) who, at the time the disinterment is to be made, would be permitted to authorize the burial of the decedent.

(5) Unless the cemetery is provided with all of the documentation, the cemetery shall not perform the disinterment unless and until it receives a court order instructing it to do so.

(6) The removal of human remains from a designated temporary storage area to a place of permanent burial shall not be considered a disinterment or reinterment.

(7) The cemetery may charge such transfer fees, disinterment fees, opening and closing fees and monument removal and reinstallation fees as set forth on the cemetery's Price Disclosure Sheet in effect at the time the service is provided, unless the monument is removed and reinstalled by a registered monument installing establishment.

Rulemaking Authority 497.103(1)(n), (5)(a), 497.161(1)(c), 497.384(2) FS. Law Implemented 497.273(1)(b), 497.276(1), 497.277(1), 497.278, 497.384 FS. History—New 3-21-95, Amended 2-25-98, Formerly 3F-6.007, Amended 1-12-04.

69K-6.008 Minimum Standards for Interment.

Each cemetery company shall ensure that all interments, except cremated remains, shall be covered by no less than twelve inches of soil or sod where physically possible. The family or next of kin, with prior approval of the cemetery, may authorize that the 12 inch minimum coverage be waived.

Rulemaking Authority 497.103(1) FS. Law Implemented 497.274(1) FS. History—New 3-19-97, Formerly 3F-6.008.

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, that will identify the deceased.

(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, that will identify the deceased.

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

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, that will identify the deceased.

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

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, that will identify the deceased.

(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, that will identify the deceased.

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

Exterior of cremation interment container.

CHAPTER 69K-7
TRUSTS AND TRUST FUNDS

69K-7.001	Care and Maintenance Trust Fund Deposits
69K-7.0012	Care and Maintenance Trust Fund Withdrawals
69K-7.002	Percentage Deposits Required on Turf Tops, Lawn Crypts, Etc.
69K-7.005	Performance Bond – Mausoleums or Below-Ground Crypts
69K-7.006	Wholesale Purchase Price of Preneed Merchandise
69K-7.007	Merchandise Trust Funds – Status of Accounts
69K-7.008	Preneed Trust Funds – Withdrawal of Income Earned Thereon
69K-7.009	Reporting Requirements for Preneed Licensees Filing an Initial Application to Utilize a Letter of Credit or Surety Bond in Lieu of Maintaining a Trust Fund (Repealed)
69K-7.0095	Preneed Trust Fund; Financial Reports
69K-7.010	Reporting Requirements for Preneed Licensees Utilizing a Surety Bond in Lieu of Maintaining a Trust Fund
69K-7.011	Criteria for Filing a Letter of Credit in Lieu of Maintaining a Trust Fund (Repealed)
69K-7.012	Criteria for Filing a Surety Bond in Lieu of Maintaining a Trust Fund (Repealed)
69K-7.0125	Alternative Form of Security for Permanent Outer Burial Receptacle Manufacturers
69K-7.013	Procedures for Filing a Claim through the Department
69K-7.015	Trust Agreements and Trustees
69K-7.016	Duties and Powers of Trustee; Authorized Investments
69K-7.017	Trust Fund Deposits; Funeral and Burial Services and Merchandise Preneed Contract Payments
69K-7.020	Treatment of Trusts Under Chapters 497 and 639, F.S.
69K-7.022	Payment of Funds Upon Contract Fulfillment; Documentation Required (Repealed)

69K-7.001 Care and Maintenance Trust Fund Deposits.

(1) The cemetery company is obligated to pay into the Care and Maintenance Trust Fund ten percent (10%) of the purchase price of burial rights as outlined in Section 497.268, F.S.

(2) Ten percent (10%) of the down payment and ten percent (10%) of each payment allocated to burial rights shall be paid to the trust fund until the full obligation is fulfilled.

(3) If the contract does not provide for the allocation of payments as anticipated in subsection (2), above, such payments shall be allocated as follows:

(a) For deferred payment contracts the trust liability as described in subsection (1), shall be divided by the total sales price.

(b) This percentage will then be applied to all payments received including the down payment and the value of credits given to determine the amount to be deposited in the care and maintenance trust fund.

(c) The percentage payments required to be deposited on each payment shall be carried out two places and the amount of deposit required may be rounded off to the nearest dollar as long as the total amount required to be deposited has been fully deposited when the contract has been fully paid.

(4) One hundred percent (100%) of all special endowments must be set aside in special trust account or a savings account in a bank or savings and loan association located within and authorized to do business in this state; or deposited in the care and maintenance trust fund. If a contract provides for a separate amount to be paid for care and maintenance, it shall be considered a special endowment. In such cases, the cemetery company shall pay the required percentage on the sum paid for the right and the amount of the endowment.

(5) If the contract contains terms which require a greater deposit to the care and maintenance trust fund or a more timely deposit, the terms of the contract shall prevail.

Rulemaking Authority 497.103 FS. Law Implemented 497.266, 497.267, 497.268, 497.269 FS. History—New 3-22-63, Amended 4-20-63, Renumbered from 3-8.01 to 3D-30.01 on 9-8-75, Amended 1-27-81, Formerly 3D-30.01, 3D-30.001, Amended 2-1-95, 12-4-95, 5-27-98, Formerly 3F-7.001.

69K-7.0012 Care and Maintenance Trust Fund Withdrawals.

(1) Definitions

As used in this rule the following definitions apply:

- (a) “Board” refers to the Board of Funeral, Cemetery, and Consumer Services.
- (b) “Division” refers to the Division of Funeral, Cemetery, and Consumer Services.
- (c) “Care and maintenance trust fund accounting year” refers to the twelve consecutive month period established and used by the Care and Maintenance Trust Fund trustee or servicing agent of the trust fund for trust fund tax and annual reporting purposes.
- (d) “Change of distribution method” refers to changing from the net income withdrawal method to the total return withdrawal method, or from the total return withdrawal method to the net income withdrawal method.

(2) Procedure for making withdrawal election.

(a) Regarding the election referenced under Section 497.2675(2), F.S., the initial election and each subsequent change of election shall be made by filing a completed, signed, and dated Election of Care and Maintenance Trust Fund Distribution Method, Form DFS-N1-2177, effective 05/2016 with the Division at least 60 days prior to the effective date specified in the election. This form is incorporated herein by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-07502>, or from the Board’s office or from the Board’s website <http://www.myfloridacfo.com>.

(b) Upon receipt by the Division of a completed, signed, and dated Election of Care and Maintenance Trust Fund Distribution Method, Form DFS-N1-2177, effective 05/2016, the Division shall affix the Division’s dated receipt stamp to the form and shall within five business days return a copy of the form as thus stamped to the contact person shown on the form.

(c) The Division shall provide the Board with an informational copy of all election forms filed with the Division.

(3) Calculation of distribution under total return withdrawal method.

(a) The total return withdrawal percentage may be any amount from zero percent up to but not exceeding five percent, as specified on the election filed with the Division.

(b) For purposes of calculating the average fair market value of the trust under Section 497.2675(2)(b), F.S., the fair market value of the trust shall be determined as of January 1 of each year used in the averaging calculation.

(c) The fair market value of trust assets shall be determined by the trustee or the servicing agent who is not under common control with the cemetery licensee to whom the trust relates. Neither the trustee nor the servicing agent shall rely on asset valuations provided by or on behalf of the cemetery. Provided, a cemetery that is authorized to act as its’ own trustee under Section 497.266(2), F.S., may calculate the fair market value of its trust assets and calculate the amount of its total return distribution.

(d) The amount to be distributed under either the net income withdrawal method, or the total return withdrawal method, shall be calculated by the trustee, or the servicing agent who is not under common control with the cemetery licensee, to whom the trust relates. Provided, a cemetery that is authorized to act as its own trustee under Section 497.266(2), F.S., may calculate the fair market value of its trust assets and calculate the amount of its total return distribution.

(e) Application of Sections 497.2675(2)(b) 1. and 2., F.S.

1. The phrase “if assets are added” as used in Section 497.2675(2)(b)1., F.S., refers to deposits to trust of the amounts required to be deposited under Section 497.268, F.S., and any extraordinary deposits to trust such as but not limited to deposits to correct deficiencies in prior period deposits.

2. The phrase “if assets are distributed” as used in Section 497.2675(2)(b)2., F.S., refers to extraordinary distributions from the trust pursuant to written consent of the licensing authority under Section 497.266(3), F.S.

3. The application of Sections 497.2675(2)(b)1. and 2., F.S, are illustrated in the examples below.

Example A

Example A ignores growth or reduction in investment values, and distributions from the trust. Assume the trustee or servicing agent wants to determine the average fair market value of the trust for a 2016 distribution under the total return withdrawal method. This computation will involve averaging the trust fair market value as of January 1, 2014, 2015, and 2016. Assume the fair market value of the trust was \$100 on 1-1-2014. Assume that cemetery sales of interment spaces resulted in deposits to the Care and Maintenance Trust Fund of \$2.00 in 2014 and \$2.20 in 2015. The computation of average fair market value for the 2016 distribution under the total return withdrawal method will be as follows:

Table A1

	2014	2015	2016
Beginning market value	\$100	\$102.00	\$104.20
Principal addition	2.00 + 2.20	2.20	

FMV for averaging purposes	\$104.20	\$104.20	\$104.20
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The average fair market value for the 2016 distribution equals \$104.20.

Because the \$2.00 added in 2014 is not reflected in the 2014 beginning balance, it is added to that balance for purposes of computing average fair market value. Because the \$2.20 in deposits occurred during 2015, it is added to both the 2015 balance and the 2014 balance. The deposits in 2014 and 2015 will necessarily be reflected in the opening fair market value in 2016, so they are not separately added in that year.

Assume that cemetery sales of interment spaces resulted in deposits to the Care and Maintenance Trust Fund of \$2.15 in 2016. The average trust fair market value calculation for a 2017 distribution under the total return withdrawal method will be as follows:

Table A2

	2015	2016	2017
Beginning market value	\$102.00	\$104.20	\$106.35
Deposits to trust	2.20 + 2.15	2.15	
FMV for averaging purposes	\$106.35	\$106.35	\$106.35

The average fair market value for the 2017 distribution equals \$106.35.

Example B

Same facts as in Example A, except that in 2015 the licensing authority approved an extraordinary distribution from the trust in the amount of \$5.00. The average trust fair market value calculation for a 2016 distribution under the total return withdrawal method will be as follows:

Table B1

	2014	2015	2016
Beginning market value	\$100	\$102.00	\$99.20
Deposits to trust	2.00 + 2.20	2.20	
Extraordinary distribution	(5.00)	(5.00)	
FMV for averaging purposes	\$99.20	\$99.20	\$99.20

The average fair market value for the 2016 distribution equals \$99.20.

Because the \$2.00 added in 2014 is not reflected in the 2014 beginning balance, it is added to that balance for purposes of computing average fair market value. Because the \$2.20 in deposits occurred during 2015, it is added to the 2015 balance and the 2014 balance. Because the \$5.00 extraordinary withdrawal occurred during 2015, it is subtracted from the 2015 balance and the 2014 balance. The deposits in 2014 and 2015, and the withdrawal in 2015, will necessarily be reflected in the opening fair market value in 2016, so they are not separately added or deducted for that year.

The average trust fair market value calculation for a 2017 distribution under the total return withdrawal method will be as follows:

Table B2

	2015	2016	2017
Beginning market value	\$102.00	\$99.20	\$101.35
Deposits to trust	2.20 + 2.15	2.15	
Extraordinary distribution	(5.00)		
FMV for averaging purposes	\$101.35	\$101.35	\$101.35

The average fair market value for the 2017 distribution equals \$101.35.

Example C

Same facts as in Example B, except that we assume that the aggregate net effect of rise and fall of investment values resulted in the following actual beginning fair market values: 2015, \$103.00; 2016, \$110.

Table C1

	2014	2015	2016	Avg FMV
Beginning market value	\$100	\$103.00	\$110	

Deposits to trust	2.00 + 2.20	2.20		
Ordinary distribution	(5.00)	(5.00)		
FMV for averaging purposes	\$99.20	\$100.20	\$110.00	\$103.13

The average fair market value for the 2016 distribution equals \$103.13.

Assume the actual fair market value at the beginning of 2017 is \$115. The average trust fair market value calculation for a 2017 distribution under the total return withdrawal method will be as follows:

Table C2

	2015	2016	2017	Avg FMV
Beginning market value	\$103.00	\$110	\$115	
Deposits to trust	2.20 + 2.15	2.15		
Extraordinary distribution	(5.00)			
FMV for averaging purposes	\$102.35	\$112.15	\$115	\$109.83

The average fair market value for the 2017 distribution equals \$109.83.

(4) For purposes of computing average fair market value of the trust, except for adjustments to comply with Sections 497.2675(2)(b)l. and 2., F.S., the fair market value of trust assets as of each January 1 shall not be adjusted to reflect accrued liabilities or accrued but not yet received deposits.

(5) Application of Prudent Investor Rule.

(a) Pursuant to Sections 497.266(4) and 497.458(5)(a), F.S., trust assets may be invested as prescribed in Section 518.11, F.S., entitled "Investments by Fiduciaries; Prudent Investor Rule." As regards to care and maintenance trusts and preneed trusts under chapter 497, F.S., investments under Section 518.11, F.S., are subject to the prohibitions set forth in Sections 497.458(l)(h), (i) and 497.458(5)(a), F.S.

(b) For purposes of application of Section 518.11, F.S., the trustee of the Care and Maintenance trust shall consider the primary purpose of the Care and Maintenance Trust Fund to be providing for the future care and maintenance of the cemetery, as defined at Section 497.005(11), F.S., after the cemetery ceases to produce any revenue stream from which care and maintenance costs may be paid.

(c) Real Estate. The fair market value of real estate as a trust asset shall be determined by a written appraisal obtained by the trustee, issued by a licensed real estate appraiser, which appraisal was made within twelve months prior to January 1 of the year for which the distribution under the total return withdrawal method is being calculated. For example, if an average trust fair market value is being calculated for a distribution in 2016 under the total return withdrawal method, the appraisal must have been done in the twelve months prior to January 1, 2016. If such appraisal requirement is not complied with, the real estate shall be assigned zero value as a trust asset in each year included in the average trust fair market value calculations for such distribution.

(6) Monitoring Trust Fair Market Value; action or adverse trends.

(a) The Division shall monitor the fair market value of care and maintenance trust funds as reported by trustees in annual trust reports. If the Division detects that the ending fair market value of the trust for the most recent calendar year has decreased as compared to the average ending balance of the trust for over the three most recent calendar years, the Division shall set the matter for review and action by the Board at a regularly scheduled meeting of the Board, and shall provide the licensee with 30 days advance notice that the matter will be set before the Board. The Board shall thereupon review the matter and for the protection of the care and maintenance trust fund may order any one or a combination of the following corrective measures as the Board finds appropriate for the protection of the care and maintenance trust fund:

1. A specified reduction in dollars in allowable withdrawals from the trust for a specified period,
2. A reduction in the total return withdrawal percentage for a specified period,
3. A requirement that the licensee switch to and use the net income withdrawal method for a specified period.

(b) Exceptions. The Board may in particular cases temporarily except a licensee that comes before the Board under paragraph (a), above, from imposition of corrective measures, if the Board finds that the cause of the adverse trend in the fair market value of the trust is due to one or more unusual temporary factors affecting all or a majority of the licensed cemeteries in the state or in a particular area of the state, and that for the protection of such cemeteries from insolvency the exception is necessary and appropriate.

(7) Miscellaneous provisions.

(a) All cemetery licensees shall continue to use the net income withdrawal method under Section 497.2675, F.S., on and after 7-1-2016, until the effective date of an election filed by the licensee to use the total return withdrawal method, which initial election shall be made by the licensee in accordance with this rule. Each subsequent change of election shall be made by filing a separate additional completed, signed, and dated Form DFS-NI-2177 in accordance with this rule.

(b) The effective date of an initial election and any subsequent change in election shall coincide with the first day of a care and maintenance trust fund accounting year to which the election relates. All elections shall be prospective only; no retroactive elections shall be allowed.

(c) If a cemetery has more than one Care and Maintenance Trust Fund under Section 497.266, F.S., a separate election shall be made and filed for each trust fund.

(d) Form DFS-NI-2177 must be signed by an authorized representative of the licensee.

(e) No Election of Care and Maintenance Trust Fund Distribution Method, Form DFS-NI-2177, effective 05/2016, shall be filed unless the cemetery licensee has been advised by the Care and Maintenance Trust Fund trustee or servicing agent that the trustee or servicing agent will be able to implement the change of distribution method indicated in the form to be filed.

(f) No trustee or servicing agent shall implement a change in distribution method unless the trustee or servicing agent has in its possession a copy of Form DFS-NI-2177 regarding the change of distribution method, which copy bears the Division's receipt stamp.

(g) A trustee shall not make a distribution under the total return withdrawal method unless the trustee or servicing agent determines it has reliable records establishing all fair market values needed to calculate average fair market value of the trust in prior periods included in the averaging calculation.

(8) Annual Report of Trustee.

(a) Any entity which for all or any part of a calendar year served as trustee of a Care and Maintenance Trust Fund under Section 497.266, F.S., shall by not later than April 1 of the following year file a Care and Maintenance Trust Fund, Annual Trustee Report (Revised), Form DFS-NI-2178, effective 05/2016, for all or that portion of the said calendar year in which it acted as trustee of the trust. This form is incorporated herein by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-07503>, or from the Board's website, <http://www.myfloridacfo.com>.

(b) No distribution to a cemetery licensee from the licensee's Care and Maintenance Trust Fund shall be made or allowed in any period during which the Care and Maintenance Trust Fund is delinquent in filing required reports under Section 497.269, F.S., and this rule.

Rulemaking Authority 497.103, 497.2675 FS. Law Implemented 497.2675, 497.268, 497.269 FS. History—New 10-27-16.

69K-7.002 Percentage Deposits Required on Turf Tops, Lawn Crypts, Etc.

The percentages required to be deposited in the care and maintenance fund for crypts commonly known as turf tops, lawn crypts, Westminster, and similar types, shall be computed in the same manner and at the same rate as a mausoleum if the crypt is above or partially above the natural contour of the land, unless:

(1) It is covered by at least fifteen inches of earth and sod and has a surrounding grade or slope of no greater than thirty degrees from the top of the earth and sod to the natural contour of the ground; or

(2) The base of a triangle created by the fill extends at least twice the distance from the crypt as the crypt and earth covering extends above the normal contour of the ground; or

(3) The retaining wall on the outer edges of the garden does not exceed 24 inches in height above the natural contour of the ground.

Rulemaking Authority 497.103 FS. Law Implemented 497.268 FS. History—New 7-20-73, Renumbered from 3-8.07 to 3D-30.07 on 9-8-75, Formerly 3D-30.07, 3D-30.007, Amended 7-22-97, Formerly 3F-7.002.

69K-7.005 Performance Bond – Mausoleums or Below-Ground Crypts.

(1) As provided by Section 497.272(8), F.S., a cemetery may furnish the Board with a performance bond whenever such cemetery contemplates the sale of spaces in a section of a mausoleum or bank of below-ground crypts prior to the construction of such facilities. Such bond shall be in lieu of the payments outlined in Section 497.272(3), F.S. An approved form of such bond is hereby adopted by the Board and designated as Form DFS-F-43 and titled "Performance Bond – Mausoleums or Below-ground Crypts." No sale of such spaces, where a bond is being given the Department in lieu of the payments provided by Section

497.272(3), F.S., shall take place prior to the delivery of such bond to the Department and receipt of written acceptance thereof by the cemetery or its agent.

(2) The amount of such bond shall be as determined by the Board. For a Section 497.272(8), F.S., bond determination, the cost of construction of a mausoleum or bank of below-ground crypts shall be determined by the Department on the basis of certified estimates of the design architect and two or more bids for such construction from contractors licensed to do business in the State of Florida.

(3) To be acceptable to the Board, the surety company on such bond shall be licensed to do business in the State of Florida and shall have been in business in this state with a record of successful operations for a period of at least five years prior to the execution of the bond and such surety company shall not be exposed on any one risk in an amount exceeding ten (10) percent of its surplus to policy-holders. Such surety company shall have at least the following minimum ratings in Best's Key Rating Guide or other similar such rating service or publication.

Bond Amount	Policy Holder's Rating	Required Financial Rating
0 to 100,000	B	Class VII
100,000 to 500,000	A	Class VIII
500,000 to 750,000	A	Class IX
750,000 to 1,000,000	A	Class X
1,000,000 to 1,500,000	A	Class XI
1,500,000 or more	A	Class XII

Rulemaking Authority 497.103 FS. Law Implemented 497.272(8) FS. History--New 12-22-81, Amended 3-24-82, Formerly 3D-30.30, 3D-30.030, 3F-7.005.

69K-7.006 Wholesale Purchase Price of Preneed Merchandise.

(1) Each preneed licensee shall, prior to July 1st of each year, compile a list which includes the wholesale purchase price for each item of merchandise which the preneed license will provide for the subsequent twelve month period. The listed price shall be used to determine the amount to be deposited into the merchandise trust fund pursuant to Section 497.458(1), F.S.

(2)(a) For merchandise, the listed wholesale purchase price shall be the amount charged by the supplier on an invoice for the item as of June 1, of the current year.

(b) If an invoice is not available, then the listed wholesale purchase price shall be the manufacturer's catalogue price, or the manufacturer's written statement of the wholesale purchase price, as of June 1, of the current year.

(c) Invoices and other documentation used to establish the listed wholesale purchase price shall be maintained by the preneed licensee.

Rulemaking Authority 497.103 FS. Law Implemented 497.283, 497.458 FS. History--New 3-1-90, Formerly 3D-30.035, Amended 5-27-98, Formerly 3F-7.006, Amended 12-10-03.

69K-7.007 Merchandise Trust Funds – Status of Accounts.

(1) For purposes of merchandise trust funds, under the provisions of the Funeral, Cemetery, and Consumer Services Act prior to implementation of Chapter 93-399, Laws of Florida, a merchandise trust fund is in the nature of a master account ("the Fund") used for investment purposes and is made up of commingled individual accounts deposited into the Fund in connection with the individual contracts between the cemetery company and its customers. Each of these accounts is to be established and retained in the Fund together with any income it might earn until certain events shall occur and it is determined to whom the principal of the account plus any earnings should be distributed. The principal of the account plus any earnings may be paid to the cemetery company upon the delivery of the merchandise or performance of the services or to the purchaser or his legal representative in the event that the cemetery company does not deliver the merchandise or perform the services when needed.

(2) The principal and any accrued earnings or losses in such separate account is to be held in suspense until the final determination is made to which party the account will be paid. At the time of withdrawal of the amount in the account, either the seller, cemetery company, or the purchaser or his representative is entitled to not only the principal amount deposited in the account, but also any accrued earnings on the account from the time of the deposit until the time of withdrawal.

Rulemaking Authority 497.103 FS. Law Implemented 497.458 FS. History—New 11-15-83, Formerly 3D-30.31, 3D-30.031, Amended 4-6-03, Formerly 3F-7.007.

69K-7.008 Preneed Trust Funds – Withdrawal of Income Earned Thereon.

At the time of withdrawal a preneed licensee shall take reasonable steps to evaluate the income derived from that particular contract. A preneed licensee may not use any formula to make the evaluation if such formula is used as a guise to make unauthorized withdrawals or results in accelerated or excessive withdrawals above the amounts allowed by Chapter 497, F.S., and the rules promulgated thereto.

Rulemaking Authority 497.103 FS. Law Implemented 497.458 FS. History—New 8-26-85, Formerly 3D-30.32, Amended 1-4-88, Formerly 3D-30.032, Amended 4-10-97, Formerly 3F-7.008.

69K-7.009 Reporting Requirements for Preneed Licensees Filing an Initial Application to Utilize a Letter of Credit or Surety Bond in Lieu of Maintaining a Trust Fund.

Rulemaking Authority 497.103, 497.461, 497.462 FS. Law Implemented 497.458(1), 497.459, 497.460, 497.461, 497.462 FS. History—New 3-20-91, Formerly 3D-30.037, Amended 10-25-95, 5-27-98, Formerly 3F-7.009, Amended 2-9-16, Repealed 10-6-19.

69K-7.0095 Preneed Trust Fund; Financial Reports.

(1) All preneed licensees shall ensure that any entity that served as trustee beginning January 1, 2017, or thereafter for the preneed licensee's preneed trust, pursuant to Sections 497.458(1) and (2), F.S., shall, by no later than April 1st of the following calendar year, file an annual report on Form DFS-N1-2183, Preneed Trust Fund, Annual Trustee Report (Effective 03/19), for all or portion of the calendar year in which it acted as trustee of the trust. This form is incorporated by reference in Rule 69K-1.001, F.A.C., and can be obtained via the Department's website at <https://myfloridacfo.com/Division/funeralcemetery/>.

(2) The trustee may also submit the annual report in a format that will be acceptable to the Division if it provides no less information than that required by Form DFS-N1-2183. Additionally, any entity that served as trustee for the preneed licensee's trust in a calendar year must maintain a list of receipts showing the date and amount of any disbursement made during the applicable calendar year, and retain such documentation for a period of at least five (5) years.

Rulemaking Authority 497.103(2)(a), (c), (4), 497.458(1)(k) FS. Law Implemented 497.103(2)(a), (4), 497.458 FS. History—New 10-6-19.

69K-7.010 Reporting Requirements for Preneed Licensees Utilizing a Surety Bond in Lieu of Maintaining a Trust Fund.

(1) A preneed licensee which chooses to utilize a surety bond in lieu of maintaining a trust must file a report of outstanding liabilities of merchandise and services to be covered under the surety bond to accompany the application as provided for in Rule 69K-7.012, F.A.C. This report shall be used to determine the amount of the surety bond and shall contain the following information in sequential order:

(a) An itemized listing in numerical order of all contracts sold during or subsequent to 1972 which have an existing outstanding liability for undelivered merchandise or services;

(b) The purchaser's name;

(c) A brief description of the merchandise for which a liability exists;

(d) The total liability to the preneed licensee for all undelivered merchandise or services which were sold during or subsequent to 1972.

(2) The report shall be filed in the following manner:

(a) The report must be signed by the preneed licensee's chief financial officer;

(b) The report shall be compiled annually and must be submitted to the Board within one hundred five (105) days from the end of the preneed licensee's fiscal year.

(3) The preneed licensee's obligation to file this report with the Board shall end upon the preneed licensee ceasing the use of a surety bond.

Rulemaking Authority 497.103, 497.462 FS. Law Implemented 497.462 FS. History—New 3-20-91, Formerly 3D-30.038, Amended 10-25-95, 5-27-98, Formerly 3F-7.010, Amended 9-9-18.

69K-7.011 Criteria for Filing a Letter of Credit in Lieu of Maintaining a Trust Fund.

Rulemaking Authority 497.103, 497.462 FS. Law Implemented 497.462, 497.463 FS. History—New 3-20-91, Formerly 3D-30.036, Amended 10-25-95, 7-22-97, 6-21-01, Formerly 3F-7.011, Amended 2-9-16, Repealed 7-17-18.

69K-7.012 Criteria for Filing a Surety Bond in Lieu of Maintaining a Trust Fund.

Rulemaking Authority 497.103, 497.461(4) FS. Law Implemented 497.461, 497.462 FS. History—New 3-20-91, Formerly 3D-30.039, Amended 10-25-95, 7-22-97, 8-2-01, Formerly 3F-7.012, Amended 2-9-16, Repealed 10-6-19.

69K-7.0125 Alternative Form of Security for Permanent Outer Burial Receptacle Manufacturers.

(1) Pursuant to Section 497.283(2)(c), F.S., manufacturers of permanent outer burial receptacles shall be permitted to utilize the alternative form of security in connection with the sale of permanent outer burial receptacles sold to cemetery companies and funeral establishments in Florida. For purposes of this rule, a “permanent outer burial receptacle” as referred to in Section 497.283(2)(c), F.S., has the same meaning as an “outer burial container,” as defined in Section 497.005(55), F.S.

(2) The alternative form of security available to all permanent outer burial receptacle manufacturers who supply permanent outer burial receptacles to cemetery companies and funeral establishments in Florida, shall be in compliance with Chapter 497, F.S., and shall provide for an Alternative Manufacturers’ Trust, together with a Manufacturers’ Delivery Surety/Guarantee, defined as follows:

(a) Alternative Manufacturers’ Trust.

1. An Alternative Manufacturers’ Trust (trust) may be established in the State of Florida by a permanent outer burial receptacle manufacturer or the Manufacturers’ Delivery Surety/Guarantor which trust shall be authorized to do business in Florida and shall be subject to interpretation, jurisdiction and venue in Florida under all applicable Florida laws. The trustee shall, with the Board’s approval, be selected by the manufacturer or the Manufacturers’ Delivery Surety/Guarantor.

2. Each deposit to the trust in connection with a pre-need sale of its product, shall be accounted for separately by the trustee and shall provide for quarterly valuation and pro-rata allocation of trust fund earnings and expenses during the period to each then outstanding trust account or sub-account;

3. The amount deposited as a result of each pre-need sales transaction will be made directly payable to the trust and shall be equal to one-hundred (100%) percent of the then existing manufacturer’s wholesale price. The funds shall remain in the trust until such time as they become available for disbursement under Chapter 497, F.S., which disbursements shall be limited to the following:

a. The payment of trust expenses as provided in Chapter 497, F.S.;

b. The refund of a trust deposit, which, in the event a pre-need contract purchaser elects to cancel his or her pre-need contract, shall be made to the manufacturer for delivery to the pre-need seller;

c. The payment by the trustee to the manufacturer after delivery at the time of need, upon submission to the trustee of a fully completed invoice for property delivered. Payment by the trustee out of the trust to the manufacturer shall be limited to the lesser of the manufacturers’ list price at the time of need or to the specific amount of funds in the trust allocated to the specifically identified account or sub-account relating to the invoice submitted;

d. The payment to the Department or Board in order to reimburse the Department or Board in the event the Department or Board is required to make payment in order to complete delivery at the time of need in response to purchaser’s claim, where the manufacturer has failed to make delivery of the permanent outer burial receptacle and the Manufacturers’ Delivery Surety/Guarantor has not performed pursuant to its Manufacturers’ Delivery Surety/Guarantee.

(b) Manufacturers’ Delivery Surety/Guarantee. In addition to the trust provided by this rule, a Manufacturers’ Delivery Surety/Guarantor shall execute and deliver to the pre-need seller a Manufacturers’ Delivery Surety/Guarantee which shall provide:

1. In the event that the manufacturer shall for any reason whatsoever not be able to deliver the permanent outer burial receptacle at the purchaser’s time of need, then in such event (prior to disposition of funds from the trust), the Manufacturers’ Delivery Surety/Guarantor shall deliver the permanent outer burial container at the time of need for the lesser of its then existing list price, or that portion of the trusted funds allocated to the specific trust account or sub-account.

2. In the event the Manufacturers’ Delivery Surety/Guarantor operating under this rule shall be unable to effect delivery or its operations are for any reason discontinued, the trust shall continue in operation but the Department shall take over as trustee for the trust. The trust shall no longer accept deposits on pre-need contract sales and all funds deposited in connection with all prior and outstanding contracts in which delivery was effected shall remain in trust until the terms of all outstanding contracts have been fully

satisfied.

(c) Manufacturers' Delivery Surety/Guarantor Qualification.

1. In order for any Manufacturers' Delivery Surety/Guarantor to be considered for approval by the Board under this rule, such Manufacturers' Delivery Surety/Guarantor shall be affiliated with a manufacturer doing business in Florida.

2. Any Manufacturers' Delivery Surety/Guarantor approved by the Board who wishes to utilize this rule shall:

a. Obtain a certificate of approval from the Board to act as a Manufacturers' Delivery Surety/Guarantor and to establish an Alternative Manufacturers' Trust for the receipt of funds in Florida in connection with the sale of permanent outer burial receptacles sold on a pre-need basis;

b. File a copy of all forms, certificates, guarantees and trust agreements and all changes or modifications thereof, with the Department, for review as to legal sufficiency; and

c. Guarantee to the pre-need seller pursuant to this rule that its permanent outer burial receptacle products will be available for delivery at any time of need.

3. The Manufacturers' Delivery Surety/Guarantee shall at all times assure an equivalent or better product will be delivered at the time of need. The Manufacturers' Delivery Surety/Guarantee shall include as an exhibit, a list of the Manufacturers' Delivery Surety/Guarantors' product line. Said exhibit shall be updated on an annual basis with the Board by the approved manufacturer. With regard to the manufacturers' wholesale or selling price, the manufacturer shall also file, on an annual basis, any changes in its wholesale or selling price with the Board.

Rulemaking Authority 497.103, 497.283(2)(c), 497.458(1)(e) FS. Law Implemented 497.103, 497.283 FS. History--New 6-15-95, Amended 3-5-01, Formerly 3F-7.0125, Amended 10-6-19.

69K-7.013 Procedures for Filing a Claim through the Department.

A buyer of preneed merchandise or services who does not receive such services or merchandise due to the economic failure, closing, or bankruptcy of the preneed licensee which has submitted a surety bond to the Department in lieu of utilizing a preneed trust fund may file a claim through the Department as provided by Section 497.462(2)(c), F.S. The name and address of the surety company will be provided by the Department. Once the requirements of Section 497.462, F.S., have been met, the purchaser of preneed merchandise or services must file the claim in the following manner:

(1) Submit to the Department Form DFS-C-3, Surety Bond Claim Form (Rev. 11/18), which is incorporated by reference in Rule 69K-1.001, F.A.C., and can be obtained via the Department's website at <https://myfloridacfo.com/Division/funeralcemetery/>;

(2) Attach a copy of the preneed contract for merchandise or services that is the subject of the claim, and provide documentation evidencing the purchaser's payment for the merchandise or services; and

(3) Submit evidence that the purchaser has made reasonable attempts to have the preneed licensee deliver the merchandise or perform the service.

Rulemaking Authority 497.103, 497.462(9) FS. Law Implemented 497.462(2)(a), (2)(c) FS. History--New 3-20-91, Formerly 3D-30.040, Amended 6-21-01, Formerly 3F-7.013, Amended 10-6-19.

69K-7.015 Trust Agreements and Trustees.

(1) Any trust company or a state or national bank holding trust powers or a savings and loan association holding trust powers shall be considered a trustee qualified to serve as a trustee of a preneed trust under Section 497.458 or 497.464, F.S., or a pre-construction trust under Section 497.272, F.S.

(2) Any trust company or a state or national bank holding trust powers shall be considered a trustee qualified to serve as trustee of a care and maintenance trust under Section 497.266, F.S.

(3) All trust agreements and all amendments thereto must be submitted to and approved by the Board of Funeral, Cemetery, and Consumer Services.

(4) Each trust agreement must provide for:

(a) Resignation of the trustee.

(b) Replacement of trustee by trustor/settlor/grantor.

(c) Transfer of assets of the trust.

(5) Transfer of assets to another trust agreement is permissible provided the trust agreement was approved by the Board, if applicable, and the terms of both trust agreements are consistent and meet the requirements of Rule 69K-7.020, F.A.C.

(6) Transfer of assets of any trust must be made only to a qualified trustee as set forth in subsection (1) or (2), above, and only after written notice to the Department and the Board of the name, address, and location of the successor trustee; the effective date of the selection thereof; and the transfer of the assets which must be certified to by the replaced or resigned trustee to which shall be attached a receipt thereof from the successor trustee.

Rulemaking Authority 497.103, 497.465(9) FS. Law Implemented 497.266, 497.285, 497.465 FS. History—New 4-25-94, Amended 4-6-03, Formerly 3F-7.015, Amended 3-1-20.

69K-7.016 Duties and Powers of Trustee; Authorized Investments.

(1) Each trustee serving pursuant to a trust agreement approved by the Board shall be responsible for the administration of the trust and the investment of its assets in a manner consistent with Chapter 497, F.S.

(2) The duties and responsibilities of the trustee shall not be shared with the preneed licensee that established the trust or discharged to any third party associated with investment decisions. An advisor to the trustee may be appointed by the preneed licensee, however the recommendations of such advisor shall not be binding on the trustee and the trustee's liability shall not be diminished or abrogated in any way as a result of following the advice of the advisor.

(3) The preneed licensee or the advisor appointed by the preneed licensee is authorized to request the trustee to invest trust assets in whole or in part, in tax-free investments. An investment advisor is authorized to make non-binding recommendations to the trustee concerning specific investments.

(4) The trustee shall have the powers set forth in Part VIII of Chapter 736, F.S., to the extent they are not inconsistent or do not conflict with Chapter 497, F.S.

(5) The trustee shall have the power to invest the trust assets in those investments set forth in Section 215.47, F.S., however, there shall be no limitation on the portion of the trust assets that are allocated to tax-free investments pursuant to a request as stated in subsection (3) of this rule.

Rulemaking Authority 497.103 FS. Law Implemented 497.458 FS. History—New 8-9-94, Amended 4-29-99, Formerly 3F-7.016.

69K-7.017 Trust Fund Deposits; Funeral and Burial Services and Merchandise Preneed Contract Payments.

(1) All payments paid toward any preneed funeral or burial service or merchandise contract shall be trusted pursuant to Section 497.458 or 497.464, F.S., unless such merchandise or service is sold by a cemetery company and such merchandise is delivered or such service performed within 120 days after receipt of the final payment in accordance with Section 497.283, F.S. This section shall not apply to preneed contracts sold pursuant to Section 497.462, F.S.

(2) If the contract payments are made in deferred installments for merchandise and services which are not intended to be delivered as provided in subsection (1), above, then the funds paid on each installment shall be allocated in the manner set forth in the contract.

(3) If the contract does not provide for the allocation of payments as anticipated in subsection (2), above, such payments shall be allocated as follows:

(a) Funds collected for preneed services or merchandise contracts which comply with Section 497.458, F.S., shall be deposited in trust as follows: 70 percent of funds collected for services; 100 percent of funds collected for cash advance items; and 30 percent of funds collected or 110 percent of wholesale cost, whichever is greater, for merchandise. For deferred payment contracts the liability for each portion of the contract (services, cash advances and merchandise) shall be divided by the deferred payment price to arrive at the percentages for each portion of the contract. These percentages shall be applied to payments received to determine the amount to be deposited in trust. Once the total liability to the trust is fulfilled, no further deposits need be made to the trust.

(b) Funds collected for preneed services or merchandise contracts which comply with Section 497.464, F.S., shall not require allocation. The contract purchaser must make all payments to the Trustee or its servicing agent. The preneed licensee (seller) may receive a distribution of 10% of funds collected by the Trustee. Once the total liability to the trust is fulfilled, no further deposits need be made to the trust.

(4) In the event that funds deposited into trust exceed the amount required by the contract or these rules, the preneed licensee may withdraw the excess funds upon establishing that the total liability to the fund will equal the total corpus on deposit and the funds on deposit can be allocated and balanced on a contract-by-contract basis.

(5) Monthly reports shall be maintained showing the monies received and monies trusted on a contract-by-contract basis. The report shall also reflect the total monies received and trusted and that such trust deposits reconcile with the total monthly contract

obligations.

(6) Documentation shall be maintained and be readily retrievable which shall show the calculation of trust liability and the percentage of payments made into the appropriate trust fund.

Rulemaking Authority 497.103 FS. Law Implemented 497.282(8)(d), 497.283, 497.458, 497.462, 497.464 FS. History—New 2-1-95, Amended 5-27-98, 3-5-01, Formerly 3F-7.017, Amended 9-9-18.

69K-7.020 Treatment of Trusts Under Chapters 497 and 639, F.S.

(1) An “old Chapter 497, F.S., merchandise trust” is defined as a trust created and approved on or before September 30, 1993, pursuant to Chapter 72-78, Laws of Florida, or as thereafter amended, for the deposit of proceeds from preneed contracts for burial services or related merchandise.

(2) A “new Chapter 497, F.S., preneed trust” is defined as a trust created and approved on or after October 1, 1993, pursuant to Chapter 93-399, Laws of Florida, or as thereafter amended, for the deposit of proceeds from preneed contracts for funeral services, burial services, or related merchandise.

(3) A “Chapter 639, F.S., funeral trust” is defined as a trust created and approved on or before September 30, 1993, pursuant to Chapter 77-438, Laws of Florida, or as thereafter amended, for the deposit of proceeds from preneed contracts for funeral services or related merchandise.

(4) The Board shall have jurisdiction over all old Chapter 497, F.S., merchandise trusts, new Chapter 497, F.S., preneed trusts, chapter 639, F.S., funeral trusts, and all other trusts created pursuant to Chapter 497, F.S., in existence on October 1, 1993, or created thereafter.

(5) All Chapter 639, F.S., funeral trusts shall retain the same trustee powers and trust provisions as authorized by Chapter 639, F.S., on September 30, 1993, as to all preneed funeral contracts entered into prior to September 30, 1993, even though said contracts do not pay out until after October 1, 1993.

(6) Each preneed licensee, settlor or trustor may change the trustee of any Chapter 639, F.S., funeral trust as provided in Chapter 497, F.S., (1993). Nevertheless, the trust provisions and trustee powers shall remain as they were in the Chapter 639, F.S., funeral trust agreement and related documents.

(7) A settlor or trustor may transfer assets from one Chapter 639, F.S., funeral trust upon the approval of the Board provided:

(a) The terms of the receiving trust do not violate any terms and conditions of the contracts or rights of the contract purchaser which provide the funds to be transferred;

(b) The preneed licensee or the trustee, as appropriate, acknowledges in writing its responsibilities under the trust and contract documents including its ability to segregate contracts by type to ensure that proper payment is made upon the death of the beneficiary or proper refund is made upon cancellation of a contract; and

(c) The Board determines that such transfer will not impair the rights of the contract purchaser.

(8) No post-October 1, 1993, preneed contract may be trusted under a Chapter 639, F.S., funeral trust. Except as provided in subsection (9) of this rule, preneed contracts dated prior to October 1, 1993, which have not been completely paid by the contract purchaser shall continue to be trusted to the proper Chapter 639, F.S., funeral trust or the appropriate old Chapter 497, F.S., merchandise trust.

(9) A settlor or trustor may submit a new trust agreement for approval by the Board and transfer thereto assets from a Chapter 639, F.S., funeral trust or assets from an old Chapter 497, F.S., merchandise trust so long as all trust provisions and trustee powers are in conformity with Chapter 497, F.S. All such transfers shall be approved by the Board provided that the terms set forth in paragraphs (7)(a) through (c) of this rule are complied with.

(10) In all Chapter 639, F.S., funeral trusts or old chapter 497, F.S., merchandise trusts where compliance with the provisions of Chapters 215 or 497, F.S., would result in a potential financial loss to the trust assets, any such sale or transfer of assets, that would result in the potential loss must be first approved by the Board according to a submitted plan of sale or transfer.

(11) All new Chapter 497, F.S., funeral trust agreements and other trusts created pursuant to Chapter 497, F.S., submitted for approval of the Board must be in conformity with all provisions of Chapter 497, F.S., as now existing or as hereinafter amended.

(12) All cemetery care and maintenance trust fund agreements existing prior to October 1, 1993, shall remain effective, but all of the provisions of Chapter 497, F.S., shall immediately apply to these trust agreements and the trustee powers shall be those provided in Chapter 497, F.S.

(13) All cemetery pre-construction trust fund agreements existing prior to October 1, 1993, shall remain effective but all of the

provisions of Chapter 497, F.S., shall immediately apply and the trustee's powers shall be those provided in Chapter 497, F.S., except:

- (a) The allocation of investments therein need not be in compliance until September 30, 1995,
 - (b) The trusting formula on contracts dated prior to October 1, 1993, shall be the formula in effect on September 30, 1993; and
 - (c) The trusting formula on contracts dated after October 1, 1993, shall be in conformity with Chapter 497, F.S.
- (14) If an asset is transferred from one trust to another as provided herein, then the asset in its entirety including any income derived therefrom must be transferred to the successor trust.

Rulemaking Authority 497.103 FS. Law Implemented 497.266, 497.267, 497.268, 497.269, 497.272, 497.457, 497.458, 497.459, 497.460, 497.464 FS. History—New 4-11-95, Formerly 3F-7.020.

69K-7.022 Payment of Funds Upon Contract Fulfillment; Documentation Required.

Rulemaking Authority 497.103 FS. Law Implemented 497.460, 497.464(7) FS. History—New 4-9-97, Formerly 3F-7.022, Repealed

CHAPTER 69K-8 CONTRACTS

69K-8.002	Cancellation of Contracts
69K-8.003	Cancellation of Preneed Contracts; Reasonable Time Defined
69K-8.004	Preneed Contracts; Miscellaneous Provisions
69K-8.005	Preneed Contracts Funded by Life Insurance
69K-8.006	Description of Merchandise on Preneed Contracts
69K-8.007	Processing Fee
69K-8.008	Defaults on Sold or Discounted Installment Sales Contracts or Promissory Notes

69K-8.002 Cancellation of Contracts.

(1) A purchaser may cancel a preneed contract in accordance with the terms of the contract, statute and rules that were effective at the time the contract was written.

(2) If the contract requires a greater refund than the statute or rules, the terms of the contract must be honored.

(3) When a preneed contract or cemetery contract is canceled, the accumulated earnings allocable to such contract shall be paid to the preneed licensee as provided by the statute and rules in effect when the contract was written.

(4) The seller of a preneed or cemetery contract may not cancel the contract unless the purchaser is in default under the terms of the contract or pursuant to the applicable statute and rules.

Rulemaking Authority 497.103 FS. Law Implemented 497.459 FS. History--New 1-29-81, Formerly 3D-30.27, 3D-30.027, Amended 7-6-97, Formerly 3F-8.002.

69K-8.003 Cancellation of Preneed Contracts; Reasonable Time Defined.

For purposes of Section 497.459(2)(b)1., F.S., a reasonable time for delivering merchandise consisting of “caskets” as defined by Section 497.005(10), F.S., and “outer burial containers” as defined by Section 497.005(50), F.S., shall be 24 hours from the time the purchaser or agent requests that the preneed licensee deliver the merchandise. The preneed licensee shall record the date and time that the request for delivery is received from the purchaser or agent in a log kept for that purpose. In the event a preneed licensee fails to maintain such log and record a request for delivery, then the date and time of such request shall be the date and time designated by the purchaser or agent.

Rulemaking Authority 497.103 FS. Law Implemented 497.459(2)(b)1. FS. History--New 4-25-94, Amended 3-5-01, Formerly 3F-8.003.

69K-8.004 Preneed Contracts; Miscellaneous Provisions.

(1) Funds received on a preneed contract must be credited to the specific contract and all calculations regarding deposits to trusts or refunds to purchasers must be based on the amount paid by the purchaser or his representative.

(2) An overpayment on a preneed contract shall be refunded to the purchaser by the preneed licensee upon cancellation or fulfillment. With regard to all contracts upon which installment payments are being received on the date this rule becomes effective, any overpayment will be refunded following the receipt or the last installment payment, so long as the overpayment is \$5 or greater.

(3) Misapplied or unidentified preneed funds shall be transferred to the correct preneed account immediately upon discovery, and shall be considered deposited timely if the funds were deposited in the trust in accordance with Sections 497.458 and 497.464, F.S.

(4) Preneed accounts which are under or over trusted due to computer or manual miscalculations must be corrected immediately upon discovery, on a contract per contract basis.

(5) An executed preneed contract may be amended if the contract change does not affect the description or sales price of merchandise, or the sales price of services or cash advances, as reflected on the originally executed contract. All contract changes must be initialed and dated by the contract purchaser. The contract must be clearly legible before and after any amendments. A contract amendment can be in the form of an addendum to the contract provided the addendum is signed by the purchaser and preneed licensee or cemetery company and is attached to the original contract. If a contract is rewritten, funds credited to the original contract shall be transferred to the rewritten preneed contract within 30 days, but if the rewritten contract is canceled within thirty days, the old contract is reinstated and all funds paid by the purchaser on the new contract shall be returned to the purchaser.

69K-8.005 Preneed Contracts Funded by Life Insurance.

(1) A preneed contract may be funded by a life insurance policy payable upon death of the preneed contract beneficiary, provided that no such policy may be sold if its maturity value is less than the amount of the services, merchandise or burial rights to be provided under the preneed contract. For purposes of this rule, maturity value shall mean the amount payable on the policy when all premiums for the policy have been paid, or all conditions for full payment of the policy amount have been met, and must at least equal the cost to the preneed purchaser of the services, merchandise, or burial rights established at the time the preneed contract is executed.

(2) Preneed contracts funded by life insurance may be sold only by persons holding a valid preneed license pursuant to Section 497.452, F.S.

(3) Any insurance policy used to fund a preneed contract must be sold in a manner that complies with Section 626.785, F.S.

(4) All preneed contracts funded by insurance must meet the requirements of Section 497.282, F.S., and with regard to Section 497.282(8), F.S., the contract must contain the following provisions:

(a) Disclosure of the purchase price, itemized to reflect the specific costs allocated to each service, cash advance or merchandise purchased. Where applicable, merchandise specifications shall be included;

(b) Disclosure that a life insurance policy has been purchased to fund the monies needed for some or all of the purchase price and will be used to fund the contract at the time of the purchaser's death in one of the following ways:

1. The life insurance policy proceeds will constitute the full payment for the contract purchase price at purchaser's death; or

2. Where the insurance will constitute only a portion of the full payment for the purchase price at purchaser's death, the contract shall clearly disclose that the purchaser has an obligation to pay the difference between the proceeds of the life insurance and the purchase price of the prearranged funeral.

(c) A clear disclosure that no funds are being paid into trust under the preneed contract and that the funding of the contract is through the payment of premiums to purchase life insurance;

(d) What penalties will occur in the event purchaser fails to make premium payments on the funding insurance policy;

(e) A clear disclosure of the impact upon the preneed contract and any penalty to be incurred or monies to be received as a result of cancellation or surrender of the life insurance policy;

(f) That all purchasers are entitled to terminate or cancel their preneed contract at any time and that all purchasers are entitled to terminate or cancel the funding insurance policy within 30 days of purchase and receive a full refund of all monies paid for the contract or funding insurance policy;

(g) The following statement in bold print: The Board of Funeral, Cemetery, and Consumer Services regulates preneed contracts in Florida. Should you have a complaint, you should contact the Board at the Division of Funeral, Cemetery, and Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361 or by calling 1(800)323-2627.

(5) All preneed contracts shall be sequentially prenumbered.

(6) Each preneed licensee shall identify all insurance products currently used in connection with the sale of its preneed contracts. Such identification shall be provided in list format to be kept on file at the Board office. The identification shall include the following information for each insurance product listed:

(a) Name and address of insurer;

(b) Form number of master insurance policy;

(c) Form number of any accompanying endorsements, riders, and application forms.

(d) Evidence of approval by the Florida Office of Insurance Regulation.

(7) The Board may request for reference purposes a sample copy of any insurance policy or accompanying forms it does not currently have on file.

69K-8.006 Description of Merchandise on Preneed Contracts.

(1) Preneed contracts shall contain a description of merchandise purchased with sufficient information to describe the merchandise to the purchaser or any other person. The description of merchandise can be included on an addendum form to the

contract, provided the addendum form is approved by the Board of Funeral, Cemetery, and Consumer Services. The approval of the Board shall be conditioned upon the addendum form containing the applicable information required by subsections (2)-(5), and being presented in a clear and readable form.

(2) If the product is sold to the purchaser generically, then a general description shall be sufficient, providing the following information is included:

(a) For all types of merchandise.

Materials used in construction: type of wood, gauge of steel, marble, concrete, granite, bronze, fiberglass, plastic, etc.

(b) For caskets.

1. Types of handles: swing bar, fixed bar or no handles.

2. Color: exterior and interior.

3. Interior material.

4. Full or half couch.

5. Gasketed or non-gasketed.

(c) For memorials or monuments.

1. Size.

2. Design.

(d) For outer burial containers.

1. Lined (including types of lining).

2. Adhesive lid/non adhesive lid.

(3) If the sales presentation uses the manufacturer's name and specifications, then the name of manufacturer and model number shall be included on the contract in addition to color, materials and design.

(4) If at the time of need or fulfillment, the product which was sold is unavailable, the preneed licensee shall deliver a product which is of comparable or better quality and design.

(5) For the purposes of this rule, merchandise shall be considered available for delivery if the merchandise can be attained from a licensee's regular supply sources at the time of need or fulfillment.

(6) This rule shall be reviewed, and if necessary, repealed, modified, or renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 497.103(1) FS. Law Implemented 497.282(6)(c) FS. History—New 4-10-97, Amended 7-5-01, 2-18-03, Formerly 3F-8.006, Amended 2-8-24.

69K-8.007 Processing Fee.

(1) As used herein, a "processing fee" means a fee paid by a customer for services provided to process and archive a contract and related documents.

(2) If a licensee or preneed licensee includes a processing fee on a preneed or at need contract, the following requirements shall be met:

(a) The fee shall be disclosed to the purchaser on the licensee's or preneed licensee's General Retail Price List, Disclosure Price List or any printed or typewritten disclosure of fees that the licensee uses to comply with Section 497.282(2), F.S.

(b) The fee shall be clearly disclosed as a processing fee in the contract.

(c) The fee shall not be included, or implied to be included, in any other fee charged to the purchaser.

(d) The fee may be charged on any contract for burial rights, merchandise or services even if the rights, merchandise or services were purchased on separate contracts at different dates. However, a licensee shall not charge the fee on a contract for the purchase of an opening and closing of a grave or installation of a vault in a grave in which burial rights have previously been purchased.

(3) The processing fee is subject to the trusting requirement for services unless the seller has qualified to write contracts pursuant to Section 497.461 or 497.462, F.S.

(4) This rule does not apply to contracts written prior to this rule's effective date.

Rulemaking Authority 497.103, 497.282 FS. Law Implemented 497.103, 497.277, 497.282(2), 497.282(6)(b) FS. History—New 11-8-00, Formerly 3F-8.007.

69K-8.008 Defaults on Sold or Discounted Installment Sales Contracts or Promissory Notes.

(1) Default by the purchaser on installment sales contracts or promissory notes shall not entitle the Cemetery Company to take credit for the amount deposited to the Care and Maintenance Trust Fund, unless the amount deposited has been returned to the purchaser.

(2) Installment sales contracts or promissory notes that include pre-need burial merchandise defaulted by the purchaser shall entitle the cemetery company to withdraw the amount deposited in the Merchandise Trust Fund.

Rulemaking Authority 497.103(1) FS. Law Implemented 497.458, 497.459, 497.266, 497.267, 497.283 FS. History—New 1-27-81, Formerly 3D-30.25, 3D-30.025, Formerly 69K-100.025.

CHAPTER 69K-9 ADVERTISING AND SOLICITATION

69K-9.001	Advertising
69K-9.002	Residential Solicitations
69K-9.003	Solicitation in Healthcare Facilities
69K-9.004	Consumer Brochure

69K-9.001 Advertising.

Each licensee or registrant will maintain a file of all brochures and related documents delivered to prospective customers and copies of all advertising actually printed, published, broadcast or placed on any electronic media.

Rulemaking Authority 497.103, 497.276(3) FS. Law Implemented 497.276 FS. History—New 8-22-76, Amended 1-27-81, Formerly 3D-30.20, 3D-30.020, Amended 5-27-98, Formerly 3F-9.001.

69K-9.002 Residential Solicitations.

(1) For purposes of this rule, residential solicitation shall mean: “a telephone call to, or an in-person visit at, any place a person defines as his or her home.”

(2) No licensee or preneed licensee, officer, director, employee, or agent shall initiate, conduct, or attempt to conduct a pre-need residential solicitation, for the purpose of selling or other transfer of burial rights, merchandise, or services, after the hour of 9:00 p.m. and before the hour of 9:00 a.m. of the next calendar day except upon the prior express request of the person solicited.

(3) No licensee or preneed licensee, officer, director, employee, or agent shall knowingly initiate, conduct, or attempt to conduct pre-need residential solicitation, for the purpose of selling or other transfer of burial rights, merchandise, or services, of any person, or of any family of any person, who is suffering ill health except upon the prior express request of the person solicited.

Rulemaking Authority 497.103, 497.164 FS. Law Implemented 497.164, 497.321 FS. History—New 4-16-86, Formerly 3D-30.034, Amended 3-27-03, Formerly 3F-9.002.

69K-9.003 Solicitation in Healthcare Facilities.

(1) For purposes of the rule, “healthcare facilities” shall include hospitals and nursing homes.

(2) The prohibitions contained in this rule shall not encompass contact made by telephone call to individuals who are residents of or patients in healthcare facilities if said contacts are made to a telephone which operates on a private, outside line which is under the exclusive control of the resident or patient and which operates independently of the healthcare facility’s normal business telephone system.

(3) The Board finds that the uninvited solicitation of sales for burial rights, funeral merchandise or funeral services of persons who are residents of or patients in healthcare facilities is not in the public interest and constitutes intimidating, overreaching and vexatious conduct. Such solicitation constitutes an uninvited invasion of personal privacy.

(4) No licensee shall solicit or cause to be solicited a person who resides in a healthcare facility unless the solicitation has been previously and expressly requested by the person being solicited.

Rulemaking Authority 497.103, 497.164 FS. Law Implemented 497.164 FS. History—New 8-4-97, Amended 5-27-98, Formerly 3F-9.003.

69K-9.004 Consumer Brochure.

Each cemetery and preneed licensee offering to provide burial rights, merchandise, or services to the public shall display in its offices for free distribution to all potential customers, and provide to all customers before the contract is signed by the purchaser, a brochure entitled “Pre-Need Funeral & Cemetery Arrangements,” Form DFS-N1-1698, effective 10/06. The brochures shall be purchased from the Department and cannot be printed by a licensee or a private vendor for a licensee. Brochures shall be purchased, at Department cost, by submitting the “Brochure Purchase Order,” Form DFS-N1-1729, effective 10/06, or by submitting a written request to the Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, 200 East Gaines Street, Tallahassee, FL 32399-0361. Brochures shall be sold in increments of 100 with a minimum order of 100 brochures. Both forms are incorporated by reference in rule 69K-1.001, F.A.C.

Rulemaking Authority 497.103(5)(b), 497.167(5), 497.282(9) FS. Law Implemented 497.167(5), 497.282(9) FS. History—New 3-31-08.

CHAPTER 69K-10
PRENEED FUNERAL CONTRACT CONSUMER PROTECTION TRUST FUND

69K-10.001	Preneed Funeral Contract Consumer Protection Trust Fund
69K-10.002	Disbursement from the Preneed Funeral Contract Consumer Protection Trust Fund
69K-10.003	Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund

69K-10.001 Preneed Funeral Contract Consumer Protection Trust Fund.

The amounts required to be remitted by a preneed licensee to the Preneed Funeral Contract Consumer Protection Trust Fund, pursuant to the provisions of Section 497.456, F.S., shall be determined in accordance with the following criteria:

(1) A preneed contract or arrangement shall be deemed to be written within the meaning of Section 497.456, F.S., when a preneed contract or arrangement is executed by both the purchaser and the preneed licensee or its agent. A remittance for a preneed contract or arrangement dated within a specific quarter shall be submitted in the report for such quarter.

(2) "Purchase Price" means the total price charged by a preneed licensee to a consumer for a preneed contract or arrangement for funeral or burial merchandise, service or cash advance items; regardless of any payments made by the purchaser. The term "purchase price" does not include the amounts for burial, entombment or inurnment rights.

(3) If funeral or burial merchandise, services or cash advance items are included in a contract with other items as a unique product and the purchase price of such items are not itemized on the contract, the amount due the Preneed Funeral Contract Consumer Protection Trust Fund shall be determined from the retail prices of comparable items shown on the retail price list of the preneed licensee.

(4) Assessments required to be remitted pursuant to Section 497.456, F.S., shall not be payable from funds subject to the trust provisions of Sections 497.458 and 497.464, F.S., nor shall they be included in a preneed contract and passed on to the purchaser.

(5) Contracts cancelled within thirty days of execution as provided by Section 497.456, F.S., shall not be counted as a contract sold for purposes of determining the amount to be remitted to the Preneed Funeral Contract Consumer Trust Fund.

(6) If a contract is cancelled after thirty days of execution, the preneed licensee shall not be entitled to credit the remittance for that contract against future remittances.

(7) All remittances to the Preneed Funeral Contract Consumer Trust Fund must be electronically completed and submitted to the Department on a quarterly basis following the process described in Rule 69K-5.0024, F.A.C. for quarterly preneed remittances.

(8) The remittance form must be signed by the president if a corporation, a partner if a partnership, a member if a limited liability company, the owner if a sole proprietor, or by an authorized representative of the preneed licensee who may make such attestation upon written authorization by the preneed licensee as if the preneed licensee had made such signature himself. Such written authorization must be maintained by the preneed licensee as a permanent part of its records.

(9) No preneed licensee is entitled to a refund of its contribution to the Preneed Funeral Contract Consumer Protection Trust Fund. A preneed licensee who overpays the amount due to the Preneed Funeral Contract Consumer Protection Trust Fund may make the necessary adjustments in future reports, provided the adjustment is adequately disclosed and includes a reasonable explanation therefor. If a preneed contract's purchase price is adjusted or revised in good faith and not for the purpose of circumventing the payment of assessments, after the date the contract is originally written, then such event shall be considered inconsequential to the original deposit, and accordingly, there shall be no need to re-report the transaction hereunder.

Rulemaking Authority 497.103, 497.161, 497.456 FS. Law Implemented 497.103, 497.456 FS. History—New 5-23-94, Amended 10-26-00, Formerly 3F-10.001, Amended 3-7-16, 3-12-23.

69K-10.002 Disbursement from the Preneed Funeral Contract Consumer Protection Trust Fund.

The purpose of the Preneed Contract Consumer Protection Trust Fund is to provide restitution to preneed contract purchasers and their estates due to a preneed licensee's or otherwise covered provider's failure to provide the benefits of a preneed contract or failure to refund the appropriate principal amount by reason of cancellation thereof. All restitution to be paid from the Preneed Funeral Contract Consumer Protection Trust Fund shall be subject to review and approval of the Board. Amounts disbursed from the Preneed Funeral Contract Consumer Protection Trust Fund shall be determined in accordance with the following criteria:

(1) The Board shall determine to its satisfaction that the preneed licensee or otherwise covered provider does not possess the financial means to deliver or provide the prearranged merchandise or services. Such determination will be based on information the

Board will require for review and may include the following if applicable:

- (a) Review of delinquency proceedings pursuant to Chapter 631, F.S., against a preneed licensee or otherwise covered provider;
- (b) Review of bankruptcy proceedings in Federal court;
- (c) Review of Trust Accounts held by or entered into by the preneed licensee or otherwise covered provider;
- (d) Review of any funding source used for the preneed contracts;
- (e) Review of all assets held by the preneed licensee or otherwise covered provider;

(2) Requests for restitution shall be submitted on the Preneed Funeral Contract Consumer Protection Trust Fund Proof of Claim and Disbursement Request form, DFS-TFD-1, which is incorporated by reference in Rule 69K-1.001, F.A.C., and available from the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. Restitution will only be made if the preneed licensee or otherwise covered provider was licensed as a preneed licensee or was regulated under Chapter 470, F.S., when the contract was written. All requests for restitution from the Preneed Funeral Contract Consumer Protection Trust Fund shall be accompanied by a copy of the preneed contract and documentation which verifies the total funds paid on preneed contract, and that the applicant has not defaulted in the terms of the contract. In addition, documentation that the preneed licensee or otherwise covered provider has failed to provide the benefits of the preneed contract or has failed to refund the appropriate principal amount by reason of cancellation.

(3) The Board and Department shall have the right to review, investigate, or request additional documentation from any person regarding any request for restitution, in order to determine the validity and correct amount of restitution, if any, to be made.

(4) Restitution may only be obtained from the Preneed Funeral Contract Consumer Protection Trust Fund if adequate funds are not available in the preneed licensee's or otherwise covered provider's preneed trust fund or in the possession of the preneed licensee or otherwise covered provider.

(5) As used herein the term "Restitution" means the disbursement of funds to a preneed licensee or other entity that is licensed by state law to provide services at-need from the Preneed Funeral Contract Consumer Protection Trust Fund after fulfillment of a previously breached contract. After fulfillment, interest accrued in a merchandise trust account or any similar account shall be transferred with the principal to the fulfilling preneed licensee or provider.

(6) If a preneed licensee or provider has been assigned a breached contract by the purchaser, owner or beneficiary and is willing to completely fulfill the breached contract, an application for disbursement of funds to the purchaser, owner or beneficiary of a breached contract will not be considered by the Board. In addition, a purchaser, owner or beneficiary of a breached contract that would otherwise form the basis of a claim for restitution who cancels the contract and receives funds from a trustee will not be considered for restitution from the Preneed Funeral Contract Consumer Protection Trust Fund.

(7) Notwithstanding the provisions of subsection (5) or (6), direct monetary disbursements of funds from the Preneed Funeral Contract Consumer Protection Trust fund will be made directly to the purchaser, owner or beneficiary if both of the following conditions exist:

(a) Funds up to the amount paid on the breached contract do not exist in trust or one of the alternatives to trust as outlined in Sections 497.458, 497.462 and 497.464, F.S., so long as the purchaser, owner or beneficiary has not received funds from the trustee, and

(b) A preneed licensee or otherwise covered provider that will fulfill the breached contract for the identical services and merchandise is not available. Direct monetary disbursement of funds from the Preneed Funeral Contract Consumer Protection Trust Fund will also be made to the purchaser, owner or beneficiary if a provider breaches the original contract and the consumer is forced to purchase another contract. In this case, restitution will be made after fulfillment of the secondary contract for up to the amount paid on the original contract purchases less money trusted.

(8) Nothing in this rule shall be construed to apply to insurance policies sold to fund preneed contracts or to permit payment of a request for restitution from the Preneed Funeral Contract Consumer Protection Trust Fund where the preneed contract was funded by a life insurance policy prior to July 1, 1996. The Department shall, at all times, retain jurisdiction in determining whether a contract purchased constitutes a preneed contract as defined by Chapter 497, F.S., or a prearranged burial plan funded by an insurance policy.

Rulemaking Authority 497.103, 497.456 FS. Law Implemented 497.456 FS. History—New 5-23-94, Amended 12-4-95, 10-18-99, 6-21-01, Formerly 3F-10.002, Amended 3-7-16.

69K-10.003 Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund.

(1) For each calendar quarter, each preneed licensee writing preneed contracts shall remit the sum of \$1.00 per preneed contract

sold to the Preneed Funeral Contract Consumer Protection Trust Fund.

(2) Quarterly preneed remittances shall be made by preneed licensees in the following manner:

(a) Servicing agents must follow the procedures in Form DFS-PNS-1, User Manual for Servicing Agents for the Preneed Remittance System (PNRS), which is incorporated by reference in Rule 69K-5.0024, F.A.C.

(b) Appointing agents and third-party users must follow the procedures in Form DFS-PNS-2, User Manual for Appointing Entity Users for the Preneed Remittance System (PNRS), which is incorporated by reference in Rule 69K-5.0024, F.A.C.

Rulemaking Authority 497.103, 497.161, 497.456, 497.464 FS. Law Implemented 497.103, 497.161, 497.456, 497.458, 497.462, 497.464 FS. History—New 3-19-97, Amended 8-2-01, Formerly 3F-10.003, Amended 6-7-10, 9-20-18, 3-12-23.

CHAPTER 69K-11
DISCIPLINARY GUIDELINES

- 69K-11.001 Disciplinary Guidelines (Repealed)
- 69K-11.002 Minor Violations; Notice of Non-Compliance (Repealed)
- 69K-11.003 Citations (Repealed)

69K-11.001 Disciplinary Guidelines and Penalties for Cemeteries, Preneed Sales, and Monument Establishments.

Rulemaking Authority 497.103, 497.152, 497.154(1) FS. Law Implemented 497.164, 497.263, 497.264, 497.266, 497.267, 497.268, 497.269, 497.270, 497.272, 497.276, 497.278, 497.282, 497.462 FS. History—New 3-20-91, Formerly 3D-30.111, 3F-11.001, Repealed 1-1-19.

69K-11.002 Minor Violations and Notice of Non-Compliance for Cemeteries, Preneed Sales, and Monument Establishments.

Rulemaking Authority 497.103, 497.152(15)(b), 497.155(2)(d) FS. Law Implemented 497.155 FS. History—New 8-9-94, Amended 10-25-94, 8-4-97, 3-18-01, Formerly 3F-11.002, Repealed 1-1-19.

69K-11.003 Citations for Cemeteries, Preneed Sales, and Monument Establishments.

Rulemaking Authority 497.103, 497.155 FS. Law Implemented 497.155 FS. History—New 1-24-95, Amended 5-19-97, 7-5-01, Formerly 3F-11.003, Repealed 1-1-19.

CHAPTER 69K-12
MONUMENTS, MONUMENT ESTABLISHMENTS, BUILDERS AND DEALERS

69K-12.001	Installation of Monuments
69K-12.002	Procedure for Licensing a Monument Establishment
69K-12.003	Procedures for Submission and Approval of Monument Establishment Retail Sales Agreements
69K-12.004	Cancellation of Monument Establishment Retail Sales Agreements and Refunds
69K-12.005	Requirements for Monument Establishment Retail Sales Agreements
69K-12.011	Annual Inspection Fees for Monument Establishments

69K-12.001 Installation of Monuments.

(1) A cemetery shall require that any person engaged in the retail sale of monuments or monument services who wishes to install, place, set, or inscribe a monument shall provide the cemetery with proof that the person has a valid license with the Department. If a cemetery wishes to require proof that a monument dealer or builder has obtained all necessary local or occupational licenses, then the cemetery shall require such an affirmative representation in the application between the cemetery and the monument dealer or builder.

(2) Pursuant to Section 497.273(3), F.S., a cemetery may adopt bylaws setting forth minimum standards for monuments installed in the cemetery which can include the style and size of a monument or its foundation, the content and material of which the monument and/or foundation is to be constructed, the locations or gardens in which different monuments may be installed, the manner of installation of either a flat or upright monument, the specific location on the grave for the installation of either flat or upright monuments, the requirements for the removal and replacement of monuments in the path that any installation equipment must take to install a specific monument, and the clean-up necessary after installation. In all cases, the cemetery must comply with its own minimum standards. Nothing in this rule shall be construed to allow a cemetery to have exclusive rights to monument construction or installation within the cemetery or any part of the cemetery, except for inscriptions in community mausoleums.

(3) Pursuant to Sections 497.273(3) and 497.555, F.S., all cemeteries shall permit during normal business hours licensed monument establishments to install, inscribe or repair a monument, marker or private mausoleum. Cemeteries may adopt bylaws to establish minimum standards for access. These minimum standards shall not unreasonably restrict access to the cemetery grounds, the method of transporting burial merchandise to the burial space, or increase the cost to the owner of interment or burial rights. In all cases, monument establishments and cemeteries shall comply with these minimum standards.

(4) As the cemetery is the only entity holding the records of the ownership of the burial (interment) rights it may require that a person prior to delivering a monument for installation in the cemetery shall submit an application to the cemetery showing the foundation, design, style, size and material of the monument to be installed. If required by the cemetery, the application shall include a scaled sketch of the monument showing the lettering, the family name, the location of the first names of the deceased and/or others, dates and any other items planned to be a part of the monument. If the application does not meet the minimum standards for burial merchandise and installation thereof, the cemetery shall contact the monument establishment within five (5) working days with a written notice of non-compliance. If the cemetery does not do so, the application will be deemed to be approved. The cemetery shall require the written approval of the owner(s) of the burial (interment) rights and legally authorized person which shall be on the application form submitted by the monument establishment prior to scheduling installation.

(5) The cemetery is the scheduling agent for all activities conducted within the cemetery. The scheduling of burials takes priority over all other activities. The cemetery shall schedule the installation of a monument within two (2) working days of the date requested by the installing person provided all the proper authorizations and other requirements have been delivered to and approved by the cemetery. The time of installation must be set so that the installation and the clean up can be accomplished prior to the normal closing time of the cemetery. The foregoing shall be subject to change by the cemetery in the event it received notification of a death of an owner of burial rights located in such a location that the installation of the monument would interfere with the burial.

(6) In the event a burial is taking place and in the determination of the cemetery the installation of a monument will be considered an interference with the burial, the installing persons shall be required by the cemetery to withdraw until the funeral being conducted has concluded and those in attendance have left the cemetery at which time the installation of the monument may be continued.

(7) Prior to the initiation of the monument installation the cemetery shall mark the place on the grave where the monument is to be installed by placing a flag, or other marker, thereon. Nothing in this rule is intended to imply or require that a cemetery shall have

to lay out or engineer a grave site for the installation of a monument. If the cemetery is requested by the monument installer to engineer the grave site, the fee for such service shall be disclosed on the cemetery's price list.

(8) After installation, the cemetery shall inspect the installation. If the installation is improper and not in compliance with the cemetery's minimum standards, the installing person shall be notified in writing postmarked within five (5) working days after installation of the manner in which the installation is not in compliance and the installing person shall have 15 days from the date of notification, in which to make the correction. In the event that the correction is not made within the said 15 days, the cemetery has the right to correct the installation and charge the installing person a reasonable charge for making the correction. A monument establishment shall be responsible for the reasonable cost of repairs needed to repair damages to property in the cemetery caused by the monument establishment's operations in the cemetery.

(9) The cemetery shall not be liable for improper installation of monuments not installed by the cemetery.

(10) Nothing in this rule shall be construed as requiring a cemetery to replace stolen monuments or portions thereof, or to replace or repair monuments that are damaged due to vandalism or other causes beyond the cemetery's control.

(11) A cemetery shall not require any person or firm that installs, places, or sets a monument to obtain any form of insurance, bond, or surety or make any form of pledge, deposit, or monetary guarantee as a condition for entry on or access to cemetery property.

(12) In the event that the cemetery has approved a monument sketch or made written representations to the monument establishment which is not according to the records of the cemetery, the cemetery shall be solely responsible to correct or replace the monument.

Rulemaking Authority 497.103 FS. Law Implemented 497.273(3), 497.278, 497.550, 497.555 FS. History—New 1-24-95, Formerly 3F-12.001, Amended 10-12-09.

69K-12.002 Procedure for Licensing a Monument Establishment.

(1) Each person desiring to obtain a license as a monument establishment shall apply to the Department by submitting the following:

(a) A completed application for License of a Monument Establishment, Form DFS-C-MON1, effective 3-3-97, which is hereby incorporated by reference and available by mail from the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. The application for license must be completed and signed within thirty (30) days prior to receipt by the Department; and

(b) A non-refundable application fee of \$450 which shall be the fee for the biennial licensing period beginning October 1 of each odd numbered year or any part thereof.

(c) The biennial renewal fee for a Monument Establishment license shall be \$250.

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60, F.S.

(3) Amendment of Application. An applicant may amend the application for license as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from its receipt for filing. Otherwise, the application may be amended only with prior permission from the Department. Requests to make changes which are material to the application or to the Department's evaluation of the license filed at any time after the application has been received shall be deemed by the Department to be grounds for denial, and a new application for license, accompanied by the appropriate filing fee, shall be required.

(4) Withdrawal of License. An applicant may request withdrawal of a license prior to a determination of the registration being made by the Department by submitting a written request that the license be withdrawn.

(5) Refunds. If the license is withdrawn or denied, the license fee is non-refundable.

(6) Upon approval of the license, a license will be issued for the remainder of the biennial license period.

Rulemaking Authority 497.103(1) FS. Law Implemented 497.550, 497.551 FS. History—New 3-3-97, Formerly 3D-30.050, 69K-100.050, Amended 10-5-09.

69K-12.003 Procedures for Submission and Approval of Monument Establishment Retail Sales Agreements.

(1) A copy of the retail sales agreement form shall be approved by the Board of Funeral, Cemetery, and Consumer Services prior to use by a monument establishment.

(2) Within 30 days of the effective date of this rule, each monument establishment shall mail a copy of its retail sales agreement form for approval to the Board of Funeral, Cemetery, and Consumer Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0361.

(3) After reviewing the retail sales agreement for compliance with Rule 69K-12.005, F.A.C., the Board shall notify the monument establishment of its approval or disapproval of the agreement. The monument establishment shall make changes to the agreement within 45 days from the date of receipt of notice from the Board of the need for corrections.

Rulemaking Authority 497.103(1)(u), (5)(a), 497.553(2) FS. Law Implemented 497.103(1)(u), 497.553(2) FS. History—New 11-26-06.

69K-12.004 Cancellation of Monument Establishment Retail Sales Agreements and Refunds.

(1) A purchaser may cancel an agreement in accordance with the terms of the agreement, statute and rules that were in effect at the time the agreement was executed.

(2) When an agreement is canceled, the terms of the agreement, statute and rules that were in effect at the time the agreement was executed shall apply.

(3) The failure of a monument establishment to deliver and install a purchased monument or marker by the date agreed in the agreement shall entitle the purchaser to a full refund of all amounts paid by the purchaser for the monument and its delivery and installation, unless the monument establishment has obtained a written agreement from the purchaser extending the delivery date. Such refunds shall be made within 30 days after receipt by the monument establishment of the purchaser's written request for a refund.

(4) The monument establishment may not cancel the agreement unless the purchaser is in default under the terms of the agreement.

Rulemaking Authority 497.103(5)(a) FS. Law Implemented 497.152(13), 497.553 FS. History—New 11-26-06.

69K-12.005 Requirements for Monument Establishment Retail Sales Agreements.

(1) A written retail sales agreement shall be executed between the monument establishment and the purchaser. Each written agreement shall be sequentially numbered and be entered into a sales journal by date of sale by the monument establishment. The provisions of the agreement shall be in at least 10 point type and shall be presented in a clear and legible format.

(2) Any additional purchases or changes made by the purchaser more than 30 days after the original sale date must be shown on a separate agreement. Any changes made by the purchaser within 30 days of the original sales date shall be made on the original agreement and shall be initialed and dated by the purchaser.

(3) The purchaser shall be provided with a copy of the executed agreement at the time of purchase and whenever any changes are made to the agreement.

(4) The agreement form must comply with all disclosure requirements of Sections 497.152 and 497.553, F.S.

(5) Each retail sales agreement shall contain a complete description of the monument, marker, or related product to be delivered and installed together with the price(s) for each item(s) or service(s) purchased and any fees that will be charged. The agreed date for delivery and installation shall be clearly and prominently specified in each retail sales agreement.

(6) The description of the merchandise or drawings shall be included on the agreement or an addendum, provided the form has been approved by the Board of Funeral, Cemetery, and Consumer Services. The approval of the Board shall be conditioned upon the form containing the applicable information required by this rule.

(a) Name, address, and telephone number of monument establishment;

(b) Name, address, and telephone number of purchaser and interment right owner (if different from purchaser);

(c) Date of purchase;

(d) Latest date by which delivery and installation will be made;

(e) Name and address of cemetery or memorial for delivery and installation;

(f) Lot, block, or section number of grave (if to be delivered to a cemetery) or memorial location;

(g) Terms of sale, including purchase price and payment schedule;

(h) Sales tax, down payment, and balance due;

- (i) Signature of purchaser;
- (j) Signature of monument establishment representative.

(7) If a custom designed product is sold to the purchaser, a general description of the product shall be sufficient, providing that the following information is also included in the agreement:

- (a) For memorials or monuments:
 - 1. Type (upright, slant, plaque, marker, ledger, etc.);
 - 2. Material (marble, granite, bronze, etc.);
 - 3. Size (dimension);
 - 4. Foundation (material and dimension);
 - 5. Color (finish);
 - 6. Design (lettering, drawing, carving, decoration, emblems, etc.).

- (b) For all related merchandise and products such as:
 - 1. Urns and cremation vaults (type, dimensions, finish and location);
 - 2. Posts/Corners (color, dimension and finish);
 - 3. Coping (color, dimension and finish);
 - 4. Portrait (image, dimension, finish and location);
 - 5. Vase (type, dimension, finish and location);
 - 6. Chips (marble, granite, etc. and amount);
 - 7. All others (list accessories, dimension, finish and location).

(8) If the sales presentation uses the manufacturer's name and specifications, then the name of the manufacturer and model number shall be included on the agreement in addition to color, materials, and design.

(9) The agreement shall disclose the latest date the memorial or monument will be installed and that the memorial or marker meets all of the cemetery's rules and regulations as of the date of the contract.

(10) The agreement shall disclose in bold print whether a restocking fee will be charged and the amount of the fee if the purchaser cancels the contract prior to delivery for any reason other than the monument establishment's failure to deliver. A restocking fee cannot be charged for the monument establishment's failure to timely deliver.

(11) The agreement shall disclose whether a setting fee will be charged and the amount of the fee.

(12) The agreement shall disclose whether a transportation fee will be charged for the delivery and/or installation of the merchandise and the amount of the fee.

(13) The agreement shall disclose that there will be a separate fee charged for any future inscriptions or engravings.

(14) The agreement shall disclose any other charges or fees, which shall be itemized and detailed.

Rulemaking Authority 497.103(1)(u), (5)(a), 497.553(2) FS. Law Implemented 497.103(1)(u), 497.152(11), (12), 497.553 FS. History--New 11-26-06.

69K-12.011 Annual Inspection Fees for Monument Establishments.

Each monument establishment shall pay an annual inspection fee of \$225 that is payable upon application for licensure and upon each renewal of such license.

Rulemaking Authority 497.103(1)(bb), (5)(a), 497.553(1) FS. Law Implemented 497.103(1)(bb), 497.553(1) FS. History--New 5-16-07, Amended 5-19-09, 5-5-22.

CHAPTER 69K-13

FLORIDA MAUSOLEUM CONSTRUCTION

69K-13.001	General Provisions
69K-13.002	Definitions
69K-13.003	General Construction Specifications
69K-13.004	Additional Non-Building Code Standards for Mausoleum and Columbarium Construction
69K-13.005	Pressure Relief Ventilation (Repealed)

69K-13.001 General Provisions.

The Board of Funeral, Cemetery, and Consumer Services Construction Specifications are intended to establish minimum standards for all newly constructed and significantly altered or renovated mausolea and columbaria. The Board of Funeral, Cemetery, and Consumer Services Construction Specifications, Form DFS-CONS1, incorporated herein by reference (effective November 9, 2000) are to be used until July 1, 2001, at which time the Florida Building Code will take effect.

(1) These rules shall establish minimum standards for all newly constructed and significantly altered or renovated mausolea and columbaria.

(2) These rules are intended to insure that no new structure shall be built or significantly altered for use for interment, entombment or inurnment purposes, unless such new structure or new alteration or new renovation is constructed of such materials as will ensure its durability and permanence, as well as the safety, convenience, comfort and health of the community in which it is located.

(3) Such structures must be so arranged that any niche or crypt may be readily examined at any time by any person authorized by law to do so. Such a person would be a specific representative of the Department of Financial Services or the Board of Funeral, Cemetery, and Consumer Services, or local government inspection personnel.

(4) A columbarium may be built within a mausoleum or as a separate structure, but for purposes of these rules shall be considered a mausoleum for construction purposes.

(5) There are four (4) classes of Mausolea: "Class A" or chapel mausoleum, "Class B" or garden mausoleum, "Class C" or family mausoleum, and "Class D" or non-visitation crypt mausoleum.

Rulemaking Authority 497.103 FS. Law Implemented 497.271 FS. History—New 11-9-00, Formerly 3F-13.001.

69K-13.002 Definitions.

(1) "Class "A" or chapel mausoleum" means a mausoleum that has heat and/or air conditioning, with or without a committal area or chapel or office(s), single or multi-story, with any number of crypts, and burial rights in all crypts are available for purchase by the general public. This type of mausoleum may be a single building or a phase of an ongoing mausoleum construction project.

(2) "Class "B" or garden mausoleum" means a mausoleum, single or multi-story, with any number of crypts, that is built without any heat or air conditioning but may contain an "open air" committal area and burial rights in all crypts are available for purchase by the general public. This type of mausoleum may be a single building or a phase of an ongoing mausoleum construction project.

(3) "Class "C" or family mausoleum" means a mausoleum pre-assembled within or without the State of Florida and purchased by a family or group of family members in which burial rights in individual crypts or niches are not sold to the general public.

(4) "Class "D" or non-visitation crypt mausoleum" means a mausoleum with remote memorialization burial rights which are available for sale to the general public. These crypts by design and location are not able to be seen, touched or visited by the general public, but the crypts are accessible to authorized persons of the cemetery or specific representatives of the Department of Financial Services, Board of Funeral, Cemetery, and Consumer Services and local government inspection personnel. These crypts are to be constructed to the same standard as Class "A" and Class "B" mausoleum crypts.

(5) "Significant alteration or renovation" means any addition, renovation, or repair which results in the creation of new crypts or new niches.

Rulemaking Authority 497.103 FS. Law Implemented 497.271 FS. History—New 11-9-00, Formerly 3F-13.002.

69K-13.003 General Construction Specifications.

The general construction specifications are set forth in the Board of Funeral, Cemetery, and Consumer Services Construction Specifications, as incorporated in chapter 69K-1, F.A.C. A copy of the specifications are available from the Board.

Rulemaking Authority 497.103 FS. Law Implemented 497.271 FS. History—New 11-9-00, Formerly 3F-13.003.

69K-13.004 Additional Non-Building Code Standards for Mausoleum and Columbarium Construction.

(1) Roofing materials or roof membrane applied on top of a reinforced cast in place or a precast concrete roof that meets the provisions of the Florida Building Code as defined by section 553.73, F.S., shall not prevent a mausoleum from being considered a fire resistant structure.

(2) After each entombment of a human body in an existing mausoleum or in a new or significantly altered or renovated mausoleum the crypt shall be sealed with a panel so that no effluvia or odors escape from the crypt except through the pressure relief passage system. Such panels shall be made of materials of sufficient weight, permanence, density, imperviousness and strength to insure their durability and continuing function. All such panels shall be securely set in with standard building core materials. These sealing panels shall be set independent of and in addition to crypt fronts or shutters.

(3) Except as otherwise provided in the Florida Building Code or in these rules, all materials used in the construction of the structural members of each mausoleum shall be of non-combustible materials and all ornamentation or embellishment or mausoleums shall be of non-combustible materials. This provision will not apply to crypt vents, temporary openings or partitions, interior doors, fixtures, furniture or furnishings, roofing materials, electrical wiring or containers for human remains.

(4) All mausoleum or columbarium structures must meet the minimum requirement set forth in the By-Laws or Operating Procedures of the cemetery in which the structure is to be built.

Rulemaking Authority 497.103 FS. Law Implemented 497.271 FS. History—New 11-9-00, Formerly 3F-13.004.

69K-13.005 Pressure Relief Ventilation.

Rulemaking Authority 497.103(1)(m), (5)(a), 497.271(2) FS. Law Implemented 497.271(2)(c) FS. History—New 2-15-10, Repealed 11-13-11.

CHAPTER 69K-14

ORGANIZATION, PROCEDURES, AND MEETINGS

69K-14.006	Probable Cause Determination and Discipline
69K-14.008	Payment of Fines and Costs
69K-14.010	Meetings
69K-14.013	Attendance of Meetings by Board Members

69K-14.006 Probable Cause Determination and Discipline.

(1) The determination as to whether probable cause exists to believe that a violation of the provisions of chapter 497, F.S., and/or the rules promulgated pursuant thereto, has occurred shall be made by a majority vote or, if only two panel members are in attendance, by the unanimous vote of the members present.

(2) The probable cause panel shall be composed of at least two (2) members of the Board of Funeral, Cemetery, and Consumer Services. Not more than one (1) member of the panel may be a consumer member. The Chairman may appoint a former member of the Board to serve on the probable cause panel in lieu of a current member of the Board of Funeral, Cemetery, and Consumer Services.

(3) The probable cause panel members shall be selected by the Chairman.

(4) The probable cause panel may proceed, pursuant to the provisions of chapter 497, F.S., against the license of a funeral director, on any of the grounds enumerated in section 497.152, F.S., when such activities are committed by the funeral director in his capacity as a direct disposer while operating from a direct disposal establishment, registered pursuant to the provisions of chapter 69K-23, F.A.C., of these rules.

(5) The Board of Funeral, Cemetery, and Consumer Services may discipline or take action against the license of a funeral director pursuant to the provisions of chapters 120 and 497, F.S., for any of the grounds enumerated in section 497.152, F.S., when such activities are committed by the funeral director in his capacity as a direct disposer while operating from a direct disposal establishment, registered pursuant to the provisions of chapter 69K-23, F.A.C., of these rules.

Rulemaking Authority 497.103, 497.153(3) FS. Law Implemented 497.152, 497.153 FS. History—New 11-11-79, Amended 3-1-81, 4-10-84, Formerly 21J-14.06, 21J-14.006, Amended 2-20-95, 5-3-01, Formerly 61G8-14.006.

69K-14.008 Payment of Fines and Costs.

All fines and costs imposed by the Board shall be paid within thirty (30) days from the date of the final order entered by the Board unless the final order extends the deadline in any given case.

Rulemaking Authority 497.103 FS. Law Implemented 497.153(5) FS. History—New 10-26-80, Formerly 21J-14.08, 21J-14.008, Amended 10-12-98, Formerly 61G8-14.008.

69K-14.010 Meetings.

The following shall be considered to be other business involving the Board:

- (1) Board meetings including properly noticed telephone conference calls.
- (2) Meetings attended by a Board member where the attendance and participation of the Board member at the meeting has been:
 - (a) Requested or approved by the Chief Financial Officer of the Department of Financial Services; and
 - (b) The Board member's participation at the meeting is related to the Board's authority as set forth in chapter 497, F.S.

Rulemaking Authority 497.103 FS. Law Implemented 497.101 FS. History—New 10-15-81, Formerly 21J-14.10, 21J-14.010, Amended 2-17-00, Formerly 61G8-14.010.

69K-14.013 Attendance of Meetings by Board Members.

Unexcused absences of a board member are absences not due to the following situations:

- (1) Medical problems of a board member or a board member's family including but limited to illness, surgery, emergency care and/or hospitalization.
- (2) Death of a family member and/or attendance at the family member's funeral.

(3) Any conflict, extraordinary circumstance, or event approved by the chairman of the board.

Rulemaking Authority 497.103 FS. Law Implemented 497.101 FS. History—New 5-20-93, Formerly 21J-14.013, Formerly 61G8-14.013.

CHAPTER 69K-15

DEFINITIONS

69K-15.001	Course in Mortuary Science
69K-15.002	Associate of Arts Degree in Mortuary Science
69K-15.003	Arrangements
69K-15.004	At Need; Preneed
69K-15.005	Operational Personnel
69K-15.006	Reasonable Time for Obtaining Written Permission

69K-15.001 Course in Mortuary Science.

(1) A course in mortuary science will be approved by the Board if taught at a university or college accredited by the American Board of Funeral Service Education, a university or college accredited by a regional accrediting agency recognized by the United States Department of Education, or other schools, colleges and universities in the subject areas identified in paragraph 497.368(1)(d), F.S.

(2) Universities and/or colleges offering courses in mortuary science which do not meet the requirements of subsection (1), above, may be approved by the Board upon a finding by the Board that the institution substantially complies with the criteria for accreditation established by the American Board of Funeral Service Education.

Rulemaking Authority 497.103 FS. Law Implemented 497.368, 497.370 FS. History—New 11-11-79, Formerly 21J-15.01, Amended 8-8-88, Formerly 21J-15.001, 61G8-15.001, Amended 2-9-16.

69K-15.002 Associate of Arts Degree in Mortuary Science.

(1) An associate of arts degree, associate in science degree, or an associate in applied science degree in mortuary science will be approved by the Board if obtained after successful completion of a course of study at a university or college accredited by the American Board of Funeral Service Education, a university or college accredited by a regional accredited agency recognized by the United States Department of Education, or other colleges and universities as approved by the Department which require a minimum of either 60 semester or 90 quarter hours of study to successfully complete.

(2) A person who holds an associate degree or higher degree from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education and is a graduate of at least a one-year course in mortuary science offered by a school or college approved by the American Board of Funeral Service Education, or by this Board, is deemed to have completed educational requirements equivalent to the associate degree in mortuary science as used in paragraph 497.373(1)(d), F.S.

Rulemaking Authority 497.103 FS. Law Implemented 497.373 FS. History—New 11-11-79, Amended 10-16-85, Formerly 21J-15.02, 21J-15.002, 61G8-15.002, Amended 2-9-16.

69K-15.003 Arrangements.

(1) In addition to the activities identified in section 497.372, F.S., the term “arrangements,” shall be deemed and construed to include the following acts:

(a) Planning the details of funeral services, setting the time of the service, identifying the type of service to be rendered, acquiring the services of a minister, priest, or other clergy, obtaining vital information for the filing of death certificates, obtaining burial-transit permits and making financial arrangements relating to funeral services and merchandise; and,

(b) Comparing or discussing prices and financial arrangements with legally authorized persons in accordance with existing laws and rules. All price lists, funeral purchase agreements, invoices, and similar documents shall be under the heading of the name, address, and phone number of the funeral establishment;

(c) Personal, on-site supervision of all scheduled funeral rites as contracted.

(2) In addition to the activities identified in section 497.372, F.S., the term “arrangements,” shall not be deemed and construed to include the following acts:

(a) Contacting shipping agents or cemetarians and delivery of remains to shipping agents or cemetarians;

(b) Delivery of death certificates to attending physicians;

(3) Persons holding licenses as funeral directors shall conduct the practice of funeral directing only under the auspices of a

licensed funeral establishment either as an owner, employee, or under a bona fide contractual agreement.

(4) Nothing herein shall be construed to restrict pre-need agents, direct disposers or direct disposer establishments or cemeteries from performing duties and functions as provided by law.

Rulemaking Authority 497.103 FS. Law Implemented 497.372 FS. History—New 12-26-85, Formerly 21J-15.003, 61G8-15.003, Amended 2-9-16.

69K-15.004 At Need; Preneed.

(1) As used in paragraphs 497.372(1)(a), (b) and (c), F.S., “at need” means after the individual for whom arrangements are being made has died.

(2) As used in paragraph 497.372(3)(e), F.S., “preneed” means before the individual for whom arrangements are being made has died.

(3) Nothing herein shall be construed to prohibit an agent registered under chapter 497, F.S., from making preneed arrangements, provided such agent does not make or continue to make arrangements after learning that the individual for whom the arrangements are being made is already deceased.

Rulemaking Authority 497.103, 497.161(1)(a) FS. Law Implemented 497.161(1)(a), 497.372 FS. History—New 10-21-91, Formerly 21J-15.004, Amended 10-13-97, Formerly 61G8-15.004, Amended 2-9-16.

69K-15.005 Operational Personnel.

The term “operational personnel” for purposes of determining those employees, including leased employees not licensed by the Department, required to complete the course mandated by section 497.162, F.S., are those individuals who come in direct contact with or remove or transport dead human remains, or those individuals who come in direct contact with blood or other body fluids.

Rulemaking Authority 494.103, 497.162 FS. Law Implemented 497.162 FS., as amended by Chapter 94-119, Laws of Florida. History—New 1-8-95, Formerly 61G8-15.005.

69K-15.006 Reasonable Time for Obtaining Written Permission.

A “reasonable time” for purposes of determining when a licensee or registrant must obtain written permission for the taking of possession of a dead human body or for embalming after oral permission has been granted shall be prior to final disposition of the dead human body.

Rulemaking Authority 497.103, 497.152(8)(c) FS. Law Implemented 497.152(8)(c) FS. History—New 1-8-95, Formerly 61G8-15.006.

CHAPTER 69K-16
EXAMINATIONS AND EXAMINATION REVIEW PROCEDURES

69K-16.0001	State Examination for Funeral Industry Professionals
69K-16.001	Examination for Embalmer Applicants
69K-16.002	Examination for Funeral Director Applicants
69K-16.004	Examination for Licensure by Endorsement
69K-16.005	Reexaminations
69K-16.006	Examination Review Procedures

69K-16.0001 State Examination for Funeral Industry Professionals.

(1) In addition to all other requirements, any person desiring to be licensed, whether initially or by endorsement, as an embalmer, funeral director or direct disposer, in the state of Florida shall:

- (a) Apply to the Board to take the Florida Law & Rules Exam.
- (b) Pass the Florida Law & Rules Exam with a score of 75% or more. A fraction of a percentage point of one-half (.5) or higher on this examination shall be raised to the next highest whole number.

(2) The state examination shall cover the following laws:

- (a) Chapters 382, 406, 497 and 872, F.S., and,
- (b) 10 U.S.C. §§1481-1488, 16 U.S.C. §17 E, 18 U.S.C. §710, 38 U.S.C. §2303, 42 U.S.C. §248, 42 U.S.C. §238C; and the following rule chapters:
 - (c) Divisions 11G, Chapter 64V-1 and 69K, F.A.C.

(3) The examination shall cover the following topics in the percentage ranges that follow:
Practice Laws 40-50%, Preneed Contracts 16-20%, Medical Examiner 4-6%, Vital Statistics 10-16%, Disposition 10-16%, Federal Laws 4-6% and Offenses 8-16%.

(4) In any instance where pursuant to Chapter 497, F.S., it is a prerequisite for obtaining a license that the applicant take and pass the laws and rules examination, if the applicant has taken and passed such examination within 24 months prior to the date of the application currently pending, the requirement shall be deemed satisfied. The requirement shall not be deemed satisfied by having taken and passed the examination more than 24 months prior to the date of the application currently pending. For purposes of this rule the date of the application shall be the date the application is received by the Division of Funeral, Cemetery, and Consumer Services.

Rulemaking Authority 497.103, 497.144, 497.368, 497.373 FS. Law Implemented 497.144, 497.368, 497.369, 497.373, 497.374 FS. History—New 4-27-03, Formerly 61G8-16.0001, Amended 3-7-16, 2-7-17.

69K-16.001 Examination for Embalmer Applicants.

(1) Any person desiring to be licensed as an embalmer shall apply to the Department and successfully pass the required licensure examinations.

(2) The following shall constitute successful passage of the required licensure examination for embalmer applicants:

- (a) Attaining a score of seventy-five percent (75%) on the Funeral Services Science section of the National Board Examination prepared by the Conference of Funeral Service Examining Boards, and,
- (b) Attaining a score of seventy-five percent (75%) on the examination prepared and administered by the Department of Financial Services as set forth in Rule 69K-16.0001, F.A.C.

Rulemaking Authority 497.103, 497.144, 497.368 FS. Law Implemented 497.144, 497.368 FS. History—New 11-11-79, Amended 6-3-81, Formerly 21J-16.01, Amended 5-9-88, Formerly 21J-16.001, Amended 5-1-96, 10-29-97, 2-16-98, 4-27-03, Formerly 61G8-16.001.

69K-16.002 Examination for Funeral Director Applicants.

(1) Any person desiring to be licensed as a funeral director shall apply to the Department and successfully pass the licensure examination prepared and administered by the Department, pursuant to Rule 69K-16.0001, F.A.C.

(2) Additionally, the successful applicant will have attained a score of seventy-five percent (75%) on the funeral service arts section of the National Board Examination prepared by the Conference of Funeral Service Examining Boards, attained a score of

seventy-five percent (75%) on the funeral service science section of the NBE prepared by the Conference of Funeral Service Examining Boards.

Rulemaking Authority 497.103, 497.144, 497.373 FS. Law Implemented 497.144, 497.373 FS. History—New 11-11-79, Amended 6-4-80, 6-3-81, 6-15-82, Formerly 21J-16.02, 21J-16.002, Amended 1-8-95, 5-13-96, 10-29-97, 2-16-98, 4-27-03, Formerly 61G8-16.002.

69K-16.004 Examination for Licensure by Endorsement.

Any person desiring to be licensed as a funeral director or embalmer by endorsement, as provided in Chapter 497, F.S., shall apply to the Department, have passed the examination(s) appropriate to the licensure sought, as set forth in Section 497.369 or 497.374, F.S., and shall pass the examination required in Rule 69K-16.0001, F.A.C.

Rulemaking Authority 497.103, 497.144, 497.374 FS. Law Implemented 497.144, 497.369, 497.374 FS. History—New 11-11-79, Amended 6-3-81, Formerly 21J-16.04, Amended 5-24-89, Formerly 21J-16.004, Amended 10-29-97, 7-8-03, Formerly 61G8-16.004.

69K-16.005 Reexaminations.

Applicants for licensure as embalmers and/or funeral directors who fail to achieve a passing grade on the required examinations may make application to retake the examination failed at the next regularly scheduled examination. Each subsequent application submitted shall be accompanied by the appropriate application fee.

Rulemaking Authority 497.103, 497.144 FS. Law Implemented 497.144, 497.368, 497.369, 497.373, 497.374 FS. History—New 11-11-79, Formerly 21J-16.05, 21J-16.005, Amended 4-22-01, Formerly 61G8-16.005.

69K-16.006 Examination Review Procedures.

An applicant is entitled to review his examination questions, answers, papers, grades and grading key used in the examination under such terms and conditions as may be prescribed by the Department, unless prohibited or limited by rules implementing security or access guidelines of the Conference of Funeral Services Examining Boards.

Rulemaking Authority 497.103, 497.144 FS. Law Implemented 497.144 FS. History—New 11-11-79, Formerly 21J-16.06, 21J-16.006, 61G8-16.006.

CHAPTER 69K-17
FEES AND CONTINUING EDUCATION

69K-17.001	Examination Fees for Embalmers and Funeral Directors; Manner of Application
69K-17.0015	Security and Monitoring Procedures for Licensure Examination
69K-17.002	Application Fees; Licensure by Endorsement for Embalmers and Funeral Directors
69K-17.0025	Active Status License
69K-17.0026	Inactive Status License
69K-17.0027	Delinquent License
69K-17.003	Fees
69K-17.0030	Direct Disposer/Establishment; Fees
69K-17.0034	Continuing Education for License Renewal
69K-17.0035	Communicable Disease Education Required for Operational Personnel
69K-17.0036	Course Required for Initial Licensure
69K-17.004	Continuing Education for Reactivation
69K-17.0041	Continuing Education Provider Requirements
69K-17.0042	Approval of Continuing Education Courses
69K-17.0043	Required Records Maintained by Provider
69K-17.0044	Advertising of Continuing Education Courses
69K-17.005	Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions. (Transferred)
69K-17.008	Delinquency Fee
69K-17.009	Processing Fee
69K-17.010	Inactive Status Fee
69K-17.011	Reactivation Fee

69K-17.001 Examination Fees for Embalmers and Funeral Directors; Manner of Application.

(1) Examination fee for a person desiring to be licensed as an embalmer who is required to sit for an examination, as provided by Section 497.368, F.S., shall be \$110.00 for the Florida laws and rules portion and \$200.00 for the conference portion, and shall be paid at the same time as the licensure fee. The \$200.00 for the conference portion includes the actual per applicant cost for purchase of portions of the examination.

(2) Examination fee for a person desiring to be licensed as a funeral director who is required to sit for an examination, as provided by Section 497.373, F.S., shall be \$110.00 for the Florida laws and rules portion and \$200.00 for the conference portion. The \$200.00 for the conference portion includes the actual per applicant cost for purchase of portions of the examination.

(3) Examinations will be administered on the second Monday in January and July of each calendar year.

(4) All properly completed applications must be filed in the Board office at least ninety (90) days prior to the date on which the examination is to be administered. Otherwise the applicant shall schedule for the next available examination.

Rulemaking Authority 497.103, 497.368, 497.373 FS. Law Implemented 497.140, 497.144, 497.368, 497.373 FS. History—New 11-11-79, Amended 6-3-81, Formerly 21J-17.01, Amended 5-9-88, 3-28-90, 7-22-90, 6-25-91, Formerly 21J-17.001, Amended 11-11-99, 4-22-01, Formerly 61G8-17.001.

69K-17.0015 Security and Monitoring Procedures for Licensure Examination.

The Board of Funeral, Cemetery, and Consumer Services adopts by reference Rule 61-11.014, F.A.C., as it existed on January 1, 1997, of the Department of Business and Professional Regulation as its rule governing examination security and monitoring.

Rulemaking Authority 497.103, 497.144(6) FS. Law Implemented 497.144(6) FS. History—New 3-22-82, Formerly 21J-17.015, 21J-17.0015, Amended 10-13-97, Formerly 61G8-17.0015.

69K-17.002 Application Fees; Licensure by Endorsement for Embalmers and Funeral Directors.

(1) Application fee for persons desiring to be licensed by endorsement or reciprocity as an embalmer shall be \$50.

(2) Application fee for persons desiring to be licensed by endorsement or reciprocity as a funeral director shall be \$50.

(3) Examinations will be administered on the second Monday in January and July of each calendar year.

(4) All properly completed applications must be filed in the Board office at least ninety (90) days immediately preceding the first day of the month in which the examination is to be administered. Otherwise the applicant shall schedule for the next available examination.

(5) The application fee is to be paid at the same time as the initial licensure and licensure examination fees.

(6) A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within 2 years preceding the application for licensure are exempt from the application fee, the initial provisional licensure fee, and the initial issuance fee. The military record must show such member is currently in good standing or such veteran was honorably discharged.

Rulemaking Authority 497.103, 497.369, 497.374 FS. Law Implemented 497.140, 497.144, 497.369, 497.374 FS. History—New 11-11-79, Amended 6-3-81, Formerly 21J-17.02, Amended 3-28-90, Formerly 21J-17.002, Amended 9-10-96, 11-11-99, Formerly 61G8-17.002, Amended 2-18-19.

69K-17.0025 Active Status License.

(1) The Department shall renew an active license to practice funeral directing upon timely receipt of the complete application for active status, the biennial renewal fee, and certification that the licensee has demonstrated participation in the continuing education.

(2) The term "complete application" for purposes of active status or inactive status licensure shall mean the renewal card including the place of practice and names of all licensed operational personnel.

Rulemaking Authority 497.103, 497.365, 497.379 FS. Law Implemented 497.365, 497.379 FS. History—New 1-2-95, Formerly 61G8-17.0025.

69K-17.0026 Inactive Status License.

(1) Any licensee may elect at the time of license renewal to place the license into inactive status by filing with the Board a complete application for inactive status as defined in Rule 69K-17.0025, F.A.C., and paying the inactive status fee.

(2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education requirements of Rule 69K-17.0034, F.A.C., if applicable, pays the active status fees for each biennium during which the license was inactive, pays the reactivation fee, and if the request to change licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional processing fee. However, a licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles shall be required to appear before the Board before the license can be placed into active status. The Board at the time of the appearance shall impose upon the licensee reasonable conditions necessary to insure that the licensee can practice with the care and skill sufficient to protect the health, safety and welfare of the public.

Rulemaking Authority 497.103, 497.365 FS. Law Implemented 497.365 FS. History—New 1-2-95, Amended 11-11-99, Formerly 61G8-17.0026.

69K-17.0027 Delinquent License.

The delinquent status licensee who applies for active or inactive license status shall:

(1) File with the Board the complete application for either active or inactive status as defined in subsection 69K-17.0025(2), F.A.C.;

(2) Pay to the Board either the active status or inactive status fee, the delinquency fee, and if applicable the processing fee; and

(3) If active status is elected, demonstrate compliance with the continuing education requirements found in Rule 69K-17.0034, F.A.C.

Rulemaking Authority 497.103, 497.365 FS. Law Implemented 497.365 FS. History—New 1-2-95, Amended 11-11-99, Formerly 61G8-17.0027.

69K-17.003 Fees.

(1) Licenses and registrations shall be renewed in accordance with the rules of the Department.

(2) The following biennial active status fees are prescribed by the Board:

(a) Biennial active status fee for license of embalmer shall be \$375.

(b) Biennial active status fee for license of funeral director shall be \$375.

(c) Biennial active status fee for license renewal of funeral director/embalmer shall be \$375.

(3) Unless exempt, persons initially licensed in the first year of the biennial period shall pay the full fees as established in

subsection 69K-17.003(2), F.A.C., in addition to the examination fees as established in Rule 69K-17.003, F.A.C.

(4) Unless exempt, persons initially licensed in the second year of the biennial period shall pay fees of one-half (50%) of the fees established in subsection 69K-17.003(2), F.A.C., in addition to the examination fees as established in Rule 69K-17.003, F.A.C.

(5) Renewal of an inactive license for an embalmer, funeral director or direct disposer shall be subject to a fee of \$375. Renewal of an inactive license for funeral director/embalmer shall be subject to a fee of \$375.

(6) In the event that a licensee or registrant changes name, legal documentation must be submitted to the Board office. A fee of \$25.00 will be required, in addition to the return of the original license. A duplicate license, reflecting the new name will be generated, upon receipt of the original license and completion of these requirements. Documentation submitted will remain in the Department's possession.

(7) The fee for each duplicate license shall be \$25.00. To obtain a duplicate license, a licensee or registrant must file a signed statement with the Department that the license has been lost, stolen, or destroyed and pay the duplicate license fee to the Department. Upon receipt of such notification and payment of the fee, the Department shall generate a duplicate license.

(8) The fee for initial registration as a continuing education course provider shall be \$200.

(9) The fee for renewal of previously approved continuing education providers shall be \$200.

(10) Unless exempt, the Department shall impose, in addition to all other fees, a special fee of \$5.00, upon each initial license or registration, and renewal thereof, to fund efforts to combat the unlicensed practice of funeral directing and embalming and the unlicensed operation of funeral establishments.

(11) Unless exempt, the fee for a temporary license shall be fifty dollars (\$50).

(12) Unless exempt, the fees for provisional licenses shall be as follows:

(a) For a funeral director – \$50.00.

(b) For an embalmer – \$50.00.

(13) Exemptions. A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within 2 years preceding the application for licensure are exempt from the following fees:

(a) Unlicensed activity fee associated with initial licensure.

(b) Burial rights broker – initial license fee.

(c) Direct disposer – application fee.

(d) Embalmer – application fee.

(e) Embalmer apprentice – licensure fee.

(f) Embalmer by endorsement – application fee.

(g) Embalmer intern – application fee.

(h) Embalmer provisional – application fee and initial provisional licensure fee.

(i) Embalmer temporary – initial issuance fee.

(j) Funeral director – application fee.

(k) Funeral director by endorsement – application fee.

(l) Funeral director intern – application fee.

(m) Funeral director provisional – initial provisional licensure fee.

(n) Funeral director temporary – initial issuance fee.

(o) Monument establishment sales agent – application fee.

(p) Preneed – application fee when applying as an individual.

(q) Preneed sales agent – application fee.

The military record must show such member is currently in good standing or such veteran was honorably discharged.

Rulemaking Authority 497.103, 497.140, 497.378, 497.379 FS. Law Implemented 497.140, 497.281, 497.368, 497.369, 497.370, 497.371, 497.373, 497.374, 497.375, 497.378, 497.379, 497.453, 497.603, 497.466, 497.554, 497.602 FS. History—New 11-11-79, Amended 8-18-82, 4-10-84, Formerly 21J-17.03, Amended 3-10-91, 11-15-92, Formerly 21J-17.003, Amended 4-10-94, 1-10-95, 5-1-96, 9-10-96, 10-13-97, 1-4-98, 2-16-98, 10-12-98, 11-11-99, Formerly 61G8-17.003, Amended 5-19-09, 12-24-18.

69K-17.0030 Direct Disposer/Establishment; Fees.

(1) The direct disposer nonrefundable application fee shall be \$375.

(2) The direct disposer renewal fee shall be \$375.

(3) The direct disposal establishment nonrefundable application fee shall be \$450.

(4) A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within 2 years preceding the application for licensure are exempt from the individual application fee. The military record must show such member is currently in good standing or such veteran was honorably discharged.

Rulemaking Authority 497.103, 497.140, 497.602, 497.603, 497.604 FS. Law Implemented 497.140, 497.602, 497.603, 497.604 FS. History—New 3-10-98, Formerly 61G8-17.0030, Amended 7-3-06, 5-19-09, 2-18-19.

69K-17.0034 Continuing Education for License Renewal.

(1) A "CONTINUING EDUCATION REPORTING PERIOD" SHALL BE THE 24 MONTHS IMMEDIATELY PRECEDING THE SCHEDULED LICENSE RENEWAL DATE, FOR FUNERAL, DIRECTOR, EMBALMER, COMBINATION FUNERAL DIRECTOR AND EMBALMER, AND DIRECT DISPOSER LICENSEES.

(2) NO FUNERAL DIRECTOR, EMBALMER, COMBINATION FUNERAL DIRECTOR AND EMBALMER, OR DIRECT DISPOSER LICENSE SHALL BE RENEWED UNLESS THE LICENSEE HAS, DURING THE 24 MONTHS PRECEDING THE RENEWAL DATE, COMPLETED THE FOLLOWING NUMBER OF HOURS OF CONTINUING EDUCATION:

(a) Each funeral director, embalmer, and combination funeral director and embalmer, shall in each continuing education reporting period complete twelve (12) hours of continuing education, at least one hour of which shall be in a course approved for continuing education credit in the communicable disease category.

(b) Each direct disposer shall in each continuing education reporting period complete six (6) hours of continuing education, at least one hour of which shall be in a course approved for continuing education credit in the communicable disease category.

(3) CREDIT FOR CONTINUING EDUCATION SOURCES COMPLETED WILL ONLY BE GIVEN IF THE COURSE AND COURSE PROVIDER WERE CURRENTLY APPROVED BY THE BOARD AS OF WHEN THE COURSE WAS COMPLETED. Credit shall only be given for the number of hours the course was approved for by the Board as of when the course was completed. No additional credit shall be given for completing the same course a second or subsequent time in the same continuing education reporting period. Continuing education credit may not be carried forward from prior continuing education reporting periods. No continuing education credit shall be provided to Board members or others, for participation in teleconference meetings of the Board or its committees. No continuing education credit shall be awarded for attendance at any meeting that was not duly noticed by the Division, as a public meeting, in the Florida Administrative Register. The hours of continuing education credit to be awarded in regard to any particular Board or Board committee meeting, shall be rounded down to the nearest whole hour by the Division staff.

(4) PERSONS HOLDING MORE THAN ONE LICENSE THAT IS SUBJECT TO A CONTINUING EDUCATION REQUIREMENT, SHALL ONLY BE REQUIRED TO SATISFY THE CONTINUING EDUCATION REQUIREMENT FOR THE LICENSE WITH THE HIGHEST CONTINUING EDUCATION HOURS REQUIREMENT.

(5) PERSONS INITIALLY LICENSED WITH HALF OR LESS OF THE RENEWAL PERIOD OF A BIENNium REMAINING SHALL BE REQUIRED ONLY TO PASS AN APPROVED COURSE ON COMMUNICABLE DISEASES AS A CONDITION FOR INITIAL RENEWAL.

(6) CONTINUING EDUCATION CREDIT FOR ATTENDANCE AT BOARD MEETINGS.

(a) Subject to the requirements of this rule section, Chapter 497, F.S., licensees shall be given continuing education credit on an hour for hour basis, rounded down to the nearest whole hour, for attendance at in-person public meetings of the Board of Funeral, Cemetery, and Consumer Services, or for attendance at public meetings of any committee of the Board. Provided, attendance at meetings of the Board or its committees may not be substituted for the one hour communicable disease course. No continuing education credit shall be given for attendance at a Board meeting as a subject of investigation or disciplinary action.

(b) Board and Board Committee Members.

Board and Board committee members who attend a Board meeting or Board committee meeting shall be awarded continuing education credit for the actual length of the meeting, rounded down to the nearest whole hour. Board and Board committee members are not required to sign in or out at Board or Board committee meetings.

(c) Meeting Attendance By Other Persons.

1. This subsection applies to Chapter 497, F.S., licensees who are not Board members or Board committee members, but seek continuing education credit for attendance at a Board or Board committee meeting.

2. The office of the Board's executive director shall place a meeting attendance list on a table at the inside rear of the Board or

committee meeting room.

3. Any licensee under this subsection who desires continuing education credit for attendance at the meeting, shall in person sign-in on the attendance list when they arrive at the meeting, and shall sign out when they leave the meeting, even if they leave the meeting at or after adjournment. Signing in shall require legibly printing on the attendance list the licensee's name, license number, time arrived, and signing the attendance list. Signing-out on the attendance list shall require that the licensee shall in person enter on the attendance list, on the same line they signed in on, the time they leave the meeting room. No continuing education credit shall be given to any person as to whom any entries required to sign in or sign out are missing or not legible.

4. Continuing education credit shall be given for the lesser of the time in attendance as shown on the attendance list, or the length of the meeting. Credit shall be rounded downward by the Division office to the nearest whole hour.

Rulemaking Authority 497.103(1)(q), (5)(a), 497.147, 497.378, 497.603 FS. Law Implemented 497.103(1)(q), 497.147, 497.376, 497.378, 497.603 FS. History--New 4-10-94, Amended 3-14-95, 7-25-95, 9-25-95, 9-25-97, 11-11-99, 11-20-00, 6-24-01, 11-29-01, 4-27-03, Formerly 61G8-17.0034, Amended 7-3-06, 7-31-11.

69K-17.0035 Communicable Disease Education Required for Operational Personnel.

(1) This rule implements Section 497.162, F.S.

(2) "Operational Personnel" subject to the communicable disease course required under Section 497.162, F.S., shall be those unlicensed staff of any funeral establishment, direct disposal establishment, cinerator facility, removal service, refrigeration facility, or centralized embalming facility, who have direct contact with human remains. "Staff" as used in this rule includes persons who are directly employed by the establishment, facility, or service, as well as staff provided to the establishment, facility, or service by or through an employee leasing firm, temporary staffing firm, or similar business.

(3) For purposes of this rule human remains includes a body, a detached body part, or any body fluids in, taken from, or seeping from, human remains.

(4) For purposes of this rule direct contact includes touching the human remains whether or not the staff is wearing gloves or other protective gear. Direct contact includes contact with clothes being worn on the human remains.

(5) The course required by Section 497.162, F.S., shall be a course approved by the Board for at least 2 hours of continuing education credit in the communicable disease category under Rule 69K-17.0042, F.A.C., covering the basic elements of communicable disease risks and risk prevention and mitigation in the deathcare industry context. The course may be taken through use of pre-recorded DVD or video-cassette, or other type of audio, video, Internet, or home study course.

(6) All persons subject to Section 497.162, F.S., shall maintain a certificate of completion showing proof of meeting the communicable disease education requirement as a condition of employment with any establishment, facility or service regulated under Chapter 497, F.S.

Rulemaking Authority 497.103(1)(s), (5)(a), 497.162 FS. Law Implemented 497.162 FS. History--New 4-10-94, Amended 9-10-96, 11-20-96, 6-24-01, Formerly 61G8-17.0035, Amended 6-9-09, 8-10-11.

69K-17.0036 Course Required for Initial Licensure.

In any instance in which, under Chapter 497, F.S., an applicant for license is required as a condition of licensure to take a communicable disease course, the course shall be a course approved by the Board for at least 2 hours of credit in the communicable disease category under Rule 69K-17.0042, F.A.C., covering the basic elements of communicable disease risks and risk prevention and mitigation in the deathcare industry context. The applicant shall provide with their application for license proof of completing the required communicable disease course. Such proof shall comply with the requirements of Rule 69K-100.036, F.A.C., "Proof of satisfying educational requirements." The course shall have been completed within 24 months prior to the date the application for licensure is received by the Division.

Rulemaking Authority 497.103(5), 497.141(2), 497.147(1), (2), (4) FS. Law Implemented 497.368(1)(e), 497.369(1)(c), 497.373(1)(e), 497.374(1)(c), 497.378(1), 497.602(3)(c) FS. History--New 4-10-94, Amended 6-24-01, Formerly 61G8-17.0036, Amended 9-5-12.

69K-17.004 Continuing Education for Reactivation.

(1) Every license holder pursuant to Chapter 497, F.S., whose license has been inactive or delinquent for more than one (1) year shall be required to complete the same continuing education requirements as an active licensee for all biennial licensure periods in

which the licensee was inactive or delinquent, as a condition for reactivating his license.

(2) Embalmer licensees must attend courses which include instruction in at least one of the following course areas: theory and practice of embalming, restorative art, pathology, anatomy, microbiology, chemistry, hygiene, public health and sanitation, and the local and state laws and rules relating to the disposition of dead bodies.

(3) Funeral director licensees must attend courses which include instruction in at least one of the following course areas: funeral service sanitation, principles of funeral service, funeral home operation, and state and federal laws and rules concerning funeral directing and embalming, disposition of dead human bodies, vital statistics, medical examiners, burial insurance and contracts, offenses concerning dead human bodies and the shipment and care of bodies dying from infectious diseases. A licensee may utilize courses which meet the criterion set forth in subsection (2) of this rule toward completion of the continuing education requirement for funeral director licenses.

(4) Direct disposer licensees must attend courses which include instruction in at least one of the following course areas: health, safety, and laws and rules.

Rulemaking Authority 497.103, 497.147, 497.379 FS. Law Implemented 497.147, 497.365, 497.379 FS. History—New 11-11-79, Amended 8-25-81, 11-22-83, 4-10-84, Formerly 21J-17.04, 21J-17.004, Amended 1-2-95, 2-16-98, 6-24-01, Formerly 61G8-17.004.

69K-17.0041 Continuing Education Provider Requirements.

(1) For purposes of definitions, the following shall apply to this rule:

(a) “Board” means the Board of Funeral, Cemetery, and Consumer Services;

(b) “Course” means any course, seminar or other program of instruction which has been approved by the Board for the purposes of complying with continuing education requirements. All courses given by a mortuary school or college approved by the American Board of Funeral Service Education shall be approved courses with application to the Board for continuing education approval pursuant to Rule 69K-17.0042, F.A.C.

(c) “Hour” means a minimum of fifty minutes or a maximum sixty minutes of classroom or alternative non-classroom continuing education.

(d) “Continuing Education Provider” means the person or legal entity that is approved pursuant to this rule and that is responsible for conducting a course approved pursuant to this rule chapter.

(2) To receive Board approval, a course provider shall demonstrate to the Board that its instructors have special training, knowledge, or skill regarding the content of the continuing education course. Providers must submit to the Board the application form, as referenced in subsection 69K-14.007(19), F.A.C., together with the required fee. No continuing education provider may offer continuing education courses or grant continuing education credit hours until it has received the Board’s approval in accordance with this rule.

(3) Upon approval, each continuing education provider shall be issued a continuing education provider number. Continuing education provider numbers shall be valid, upon approval by the Board, unless subject to discipline, until May 31st of odd numbered years. Continuing education provider numbers must be renewed biennially. Providers shall use their number in the course syllabus, in all other course materials including certificates of completion, and in all advertising materials.

(4)(a) The continuing education provider must submit to the Board written notice of any substantial changes in the information provided in the initial request for course approval. This notification must be made within 30 days following the date the change is effective, and

(b) The continuing education provider must submit to the Department electronic documents as required by Department Rule 61-6.015, F.A.C.

(5) A list of all currently approved continuing education providers shall be available on the Board of Funeral, Cemetery, and Consumer Services’ website accessible from: <http://www.fldfs.com> and from the Board’s office.

(6) The Board shall deny, suspend, or revoke the provider number and approval of any provider for any of the following acts or omissions:

(a) Obtaining, or attempting to obtain registration or course approval, through fraud, deceit, false statements or misrepresentation of material facts, whether such statements or misrepresentations are made knowingly or negligently.

(b) Failing to provide complete and accurate information in the initial application or in any notification of change in information.

(c) Failing to timely notify the Board of a change in the information required for approval as a continuing education provider.

(d) Falsifying of any records regarding the continuing education courses conducted by the provider or the persons who attended the course.

(e) Failing to maintain any required records regarding the continuing education courses conducted by the course provider or the persons who completed the course.

(f) Failing to provide the Board with copies of any documentation or other information required to be maintained by the course provider pursuant to this rule.

(g) Advertising that a course has been approved by the Board prior to the date the approval is granted.

(h) Participating in any activity designed or intended to circumvent or evade the requirements of Chapter 497, F.S., or the rules adopted by the Board.

(7) In the event of suspension or revocation of a provider's approval and number, the provider shall cancel all scheduled courses and refund all fees collected by the continuing education provider in connection with the scheduled courses.

(8) The Board shall approve or deny any application for provider at the first available meeting of the Board. If the application is denied, the Board shall identify the specific reasons for the denial in writing. A provider that has been denied may have its application resubmitted to the Board with modifications.

(9) The Board shall not deny or withdraw approval for any provider on the basis that another provider is offering the same or a similar course approved by the Board.

Rulemaking Authority 497.103, 497.147 FS. Law Implemented 497.147 FS. History—New 4-10-94, Amended 1-25-95, 3-14-95, 7-25-95, 9-25-95, 6-24-01, 12-24-01, Formerly 61G8-17.0041.

69K-17.0042 Approval of Continuing Education Courses.

(1) A continuing education course shall be approved for a maximum of two (2) years by the Board and issued a course number if the materials submitted are complete and demonstrate that the course covers approved subject matter.

(2) The course provider must submit to the Board, in writing, notice of any changes in the information provided in the initial request for course approval. This notification must be made within 30 days following the date the change is effective.

(3) Approved subject matter includes, as appropriate to the scope of practice of the licensee to whom credit shall be awarded.

(a) Basic theory and practice of funeral directing, embalming, or direct disposal services.

(b) Technical subjects including mortuary sciences, skill and technique development, scientific applications, and other topics specific to the overall practice of funeral directing, embalming, or direct disposal of human remains.

(c) Communicable diseases including transmission, sterilization techniques, risk education methods in practice of professional services.

(d) Public health and safety subjects including grief management, stress management, risk management, biohazardous and hazardous waste, and pathology.

(e) Subjects dealing with licensees' legal and ethical responsibilities, including the laws and rules governing the practice.

(4) Approved continuing education providers shall submit to the Board, an application for approval of each continuing education course on the form referenced in Rule 69K-14.007, F.A.C.

(5) No retroactive credit shall be granted if a provider improperly offers a course prior to approval, even if the course is subsequently approved.

(6) The application shall include the total number of continuing education hours, the course syllabus, a detailed outline or synopsis of the contents of the course, and the name and qualification of the instructors or authors.

(7) Continuing education courses which appropriately relate to the practice of embalming, funeral directing and direct disposition and which contain sufficient education content to improve the skills, competency and knowledge of the laws and rules which govern the professional duties of licensees, shall be approved.

Rulemaking Authority 497.103, 497.147 FS. Law Implemented 497.147, 497.162, 497.368(1)(e), 497.369(1)(c), 497.373(1)(e), 497.374(1)(c), 497.378(1), 497.379(1), 397.602(3)(c), 497.603(2) FS. History—New 4-10-94, Amended 3-14-95, 7-25-95, 9-25-95, 10-30-01, Formerly 61G8-17.0042, Amended 3-8-12.

69K-17.0043 Required Records Maintained by Provider.

(1) Each provider must maintain the following records with regard to each offering:

(a) Date course is completed.

(b) Name and approved CE provider providing the program.

(c) Total number of CE credit hours awarded to participant.

(2) Each person who completes a course shall be issued a certificate of completion by the provider. The certificate shall contain the name and license number of the person who completed the course together with the date of completion, and number of CE credits awarded.

(3) The provider shall maintain a list of names and student record information for each course completed by the individual.

(4) Providers shall maintain student records for at least four (4) years following the date the course was conducted.

(5) Each provider shall provide the Board, upon request, copies of any of the required records.

(6) Each provider shall provide the Board with any change in address.

Rulemaking Authority 497.103, 497.147 FS. Law Implemented 497.147 FS. History—New 4-10-94, Amended 3-14-95, Formerly 61G8-17.0043.

69K-17.0044 Advertising of Continuing Education Courses.

(1) A course provider may not advertise a course as one approved by the Board for continuing education until such approval is granted by the Board.

(2) A course provider may not include any false or misleading information regarding the contents, instructors, providers, or number of continuing education hours of any course approved under this rule.

(3) All advertisement concerning continuing education course offerings must include the Board approved course number, approved provider number, continuing education hours awarded upon completion, and total costs to the participant.

Rulemaking Authority 497.103, 497.147 FS. Law Implemented 497.147 FS. History—New 4-10-94, Amended 6-24-01, Formerly 61G8-17.0044.

69K-17.005 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

Rulemaking Authority 497.103, 497.168 FS. Law Implemented 497.168 FS. History—New 4-10-84, Formerly 21J-17.05, 21J-17.005, Amended 12-10-00, Formerly 61G8-17.005, Transferred to 69K-1.004.

69K-17.008 Delinquency Fee.

A delinquent status licensee shall pay a delinquency fee of \$50.00 when the licensee applies for active or inactive status.

Rulemaking Authority 497.103, 497.365(7) FS. Law Implemented 497.365(7) FS. History—New 1-2-95, Formerly 61G8-17.008.

69K-17.009 Processing Fee.

A licensee shall pay a processing fee of \$50.00 when the licensee applies for a change in licensure status at any time other than during licensure renewal.

Rulemaking Authority 497.103, 497.365(8) FS. Law Implemented 497.365(8) FS. History—New 1-2-95, Formerly 61G8-17.009.

69K-17.010 Inactive Status Fee.

A funeral director, funeral director/embalmer or direct disposer licensee shall pay an inactive status fee of \$130.00 when the licensee applies for inactive status. An embalmer licensee shall pay an inactive status fee of eighty dollars (\$80.00) when the licensee applies for inactive status.

Rulemaking Authority 497.103, 497.365 FS. Law Implemented 497.365 FS. History—New 1-2-95, Amended 10-13-97, Formerly 61G8-17.010.

69K-17.011 Reactivation Fee.

The fee for reactivating an inactive embalmer, funeral director or direct disposer license shall be \$50.00. The fee for reactivating an inactive funeral director/embalmer license shall be one hundred dollars (\$100.00).

Rulemaking Authority 497.103, 497.365 FS. Law Implemented 497.365 FS. History—New 7-4-95, Amended 10-13-97, Formerly 61G8-17.011.

CHAPTER 69K-18 INTERNSHIP

69K-18.001	Embalmer Intern Training Program
69K-18.002	Funeral Director Intern Training Program
69K-18.003	Concurrent Internships
69K-18.004	Intern Training Agencies

69K-18.001 Embalmer Intern Training Program.

(1) Persons desiring licensure to become an intern embalmer shall apply for a license by completing Form DFS-N1-1708, “Application for Embalmer Intern License,” effective 10/24, which is incorporated by reference and available on the Department’s website at <http://www.myfloridacfo.com/Division/funeralcemetery/> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-17053>. A one-hundred dollar (\$100.00) nonrefundable application fee and an unlicensed activity fee of five dollars (\$5.00) shall accompany the form. Such application shall demonstrate that the applicant for registration meets the requirements of Sections 497.368(1)(b)-(e), F.S. The completed application shall be filed with the Division at the address stated on the form.

(2) Embalmer internship training shall be received at an approved training agency under the direct supervision of a Florida licensed embalmer in good standing who shall certify by quarterly reports the training activities engaged in by the intern during the preceding calendar quarter.

(a) Direct supervision means responsible supervision and control, with the licensed embalmer providing both initial directions as well as periodic inspection of the embalming service. The supervising embalmer shall be physically present or on the premises at all times when the intern is performing the services.

(b) If during the course of his internship training the embalmer intern receives instructions from more than one licensed Florida embalmer, each instructor shall be required to certify the training, giving the dates during which instruction was given and the training activities engaged in by the intern under his supervision.

(c) To notify the Division of termination of supervision and/or change in supervisor, the intern must file Form DFS-N1-1734, Notice of Change of Supervisor and/or Location, effective 10/24, which is incorporated by reference and available on the Department’s website at <http://www.myfloridacfo.com/Division/funeralcemetery/> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-17055>.

(3) One year of substantially full-time embalmer internship training shall be required to qualify the intern embalmer for licensure as an embalmer. Full-time shall be deemed and construed to mean training comprising of at least 40 hours a week for at least 50 weeks to be completed within a twelve month period.

(4) A person whose first registration for embalmer internship training is filed after graduation from mortuary college shall be permitted to serve in embalmer internship capacity only until he completes the one year of substantially full-time embalmer internship and until the date the results of the immediately subsequent licensure examination are mailed to applicants for licensure.

(5) If an intern fails to complete the intern training as stated in subsections (3) and (4), because of illness or personal injury, the Board shall permit the intern to reregister only for the period of time required to complete the one year of training.

(6) A member of the United States Armed Forces, such member’s spouse, and a veteran of the United States Armed Forces who separated from service within 2 years preceding the application for licensure are exempt from the application fee and the initial unlicensed activity fee. The military record must show such member is currently in good standing or such veteran was honorably discharged.

Rulemaking Authority 497.103, 497.370 FS. Law Implemented 497.140, 497.368, 497.370, 497.371 FS. History—New 11-11-79, Amended 7-28-80, 8-10-83, 10-16-85, Formerly 21J-18.01, Amended 12-11-88, 11-15-92, Formerly 21J-18.001, Amended 1-8-95, 7-14-99, Formerly 61G8-18.001, Amended 1-5-17, 2-20-19, 1-26-25.

69K-18.002 Funeral Director Intern Training Program.

(1) THIS RULE IMPLEMENTS SECTIONS 497.375 AND 497.373(2)(c), F.S.

(2) APPLICATION FOR FUNERAL DIRECTOR INTERN LICENSE.

(a) Persons desiring licensure as a funeral director intern shall apply for such license by completing Form DFS-N1-1722, “Application for Funeral Director Intern License,” effective 10/24, which is incorporated by reference and available on the

Department's website at <http://www.myfloridacfo.com/Division/funeralcemetery/> or <https://www.flrules.org/gateway/reference.asp?No=Ref-17331>, with a nonrefundable fee of \$105. The application form shall be filed with the Division at the address stated on the form. The fee includes an application of \$100 and an unlicensed activity fee of \$5, which shall accompany the form.

(b) A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within 2 years preceding the application for licensure are exempt from the application fee and the initial unlicensed activity fee. The military record must show such member is currently in good standing or such veteran was honorably discharged.

(c) Applicants shall submit with their application for license, proof of satisfying the education requirements of Section 497.375(1)(b), F.S. The applicant shall submit, with the application, proof of satisfying education requirements complying with Section 497.373, F.S.

(d) If the Division determines that the applicant for internship has no reportable criminal history within the meaning of Section 497.142(10)(c), F.S., and has no record of disciplinary action against any professional license, and otherwise meets the criteria for issuance of the internship license pursuant to Section 497.375, F.S., the Division shall so notify the applicant in writing, and upon receipt of such written notification the applicant may commence their internship; provided, all such approvals by the Division shall be reported to the Board at its next regular monthly meeting and shall be subject to ratification by the Board. As to any applicant which the Division determines has a reportable criminal history within the meaning of Section 497.142(10)(c), F.S., or has a record of disciplinary action against any professional license, or fails to meet any criteria for issuance of the internship license pursuant to Section 497.375, F.S., the Division shall present the application to the Board for its decision at the Board's next regular in-person monthly meeting.

(3) ENROLLMENT IN COURSE OF STUDY WHILE INTERNING. This rule section implements Section 497.375(1)(b)2., F.S.

(a) An applicant under Section 497.375(1)(b)2., F.S., must meet each and all of the requirements specified in Sections 497.375(1)(b)2.a, b. and c., F.S.

(b) An applicant under Section 497.375(1)(b)2., F.S., must be enrolled in a course of study referred to at Section 497.375(1)(b)2.b., F.S., as of the date the applicant's application for intern license is received by the Division. The course of study must be approved by the Board pursuant to Section 497.373, F.S.

(c) A course of study in "mortuary science" as referred to at Section 497.375(1)(b)2.b., F.S., shall be a Type 1 course as defined in Rule 69K-100.035, F.A.C. "Courses of Study: Criteria; Procedures for college or university to obtain approval."

(d) A course of study in "funeral service arts" as referred to at Section 497.375(1)(b)2.b., F.S., shall be a Type 2 course as defined in Rule 69K-100.035, F.A.C. "Courses of Study: Criteria; Procedures for college or university to obtain approval."

(e) A funeral director intern licensed under Section 497.375(1)(b)2., F.S., shall during the internship remain continuously enrolled in, and attending as required by the college or university, the course of study indicated in their internship application (hereinafter in this rule section the "course of study"), until the course of study is successfully completed or the internship ends.

1. If during the internship the intern's enrollment or attendance in the course of study for any reason terminates prior to successful completion of the course of study, the intern shall immediately suspend all activities under their internship license, and shall within 20 business days advise their internship supervisor that their enrollment or attendance in the course of study has terminated prior to successful completion of the course of study.

2. If an intern's internship supervisor is notified by the intern they supervise, licensed under Section 497.375(1)(b)2., F.S., that the intern has, prior to successful completion of the course of study, ceased or been terminated from current enrollment in the course of study or has ceased attendance in the course of study, the supervisor shall immediately suspend all activities under the internship and within 20 calendar days shall complete and file with the Division Form DFS-N1-2040 "Report of Suspension of Intern's Conditions of Internship," effective 10/24, which is incorporated by reference and available on the Department's website at <http://www.myfloridacfo.com/Division/funeralcemetery/> or <https://www.flrules.org/gateway/reference.asp?No=Ref-17336>. If the supervisor receives information from a source the supervisor deems reliable, specifically asserting that the intern they supervise, licensed under Section 497.375(1)(b)2., F.S., has, prior to successful completion of the course of study, ceased or been terminated from current enrollment in the course of study or has ceased attendance in the course of study, the supervisor shall within 20 calendar days require the intern to provide the supervisor written proof from the school that the intern is currently enrolled in and attending the course of study, and if such proof is not received within 20 days of the supervisor's request the supervisor shall

immediately suspend all activities under the internship and within 5 business days shall complete and file with the Division a form DFS-N1-2040 "Report of Suspension of Intern's Conditions of Internship."

3. An intern whose internship has been suspended pursuant to this subparagraph may petition the Board to reinstate the internship. The petition shall not be granted unless the intern demonstrates that the termination of enrollment or attendance was due to illness, personal injury, or other substantial hardship beyond the intern's reasonable control.

(4) IDENTIFICATION OF TRAINING AGENCY AND SUPERVISOR; CHANGES.

(a) Funeral director interns shall train under their funeral director intern license only at a funeral establishment approved as a training agency pursuant to Rule 69K-18.004, F.A.C. "Intern Training Agencies." The training agency shall appoint the funeral director who shall supervise the intern. Funeral director interns shall be supervised in their funeral director internship activities by a funeral director employed at the training agency, holding a valid funeral director license under Chapter 497, F.S.

(b) Funeral director interns shall identify on their application for intern license the intern training agency where they will be trained, and the name and license number of the licensed funeral director who will supervise them.

(c) A training agency may at any time appoint a different funeral director, employed by the training agency, to supervise an intern. No approval by the Board or the Division is required for a change in supervisor pursuant to this rule subsection.

(d) An intern's internship supervisor may at any time terminate their supervision of the intern. The supervisor shall notify the intern and the training agency of such termination of supervision, and the training agency shall appoint a replacement supervisor. The exiting supervisor shall file their final training report as required by paragraph (9)(c) of this rule.

(e) To notify the Division of termination of supervision and/or change in supervisor, the intern must file Form DFS-N1-1734, "Notice of Change of Supervisor and/or Location", which is incorporated by reference in paragraph 69K-18.001(2)(c), F.A.C.

(f) An intern shall report a change to a different training agency on the first quarterly training report submitted after such change.

(5) LENGTH OF INTERNSHIP.

(a) One year of full-time funeral director internship training shall be required to satisfy the requirement of Section 497.373(2)(c), F.S. "Full-time" shall be deemed and construed to mean training comprising at least 40 hours each week for at least fifty weeks, to be completed within a contiguous twelve month period.

(b) An intern may on the internship application request an internship start date of up to 21 days after Board approval of the internship application, and such request shall be granted.

(c) Unless renewed by the Board pursuant to this rule, a funeral director internship shall terminate at the end of the 365th day after the internship began.

(d) A funeral director internship may not be extended, but may be renewed subject to the requirements of Sections 497.375(4)(b) and (c), F.S., as those sections are implemented in this rule.

(6) RENEWAL OF FUNERAL DIRECTOR INTERNSHIP TO CONTINUE COURSE OF STUDY.

(a) This rule section implements Section 497.375(4)(b), F.S.

(b) No funeral director internship may be renewed under Section 497.375(4)(b), F.S., unless the internship license was applied for and granted under Section 497.375(1)(b)2., F.S.

(c) An intern whose internship license was applied for and granted under Section 497.375(1)(b)2., F.S., may apply to renew the internship by filing with the Division a completed Form DFS-N1-2036, "Application to Renew Funeral Director Internship to Continue Course of Study," effective 10/24, which is incorporated by reference and available on the Department's website at <http://www.myfloridacfo.com/Division/funeralcemetery/> or <https://www.flrules.org/gateway/reference.asp?No=Ref-17333>. The application shall be accompanied by a nonrefundable fee of \$105. The fee includes an application fee of \$100 and an unlicensed activity fee of \$5.

(d) An applicant shall be currently enrolled in and attending the course of study identified in the original application for internship, when the application for renewal is filed.

(e) As a prerequisite to certifying to the licensing authority that an intern has completed at least one-half of the course of study in mortuary science or funeral service arts, the funeral director in charge (FDIC) of a training agency shall require the intern to provide the FDIC with an academic transcript issued by the college or university where the intern is enrolled. The FDIC shall review said transcript to verify that the intern has completed at least one-half of the course of study in mortuary science or funeral service arts.

(f) The application to renew internship must be filed before the initial internship period ends. No renewal shall be granted if the

application to renew is not filed before the end of the initial internship period. An application to renew may not be filed earlier than the 10th month of the initial internship period.

(g) Only one renewal shall be granted to any one intern.

(h) The renewal shall be for an additional one year period to commence immediately upon the end of the initial internship period.

(i) The Division shall approve the application to renew internship if the Division finds the application to be complete, the applicable fee is paid, and the internship is eligible for renewal under Section 497.375, F.S. The Division shall provide the Board at each monthly Board meeting with an informational report of internships renewed pursuant to Section 497.375(4)(b), F.S.

(7) RENEWAL OF FUNERAL DIRECTOR INTERNSHIP DUE TO ILLNESS, INJURY, HARDSHIP, OR AWAITING EXAM RESULTS.

(a) This rule section implements Section 497.375(4)(c), F.S.

(b) An intern seeking to renew the internship pursuant to Section 497.375(4)(c), F.S., shall apply to renew the internship by filing with the Division a completed Form DFS-N1-2037, "Application to Renew Internship Due to Illness, Hardship, or Awaiting Results," effective 10/24, which is incorporated by reference and available on the Department's website at <http://www.myfloridacfo.com/Division/funeralcemetery/> or <https://www.flrules.org/gateway/reference.asp?No=Ref-17334>. The application shall be accompanied by a nonrefundable fee of \$105. The fee includes an application fee of \$100 and an unlicensed activity fee of \$5.

(c) The application to renew internship must be filed before the initial internship period ends. No renewal shall be granted if the application to renew is not filed before the end of the initial internship period. An application to renew may not be filed earlier than the 10th month of the initial internship period.

(d) Only one renewal shall be granted to any one intern.

(e) The renewal shall be for an additional one year period to commence immediately upon the end of the initial internship period.

(f) Applications under Section 497.375(4)(c), F.S., shall be presented to and ruled upon by the Board.

(8) SUPERVISION – SHIFT FROM DIRECT TO GENERAL SUPERVISION.

(a) This rule section implements Section 497.375(1)(d), F.S.

(b) No funeral director intern may shift to general supervision pursuant to Section 497.375(1)(d), F.S., unless the intern's internship was applied for and granted pursuant to Section 497.375(1)(b)2.b., F.S.

(c) An intern under Section 497.375(1)(b)2.b., F.S., may apply to take the laws-and-rules examination required under Section 497.373(2)(b), F.S. (hereinafter the "Florida Law & Rules Exam"), by completing and submitting a form DFS-N1-2038, "Application to Take the Florida Law & Rules Exam," which is incorporated by reference in Rule 69K-1.001, F.A.C. The application shall be accompanied by the applicable Florida Law & Rules Exam fee pursuant to Section 497.376, F.S., and Rule 69K-17.001, F.A.C. The application fee of \$100 and an unlicensed activity fee of \$5 shall accompany the form.

(d) An intern under Section 497.375(1)(b)2.b., F.S., desiring to change to general supervision, shall submit a completed Form DFS-N1-2039 "Certification for General Supervision of Intern," effective 10/24, which is incorporated by reference and available on the Department's website at <http://www.myfloridacfo.com/Division/funeralcemetery/> or <https://www.flrules.org/gateway/reference.asp?No=Ref-17335>. The certification shall be signed by the funeral director in charge (FDIC) of the training agency where the intern is receiving training, to certify that in the FDIC's opinion the intern is competent to complete the internship under general supervision.

(e) The Division shall review the application and shall notify the applicant that the application is approved upon a determination by the Division that the application is complete, the applicant has passed the Florida Law & Rules Exam, and the applicant appears eligible to proceed to general supervision under Section 497.375, F.S. The intern may commence performance of internship duties under general supervision upon notification of approval by the Division. The Division shall provide the Board each month with a report of interns who have been approved to shift to general supervision pursuant to Section 497.375(1)(d), F.S.

(9) TRAINING REPORTS.

(a) An intern's internship supervisor shall prepare and file training reports concerning the intern's performance, on a calendar quarter basis, throughout the internship, including any renewal of the internship, and whether the intern is performing under direct or general supervision. The reports shall be filed with the Division on Form DFS-N1-1747, "Supervisor's Quarterly Report of Apprentice or Intern Training," effective 10/24, which is incorporated by reference and available on the Department's website at

<http://www.myfloridacfo.com/Division/funeralcemetery/> or <https://www.flrules.org/gateway/reference.asp?No=Ref-17332>.

(b) Training reports shall be due 30 days after the end of the calendar quarter to which they relate. The first quarterly training report shall cover the partial calendar quarter in which the internship began. A subsequent training report shall be due for every subsequent calendar quarter of the internship. A final training report shall be filed within 30 days of the end of the quarter in which the internship was completed or terminated.

(c) Upon a change in supervisor of the intern, the exiting supervisor shall within 30 days complete and file with the Division a training report through the last date of supervision of the intern by the exiting supervisor. The new supervisor shall commence filing training reports concerning the intern.

(d) If during any quarter of the internship the funeral director intern receives instruction from more than one licensed Florida funeral director, each such instructor shall be required to certify the training on a form DFS-N1-1747, "Supervisor's Quarterly Report of Apprentice or Intern Training," which is incorporated by reference in Rule 69K-1.001, F.A.C., giving the dates during which instruction was given and the training activities engaged in by the intern under his or her supervision.

(e) No funeral director license will be issued until all required training reports have been received by the Division.

(10) ONLY ONE INTERNSHIP PER PERSON ALLOWED.

No person shall be granted more than one internship license in their lifetime; provided, this rule provision shall not be deemed to bar renewal of internship licenses as authorized by Section 497.375(4), F.S.

Rulemaking Authority 497.103(5)(b), 497.103(2)(c), (g), 497.375(2), 497.141(2), (4), (12)(g) FS. Law Implemented 497.140, 497.141, 497.147, 497.373, 497.375 FS. History—New 11-11-79, Amended 6-4-80, 8-10-83, Formerly 21J-18.02, Amended 12-11-88, 11-15-92, Formerly 21J-18.002, Amended 1-8-95, 7-14-99, Formerly 61G8-18.002, Amended 8-13-12, 1-5-17, 2-20-19, 1-26-25.

69K-18.003 Concurrent Internships.

(1) This rule implements Section 497.377, F.S.

(2) GENERAL – An applicant for concurrent internship must meet all the separate requirements for the funeral director internship, and the embalmer internship. An applicant for concurrent internship shall complete and file with the Division Form DFS-N1-1732, "Application for Concurrent Intern License," effective 10/24, which is incorporated by reference and available on the Department's website <http://www.myfloridacfo.com/Division/funeralcemetery/> or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-17054>. Unless exempt, the application shall be accompanied by payment of the application fee specified on the form. The application fee is nonrefundable.

(3) LENGTH OF INTERNSHIP.

(a) One year of full-time internship training served concurrently, consisting of both funeral director and embalming activities, shall be required to satisfy the requirement of a concurrent internship under Section 497.377, F.S. "Full-time" shall be deemed and construed to mean training comprising at least 40 hours each week for at least fifty weeks.

(b) A concurrent internship shall not begin prior to approval of the internship application by the board. A concurrent internship shall be deemed to begin on the day after the Board approves the internship application; provided, an intern may on the internship application request an internship start date of up to 21 days after Board approval of the internship application, and such request shall be granted.

(c) The funeral director portion of a concurrent internship shall terminate at the end of the 365th day after the internship began, unless renewed by the Board pursuant to Section 497.375(4), F.S. A funeral director internship may not be extended, but may be renewed subject to the requirements of Sections 497.375(4)(b) and (c), F.S.

(d) The embalmer portion of the concurrent internship may not be renewed pursuant to Section 497.375(4)(b), F.S. The embalmer portion of a concurrent internship shall terminate 365 days after issuance of the concurrent internship license, unless extended due to personal injury or illness of the intern as specified in Rule 69K-18.001, F.S.

(4) APPLICABILITY OF Section 497.375(1)(b)2, F.S., TO CONCURRENT INTERNSHIPS.

(a) Section 497.375(1)(b)2., F.S., regarding commencing a funeral director internship while enrolled in a course of study, may be utilized by concurrent internship applicants as regards the education requirements for funeral director licensure, but not as regards the education requirements for embalmer licensure. A concurrent internship license application will be denied unless the applicant has, as of the date of application for concurrent internship is received by the Division, completed the educational requirements applicable to embalmer internships pursuant to Sections 497.370(2) and 497.368(1)(d), F.S.

(5) EDUCATION PREREQUISITES FOR CONCURRENT INTERNSHIP. Applicants for a concurrent internship license may

satisfy the education requirements of Sections 497.368 and 497.375, F.S., by compliance with subsections (a), (b), or (c), below. See Rule 69K-100.035, F.A.C., for explanation of Types 1, 2, and 3 courses of study.

(a) Award, prior to application for concurrent internship license, of a 2-year or 4-year college degree from a program that was accredited by the American Board of Funeral Science Education (ABFSE) when the degree was awarded.

(b) Award of any 2-year or 4-year college degree, and completion of a Board approved Type 1 (combination funeral directing and embalming) course of study approved by the Board pursuant to Rule 69K-100.035, F.A.C. Both the college degree and the Type 1 course of study must have been awarded and completed prior to application for concurrent internship license.

(c) Award of a 2-year or 4-year college degree in any major; completion of a Board approved Type 3 (embalming only) course of study; and enrollment, as of date of concurrent internship license application, in a Board approved Type 1 (combination funeral directing and embalming) or Type 2 (funeral service arts) course of study. The Type 1 or 2 course of study shall be one approved by the Board pursuant to Rule 69K-100.035, F.A.C. The college degree and the Type 3 course of study must both have been awarded and completed prior to application for concurrent internship license.

(6) NO PERSON SHALL BE ISSUED MORE THAN ONE CONCURRENT INTERSHIP LICENSE IN THEIR LIFETIME.

(7) To notify the Division of termination of supervision and/or change in supervisor, the intern must file Form DFS-N1-1734, "Notice of Change of Supervisor and/or Location", which is incorporated by reference in paragraph 69K-18.001(2)(c), F.A.C.

Rulemaking Authority 497.103(2)(c), 497.103(5), 497.141(2), (12)(g), 497.370(3), 497.375(2), 497.377 FS. Law Implemented 497.368, 497.370, 497.373, 497.375, 497.377 FS. History—New 11-11-79, Formerly 21J-18.03, 21J-18.003, 61G8-18.003, Amended 7-17-12, 2-20-19, 1-26-25.

69K-18.004 Intern Training Agencies.

(1) Funeral establishments which are in good standing and approved as training agencies by the Board as of June 30, 1979, shall continue as approved intern training agencies under this rule provision.

(2) To register as an intern training agency, the funeral establishment, pursuant to Sections 497.370 and 497.375, F.S., shall submit an application for such approval to the Division on Form DFS-N1-1749, "Registration as a Training Agency," EFFECTIVE 10/24, which is incorporated by reference in Rule 69K-1.001, F.A.C. The form is available on the Department's website at <http://www.myfloridacfo.com/Division/funeralcemetery/> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-17057>.

(3) In order to be approved as an embalmer intern training agency, a funeral establishment shall have performed at least 20 embalming cases per year for each intern it is applying to train in order to demonstrate its ability to provide such embalmer interns with the necessary intern training and experience. In order to be approved as a funeral director intern training agency, a funeral establishment shall have performed at least 40 funeral services per year for each intern it is applying to train in order to demonstrate its ability to provide such funeral director interns with the necessary intern training and experience.

(4) Funeral establishments which are approved as embalmer intern training agencies shall provide at least the following training for embalmer interns:

- (a) Handling and use of equipment, supplies and facilities of funeral establishments;
- (b) Preparing bodies for embalming, including bathing, shaving, and setting of features;
- (c) Embalming of bodies;
- (d) Care of embalming instruments;
- (e) Dressing and casketing of bodies;
- (f) Preparation of bodies for shipment; and
- (g) Study of applicable local and state rules relating to embalming.

(5) Funeral establishments which are approved as funeral director intern training agencies shall provide at least the following training for funeral director interns:

- (a) Instruction and practical work experience in making funeral arrangements;
- (b) Study of requirements of funerals for various religious denominations;
- (c) Arranging and setting up of chapels, churches and other places for funeral services;
- (d) Arranging and supervising of cortege;
- (e) Arranging of liaisons with law enforcement officers, medical examiners and physicians;
- (f) Study of applicable local, state and federal laws relating to funeral directing;
- (g) Reserved;
- (h) Determining of signs of death and the manner by which death may be determined;

- (i) Instruction and practical experience in mortuary management and administration; and
- (j) Preparation and filing of death certificates, burial permits and other documents.

(6) Training agencies which change location, without any change in ownership, shall continue to be approved training agencies without submitting any further application to the Department.

(7) This rule shall be reviewed, and if necessary, repealed, modified, or renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 497.103, 497.370, 497.375 FS. Law Implemented 497.370, 497.375 FS. History—New 11-11-79, Formerly 21J-18.04, Amended 5-24-89, 5-19-91, Formerly 21J-18.004, 61G8-18.004, Amended 3-16-17, 12-21-23, 1-26-25.

CHAPTER 69K-20
CINERATOR FACILITY REPORTS

69K-20.001 Report of Cases Embalmed or Bodies Handled

69K-20.001 Report of Cases Embalmed or Bodies Handled.

(1) This rule implements section 497.382, F.S.

(2) Each funeral establishment, direct disposal establishment, cinerator facility, and centralized embalming facility, shall each month complete the form identified in subsection (3), below, as pertinent to its category of licensure. The licensee shall retain each such completed form in its records at its licensed business premises, for inspection by Division staff, for 36 months after the month to which the form relates.

(3) Forms.

(a) Funeral establishments shall utilize form DFS-N1-1751, "Funeral Establishment/Monthly Report of Cases Embalmed or Bodies Handled," Rev. 10-06, which is incorporated by reference in rule 69K-1.001, F.A.C.

(b) Direct disposal facilities shall utilize form DFS-N1-1752, "Direct Disposal Establishment/Monthly Report of Cases Embalmed or Bodies Handled," Rev. 10-06, which is incorporated by reference in rule 69K-1.001, F.A.C.

(c) Cinerator facilities shall utilize form DFS-N1-1753, "Cinerator Facility/Monthly Report of Cases Embalmed or Bodies Handled," Rev. 10-06, which is incorporated by reference in rule 69K-1.001, F.A.C.

(d) Centralized embalming facilities shall utilize form DFS-N1-1754, "Centralized Embalming Facility/Monthly Report of Cases Embalmed or Bodies Handled," Rev. 10-06, which is incorporated by reference in rule 69K-1.001, F.A.C.

Rulemaking Authority 497.103, 497.382 FS. Law Implemented 497.382 FS. History—New 11-11-79, Formerly 21J-20.01, 21J-20.001, Amended 3-2-95, 10-12-98, Formerly 61G8-20.001, Amended 3-11-14.

CHAPTER 69K-21

FUNERAL ESTABLISHMENTS

69K-21.001	Licensure Procedure; Consequences of Operating Prior to Licensure
69K-21.002	Inspections
69K-21.003	Inspection Criteria (Funeral Establishments)
69K-21.004	Fees
69K-21.005	Display of Licenses
69K-21.006	Retention of Contracts and Other Documents
69K-21.007	Responsibility of Funeral Director in Charge
69K-21.008	Notification of Change in Funeral Director in Charge
69K-21.009	Disinterment Reporting
69K-21.055	Notice to the Department of Mailing Address and Place of Practice of License

69K-21.001 Licensure Procedure; Consequences of Operating Prior to Licensure.

Applications for funeral establishment licensure shall be filed with the Department at least 30 days prior to the date the establishment is scheduled to open for business.

(1) The Department shall issue a license to any applicant the Board or its designee certifies as having met the licensure requirements specified in this rule and in Section 497.380, F.S., received a satisfactory rating on an inspection pursuant to Rule 69K-21.003, F.A.C., and paid the fee specified in Rule 69K-21.004, F.A.C.

(2) Each application shall include the name of the full-time funeral director in charge.

(3) Each application shall disclose whether embalming is to be offered from the establishment and if it is, then the application must indicate the provision of a preparation room which meets the requirements specified in paragraphs 69K-21.003(1)(a)-(g), F.A.C., the location of the centralized embalming facility as defined in subsection 69K-21.003(3), F.A.C., or shall provide (prior to any service being provided) the name and address of any establishment with which it has entered into an agreement to provide embalming services.

(4) No funeral establishment shall be operated or be opened for business prior to the issuance of a funeral establishment license by the Department for that establishment. Violation of this section shall be grounds for denial of licensure.

Rulemaking Authority 497.103, 497.380 FS. Law Implemented 497.380 FS. History—New 2-13-80, Amended 3-26-84, Formerly 21J-21.01, Amended 10-21-91, Formerly 21J-21.001, Amended 2-17-00, Formerly 61G8-21.001, Amended 3-1-20.

69K-21.002 Inspections.

(1) All funeral establishments shall be subject to inspection by the Department at all times with or without notice. The inspection shall include, but not be limited to, all offices, closets, rooms, refrigeration room, preparation room, casket areas, alternate container areas, chapels, vehicles used in the funeral business, grounds contiguous to the funeral establishment, funeral arrangements agreements and other documents used in the funeral business. Enterprises operating more than one establishment may maintain funeral arrangement agreements and other related documents in a centralized facility, provided that the Department is previously notified in writing of the name and location of the centralized facility.

(2) All new funeral establishments shall be inspected and shall receive a satisfactory rating prior to the issuance of an establishment license and shall comply with the criteria set forth in Rule 69K-21.003, F.A.C.

(3) All existing funeral establishments shall be inspected once every year as provided in Section 497.380, F.S., and shall comply with the criteria set forth in Rule 69K-21.003, F.A.C.

(4) A funeral establishment shall be inspected by the Department under the following circumstances, and the Department shall be notified by the owner of the establishment at least 10 days before paragraph (a), (b), or (c) occur:

- (a) When a funeral establishment moves to a new location;
 - (b) When ownership of a funeral establishment is changed or otherwise transferred;
 - (c) When major alterations or modifications in the physical structure of a funeral establishment are made;
 - (d) To ensure protection of the public health, safety, and welfare.
- (5) The Department may inspect any funeral establishment or other facility when a complaint is made.

69K-21.003 Inspection Criteria (Funeral Establishments).

The Department shall inspect funeral establishments on the basis of the following:

(1) There shall be either a refrigeration room for the storage of dead human bodies, or written arrangements for the refrigeration and storage of dead human bodies at a facility within 75 miles of the funeral establishment.

(2) If a funeral establishment offers cremation services, and a retort is not on the funeral establishment's premises, the cinerator facility that the funeral establishment contracts with must be within 75 miles of their physical location.

(3) An embalming preparation room in a funeral establishment shall be equipped as follows:

(a) Adequate ventilation, including an exhaust fan with proper screening adequate to exchange the air in the room with outside air at least twelve (12) times per hour;

(b) Operating table with non-porous surface;

(c) Sanitary floors with non-porous surface;

(d) Sanitary waste receptacles;

(e) A hand sink with hot and cold water and a service sink and a floor drain or sanitary drain for the removal of body fluids connected to central sewage system or septic tank. The floor drain may be replaced by an alternative method of removal of body fluids which meet the sanitation requirements of paragraph 69K-21.003(1)(c), F.A.C.;

(f) The following instruments shall be properly maintained:

1. 1 machine for embalming or gravity equipment;

2. 1 aspirator;

3. 1 master trocar;

4. 1 aneurism needle;

5. 1 scalpel;

6. 1 drain tube;

7. 1 arterial tube;

8. 1 scissor;

9. Surgical needles;

10. Eye caps;

11. Surgeon's thread;

12. 1 head rest;

13. Razor and blades;

14. Absorbent cotton;

15. Antiseptic soap;

16. Sheet(s);

17. Towel(s);

18. Disinfectant;

19. Tubing;

20. Disposable surgical gloves.

(g) The following minimum supplies for embalming dead human bodies:

1. 2 bottles arterial fluid per body;

2. 1 bottle cavity fluid per body;

3. Supply of hardening compound for autopsies.

(4) Compliance with Sections 497.386 and 497.380, F.S., and Rule 69K-33.001, F.A.C.

(5) If embalming services are offered to the public, the establishment from which the arrangements are made shall have either a preparation room on the premises in conformity with the requirements of subsection 69K-21.003(1), F.A.C., a centralized embalming facility as defined in subsection 69K-21.003(3), F.A.C., or shall promptly notify the division office in writing of any arrangements entered into with any other funeral establishment to provide embalming services prior to the service being provided.

(6) The requirements of subsection 69K-21.003(1), F.A.C., may be satisfied by the use of a centralized embalming facility

provided that:

- (a) Each establishment has a room for the storage of dead human bodies;
 - (b) The Department is notified of the name and location of the centralized facility;
 - (c) The centralized facility meets the requirements of subsection 69K-21.003(1), F.A.C., and,
 - (d) The centralized facility is within 75 miles of the establishments served and available for use on a continuous full-time basis.
- (7) Preparation room shall meet the requirements of the Department of Health Chapter 64E-16, F.A.C., which prescribes minimum sanitary practices relating to the management of biomedical waste, including segregation, handling, labeling, storage, transport and treatment. Room shall be maintained in a clean and sanitary manner.
- (8) The funeral establishment shall have on site or immediately available sufficient gasketed metal containers of a type required for the transportation of bodies which is adequate to prevent the seepage or emission of offensive fluids or odors.
- (9) Where caskets are displayed, the prices shall be conspicuously marked on or in the casket.
- (10) Each funeral establishment shall display at the public entrance the name of the establishment and the name of the full time funeral director in charge.

Rulemaking Authority 497.103, 497.380 FS. Law Implemented 497.380, 497.386 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 11-27-17.

69K-21.004 Fees.

- (1) The application fee for a funeral establishment shall be \$300.00 and will include licensure for the remainder of the biennium during which license application is granted.
- (2) The biennial renewal fee for funeral establishments shall be \$450.00.
- (3) Each funeral establishment shall pay an annual inspection fee of \$225.00 payable upon application and upon each biennial renewal.
- (4) The initial annual inspection fee and the initial application fee shall be due at the same time and shall be paid together and the subsequent annual inspection fee and the biennial renewal fee shall be due at the same time and shall be paid together.
- (5) A delinquent fee of fifty dollars (\$50.00) shall be paid. This fee is owed when due.
- (6) The fee for each duplicate license shall be \$25.00. To obtain a duplicate license, a licensee must inform the Department that the licensee needs a duplicate license and pay the duplicate license fee to the Department.
- (7) In the event that a licensed establishment changes its licensed name, the Board office shall be notified within 30 days. Such notification shall include documentation of the name change as well as a \$25.00 duplicate license fee and the original license. A duplicate license, reflecting the new business name will be generated, upon receipt of the original license and completion of these requirements. Documentation submitted will remain in the Department's possession.
- (8) In the event that a licensed individual changes his or her name, legal documentation must be submitted to the Board office. A fee of \$25.00 will be required, in addition to the original license. A duplicate license, reflecting the new name will be generated, upon receipt of the original license and completion of these requirements. Documentation submitted will remain in the Department's possession.

Rulemaking Authority 497.103, 497.140, 497.380 FS. Law Implemented 497.140, 497.146, 497.365(7), 497.380 FS. History—New 2-13-80, Formerly 21J-21.04, Amended 3-29-90, 12-18-90, Formerly 21J-21.004, Amended 3-30-94, 5-1-96, 9-17-97, 10-29-97, 2-16-98, 11-17-99, 12-28-00, Formerly 61G8-21.004, Amended 6-15-09.

69K-21.005 Display of Licenses.

- (1) This rule implements Sections 497.380(15) and 497.604(10), F.S.
- (2) The current establishment license and the license of any funeral director or embalmer or direct disposer employed in the establishment shall be displayed for public inspection, in a conspicuous place inside the establishment in such a manner as to make them visible to patrons of the establishment and facilitate inspection by the Department. The following documents must be readily available, upon demand, for public inspection at all times:
 - (a) Current licenses/registrations of all employees or copies thereof;
 - (b) Latest inspection report or copies thereof;
 - (c) Current copy of inspection rules and inspection criteria adopted by the Board or Department.

(3) In the event a licensee or registrant is employed simultaneously at more than one location, a copy of the license must be readily available at each location.

(4) The photograph attached to the license pursuant to Sections 497.380(15) and 497.604(10), F.S., shall be approximately two inches by two inches, not more than 6 years old, and permanently affixed to the displayed license.

Rulemaking Authority 497.103(1)(n), 497.103(5), 497.380(10), 497.604(9)(c) FS. Law Implemented 497.380(10), 497.604(9)(c), 497.380(15), 497.604(10) FS. History—New 12-19-90, Amended 5-20-93, Formerly 21J-21.005, 61G8-21.005, 3-19-12.

69K-21.006 Retention of Contracts and Other Documents.

Each funeral establishment shall retain copies of all signed at need and pre-need contracts and written agreements used in making arrangements for final disposition of dead human bodies for at least two years after such final disposition. Such establishments shall also retain, for at least two years, copies of the final bill and other written evidence of agreement or obligation furnished to customers.

Rulemaking Authority 497.103(5), 497.149(4) FS. Law Implemented 497.103(2)(a), 497.149(1)(b) FS. History—New 9-2-91, Formerly 21J-21.006, 61G8-21.006.

69K-21.007 Responsibility of Funeral Director in Charge.

(1) The full-time funeral director in charge of each funeral establishment shall be responsible for making sure that a licensed funeral director is reasonably available to the public during normal business hours for that establishment.

(2) For purposes of this rule:

(a) “Full-time funeral director in charge” means a licensed funeral director who is responsible for the day to day operation of a funeral establishment;

(b) “Reasonably available to the public” means:

1. On the premises and ready to make funeral arrangements for, or to respond to, persons entering the establishment; or
2. In a position to be notified of persons entering the establishment and to respond to them in person or telephonically within two hours to set up an appointment for a face to face meeting with them during normal business hours.

(3) Each full-time funeral director in charge shall be responsible for making sure the funeral establishment and all persons employed in the establishment comply with all applicable laws and rules of the Board. This subsection shall not be construed to absolve funeral establishments or other persons from liability for their violations of such laws and rules.

Rulemaking Authority 497.103 FS. Law Implemented 497.380 FS. History—New 12-29-91, Formerly 21J-21.007, Formerly 61G8-21.007, Amended 3-2-20.

69K-21.008 Notification of Change in Funeral Director in Charge.

The Board office shall be notified in writing within twenty (20) days of any change in a funeral director in charge (FDIC). The former FDIC, the new FDIC, and the funeral establishment shall be responsible for filing such notice.

Rulemaking Authority 497.103, 497.380(12) FS. Law Implemented 497.380 FS. History—New 9-3-92, Formerly 21J-21.008, Formerly 61G8-21.008.

69K-21.009 Disinterment Reporting.

Funeral directors performing disinterments shall report the name of the deceased, the date of death, the date disinterred, place of original burial, name and license number of funeral director responsible for disinterment, disinterment or burial transit number on the Report of Cases Embalmed or Bodies Handled, as described in Rule 69K-20.001, F.A.C., with respect to each dead human body disinterred. The report shall be mailed to the Board not later than the 10th day of the subsequent month during which the disinterment occurred.

Rulemaking Authority 497.103, 497.382, 497.384 FS. Law Implemented 497.382, 497.384 FS. History—New 3-29-95, Formerly 61G8-21.009.

69K-21.055 Notice to the Department of Mailing Address and Place of Practice of License.

Each licensee and registrant shall provide by mail written notification to the Department the licensee’s current mailing address and

place of practice. The term “place of practice” means the physical location where the practice of the profession occurs, and for a funeral director in charge the place of practice is the location designated where the funeral director is in charge.

Rulemaking Authority 497.103, 497.146 FS. Law Implemented 497.146 FS. History—New 1-8-95, Formerly 61G8-21.055.

CHAPTER 69K-22 CINERATOR FACILITIES

69K-22.001	Application for Licensure; Consequences of Operating Prior to Licensure
69K-22.002	Inspection
69K-22.003	Fees
69K-22.004	Operating Procedures
69K-22.006	Designation of Cinerator Facility Supervisor
69K-22.007	Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures

69K-22.001 Application for Licensure; Consequences of Operating Prior to Licensure.

(1) Applications for cinerator facility licensure shall be filed with the Department at least 30 days prior to the date the facility is scheduled to open for business. The Board shall designate a board member to review all applications for cinerator facility licensure. The Department shall issue a license to any applicant the designee certifies as having met the licensure requirements specified in this rule and in section 497.606, F.S., received a satisfactory rating on an inspection pursuant to rule 69K-22.002, F.A.C., and paid the fee specified in rule 69K-22.003, F.A.C.

(2) If the designee failed to certify an applicant for licensure then his application shall be considered by the Board at the next available board meeting.

(3) No cinerator facility shall be operated or be open for business prior to the issuance of a cinerator facility license by the Department for that facility. Violation of this section shall be grounds for denial of licensure.

Rulemaking Authority 497.103, 497.606 FS. Law Implemented 497.606 FS. History—New 2-13-80, Formerly 21J-22.01, Amended 5-19-92, Formerly 21J-22.001, Amended 10-29-97, 2-17-00, 6-14-00, Formerly 61G8-22.001.

69K-22.002 Inspection.

Each cinerator facility shall be inspected prior to the issuance and renewal of its license and shall meet the following criteria:

(1) Maintain one or more retorts for the reduction of dead human bodies.

(2) Maintain refrigeration which satisfies the standards set by the Department of Health and which contains a sufficient number of shelves for the average daily number of bodies stored, if unembalmed bodies are kept at the site.

(3) Maintain sufficient pollution control equipment to comply with the Department of Environmental Protection requirements in order to secure annual approved certification.

(4) Either have on site or immediately available sufficient gasketed metal containers of a type required for the transportation of bodies.

(5) Maintain the premises in a clean and sanitary condition.

(6) Have appropriate Department of Environmental Protection permits.

(7) All signed contracts are to be retained for a period of at least two years.

Rulemaking Authority 497.103, 497.606 FS. Law Implemented 497.606 FS. History—New 2-13-80, Amended 9-28-83, Formerly 21J-22.02, Amended 4-1-90, Formerly 21J-22.002, Amended 3-30-94, 6-23-04, Formerly 61G8-22.002.

69K-22.003 Fees.

(1) The application fee for a cinerator facility shall be \$450.00 and will include licensure for the remainder of the biennium during which license application is granted.

(2) The biennial renewal fee for cinerator facilities shall be \$450.00.

(3) Each cinerator facility shall be charged \$225.00 for each annual inspection. These shall be paid biennially, at the same time as the renewal fee.

(4) The fee for each duplicate license shall be \$25.00. To obtain a duplicate license, a licensee must inform the Department that the licensee needs a duplicate license and pay the duplicate license fee to the Department.

(5) In the event that a licensed establishment changes its licensed business name, the Board office shall be notified within 30 days. Such notification shall include documentation of the name change as well as a \$25.00 duplicate license fee and the original license. A duplicate license, reflecting the new business name will be generated, upon receipt of the original license and completion

of these requirements. Documentation submitted will remain in the Department's possession.

Rulemaking Authority 497.103, 497.140, 497.606 FS. Law Implemented 497.140, 497.606 FS. History—New 2-13-80, Formerly 21J-22.03, Amended 4-1-90, 12-18-90, Formerly 21J-22.003, Amended 2-21-95, 7-4-95, 9-17-97, 2-16-98, 11-17-99, Formerly 61G8-22.003, Amended 7-3-06, 5-19-09.

69K-22.004 Operating Procedures.

(1) Cinerator facility operators shall establish a system of identification of human remains received for cremation. This system shall be designed to track the identity of the remains from time of receipt until completion of the cremation and delivery of the cremated remains to the legally authorized persons, or until otherwise disposed of in accordance with instructions from the legally authorized person.

(2) No more than one dead human body shall be placed in a retort at one time unless written permission has been received from the legally authorized person responsible for each body.

(3) Upon completion of each cremation cycle, the cremated remains shall be removed from the retort, pulverized and placed in a separate container.

(4) Human remains shall be cremated in the container or casket in which received unless written instructions to the contrary are received from the legally authorized person. Personal effects shall not be removed from the deceased without express written consent from the legally authorized person.

(5) All alternative containers used for cremation must meet the criteria set forth in section 497.606(9)(h), F.S. The receptacle or container may be an unfinished wooden box or other non-metal alternative container, which is designed for the encasement of human remains and which is made of cardboard, fiberboard, pressed wood, composition materials, or other enclosures which are all rigid enough for handling with ease and which completely enclose the human remains during the entire cremation process.

(6) Any part of the container chosen for cremation which has not been completely consumed in the cremation process shall be disposed of by completely burning, crushing, or otherwise lawfully disposing of the container.

(7) The cremated remains and the separate container shall be disposed of according to the express written instruction of the legally authorized person. If no instructions are given, the cremated remains shall be disposed of in a dignified and humane manner as authorized by law.

Rulemaking Authority 497.103(1)(n), (5)(a), 497.606, 497.607 FS. Law Implemented 497.103(1)(n), 497.606, 497.607 FS. History—New 6-26-85, Amended 10-16-85, Formerly 21J-22.04, 21J-22.004, Amended 11-20-96, Formerly 61G8-22.004, Amended 2-5-07.

69K-22.006 Designation of Cinerator Facility Supervisor.

Each cinerator facility shall designate in writing a supervising funeral director or direct disposer at the time of application for licensure and within 20 days of any changes in such supervising funeral director or direct disposer.

Rulemaking Authority 497.103, 497.606 FS. Law Implemented 497.606 FS. History—New 5-20-93, Formerly 21J-22.006, 61G8-22.006.

69K-22.007 Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures.

(1) A cinerator facility operator shall follow its written procedures for the removal of cremated remains and the postcremation processing, shipping, packing, or identification of those remains filed with and approved by the Board, or it may adopt the following standard uniform procedures. In either case, the cinerator facility operator shall notify the Board of its choice on Form DFS-N1-1770, Election of Procedures for Removal of Cremated Remains and Postcremation Processing, which form is incorporated by reference, effective 10/06. Said form shall be mailed to, and can be obtained from, the Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. A cinerator facility shall not be operated unless it has established and follows its specified written procedures approved by the Board.

(2) Removal of Cremated Remains Resulting from the Cremation of a Human Body.

(a) Allow the crematory to cool to a suitable temperature for recovery of the remains after the burners have been shut off (either manually or automatically).

(b) Place a clean metal tray, pan or container in position to receive the cremated remains.

(c) Move the cremation documents from their position near the door or control panel of the crematory to a position in close

proximity to or attached to the recovery pan, where it shall remain in place until the cremation process is complete.

(d) Upon completion of the cremation, all cremated remains shall be removed from the cremation chamber and the chamber swept clean.

(e) Remove the metal identification tag from the chamber and place it on or in the recovery tray, pan or container.

(f) Check the removal brushes and tools for bone fragments. If any fragments have adhered to the tools, place them in the recovery pan with the rest of the cremated remains.

(g) Take the recovery pan, its contents and the cremation documents to an appropriate cool down area.

(3) Postcremation Processing.

(a) Remove the metal identification tag from the recovery tray and place it next to the processor along with any cremation documents.

(b) Remove all other metal from the cremated remains, using a magnet and/or forceps (for nonmagnetic metal). Separate all bone fragments and cremated remains from the nonhuman materials. Do not discard the metal until it is completely free of cremated remains. Refer to the cremation documents for the appropriate disposition of dental materials, mementos and jewelry, to the extent they can be recognized in the cremated remains.

(c) Place any other nonhuman materials, such as metal, prosthetics and any other materials retrieved from the crematory, in a specified container until they are packaged for nonrecoverable disposal.

(d) The cremated remains must be processed or pulverized until they are granulated particles.

(4) Packaging of Cremated Remains.

(a) Pour the cremated remains into a heavy plastic bag and place in a temporary container or urn.

(b) If the urn or container is too small to accept all the cremated remains, use a larger container or provide a second container. When there is more than one container, the additional container(s) must be securely fastened to the original container, must have identification labels placed on each urn or container, and must be marked as 1 of 2, 2 of 2, and so on.

(c) Secure or affix the metal identification tag to the bag. Verify the identification of the cremated remains one final time, by comparing the metal identification tag number and the name of the decedent to the information on any cremation documents. Close the urn or cremated remains container.

(d) Store the cremated remains in a secure area until such time as they are released. Document in a log at least the name of the deceased, the date the cremated remains were placed into storage, the date they were removed, and by whom.

(e) If the cremated remains are to be shipped, place the urn or container in a shipping box and securely tape all box seams to increase the security and integrity of the container. The outside of the shipping box shall be clearly identified with the name of the deceased person whose processed remains are contained therein. Ship the box via registered mail, return receipt requested, or by any other lawful and traceable shipment method.

(5) Releasing Cremated Remains.

(a) Verify the identity of the cremated remains by comparing the identification label to the cremation documents and the crematory log.

(b) Release the cremated remains to a representative of the funeral or direct disposal establishment. Obtain a signed receipt for the cremated remains and file the receipt with the cremation documents.

(c) If the cremated remains have not been claimed after 120 days, the funeral or direct disposal establishment may dispose of the remains in any manner specified in section 497.607, F.S.

Rulemaking Authority 497.103(1)(n), (5)(a), 497.608 FS. Law Implemented 497.103(1)(n), 497.607, 497.608 FS. History—New 2-5-07.

CHAPTER 69K-23
DIRECT DISPOSER – EXAMINATION AND APPLICATION

69K-23.001	Manner of Application
69K-23.002	Examination Requirements
69K-23.003	Renewal of Direct Disposer Licenses
69K-23.004	Direct Disposal Establishments
69K-23.005	Responsibility of Direct Disposer in Charge

69K-23.001 Manner of Application.

(1) All properly completed applications must be submitted no later than two calendar months prior to the first day of the month that the scheduled examination is to be administered.

(2) Examinations will be administered on the second Monday of January and July of each calendar year.

Rulemaking Authority 497.103, 497.602 FS. Law Implemented 497.602 FS. History—New 2-13-80, Amended 5-21-81, Formerly 21J-23.01, 21J-23.001, Amended 1-4-98, 11-17-99, Formerly 61G8-23.001.

69K-23.002 Examination Requirements.

(1) An applicant shall be required to attain a score of 75% on the written examination prepared and administered by the Department with a fractional percentage score of one-half (.5) point or higher, raised to the next whole number.

(2) The area of competency to be covered by the examination as provided above shall be:

(a) The signs of death;

(b) The manner in which death may be determined;

(c) With respect to disposition of dead human bodies, the following state and federal laws and rules, or relevant portions thereof will be included: Chapters 382, 406, Section 872.06 and 497, F.S.; Chapters 11G-2, 69K-20, 69K-22, 69K-23 and 64V-1, F.A.C.; 10 U.S.C. 1481-1488.

(3) An applicant who fails the examination shall retake the entire examination.

Rulemaking Authority 497.103, 497.602 FS. Law Implemented 497.602 FS. History—New 2-13-80, Amended 7-2-81, 8-23-83, Formerly 21J-23.02, 21J-23.002, Amended 10-13-97, 2-16-98, 6-14-00, 4-27-03, Formerly 61G8-23.002.

69K-23.003 Renewal of Direct Disposer Licenses.

(1) Direct disposer licenses shall expire at 11:59 p.m. on August 31 of every odd-numbered calendar year.

(2) Renewal fees for direct disposers shall be as specified in Rule 69K-17.0030, F.A.C. In addition, the unlicensed activity fee in the amount of \$5.00, required under Section 497.140(6), F.S., shall be remitted by the licensee with each renewal fee.

(3) At least 90 days prior to the expiration date of the direct disposer license, the Division of Funeral, Cemetery, and Consumer Services shall mail each direct disposer holding a valid direct disposer license, a license renewal notice, to the licensee's preferred mailing address as shown in the Division's records. A direct disposer shall renew his/her license by returning the license renewal notice to the Division at the address stated on the invoice, with the applicable renewal and unlicensed activity fees, prior to the expiration date of the license.

Rulemaking Authority 497.103(5), 497.603(2) FS. Law Implemented 497.103(2), 497.603, 497.140(6) FS. History—New 9-28-11.

69K-23.004 Direct Disposal Establishments.

(1) At least thirty (30) days before the beginning of operation, a direct disposal establishment owner shall apply to the Department on a form provided by the Department for approval. Information to be provided shall include the correct street address, all telephone numbers and any Post Office box numbers. The owner shall also provide the name of the establishment.

(2) Prior to the issuance and renewal of its license a direct disposal establishment shall be approved by the Department if upon inspection by the Department it is shown that:

(a) There is available to the establishment adequate refrigerated storage space at a temperature of 40 degrees F or below for the average daily number of bodies stored;

- (b) There are suitable containers available, including both cardboard boxes and airtight containers; and
- (c) At least one licensed direct disposer is available at all times.
- (d) The establishment shall be at a fixed, non-residential location in a building owned or leased by the direct disposer.
- (e) The establishment shall be at least 625 square feet in size.
- (f) If the establishment does not itself provide removal services, refrigeration facilities or cinerator facilities at or from its physical location address (profile location), upon application for registration, the establishment shall provide copies of its contracts with a removal service, refrigeration facility, retort or any appropriate combination thereof, located within 75 miles of the establishment's profile location.

(3) A direct disposal establishment shall be inspected by the Department under the following circumstances, and the Department shall be notified by the owner of the establishment at least 10 days before paragraph (a) or (b) occur:

- (a) When a direct disposal establishment moves to a new location;
- (b) When ownership of a direct disposal establishment is changed or otherwise transferred; and
- (c) When a consumer complaint is made regarding a specific direct disposal establishment.
- (4) There shall be one full-time registered direct disposer in charge at each establishment.

(5) In the event that the registered direct disposer in charge of establishment leaves the employ of that business, the owner shall notify the Department within twenty (20) days of the separation and shall identify the registered direct disposer who will be responsible for the establishment. Such notification shall consist of a statement signed by the new direct disposer in charge and the owner, and shall contain the name of the former direct disposer in charge, their registration numbers, the registration number of the direct disposal facility, and the date the change became effective.

(6) The biennial renewal fee for direct disposal establishments shall be \$400.

(7) There shall be an annual inspection fee of \$225 for each direct disposal establishment.

(8) A late renewal penalty fee of fifty dollars (\$50.00) shall be paid. This fee is owed when due, and failure to make payment will be a violation of this rule which will be cause to deny any subsequent applications for licensure pursuant to Chapter 497, F.S.

(9) In the event that a licensed establishment changes its licensed business name, the Board office shall be notified within 30 days. Such notification shall include legal documentation of the name change as well as a \$25.00 duplicate license fee and the original license. A duplicate license, reflecting the new business name will be generated, upon receipt of the original license and completion of these requirements. Documentation submitted will remain in the Department's possession.

Rulemaking Authority 497.103, 497.140, 497.604 FS. Law Implemented 497.140, 497.604 FS. History—New 2-13-80, Amended 11-8-82, 8-16-83, Formerly 21J-23.04, Amended 6-5-90, Formerly 21J-23.004, Amended 4-10-94, 9-17-97, 1-4-98, 2-16-98, 5-17-98, 2-17-00, 6-14-00, 11-20-00, Formerly 61G8-23.004, Amended 5-19-09.

69K-23.005 Responsibility of Direct Disposer in Charge.

(1) A "direct disposer in charge" means a registered direct disposer who is responsible for the day to day operation of a direct disposal establishment.

(2) Each direct disposer in charge shall be responsible for making sure the direct disposal establishment and all persons employed in the establishment comply with all applicable federal and state laws and rules of the Board. This subsection shall not be construed to absolve direct disposal establishments or other persons from liability for their violations of such laws and rules.

Rulemaking Authority 497.103, 497.604 FS. Law Implemented 497.604 FS. History—New 10-13-98, Formerly 61G8-23.005.

CHAPTER 69K-24
REMOVAL SERVICES; REFRIGERATION FACILITIES; CENTRALIZED EMBALMING FACILITIES

69K-24.010	Application for Licensure of Removal Services, Refrigeration Facilities, and Centralized Embalming Facilities
69K-24.020	Licensure of Removal Services
69K-24.021	Requirements for Inspection of Removal Services
69K-24.022	Inspection Criteria for Removal Services
69K-24.023	Duplicate License and Renewal Penalty Fees for Removal Services
69K-24.024	Operating Procedures for Removal Services
69K-24.030	Licensure of Refrigeration Services
69K-24.031	Requirements for Inspection of Refrigeration Services
69K-24.032	Inspection Criteria for Refrigeration Services
69K-24.033	Duplicate License and Renewal Penalty Fees for Refrigeration Services
69K-24.034	Operating Procedures for Refrigeration Services
69K-24.040	Licensure of Centralized Embalming Facilities
69K-24.041	Requirements for Inspections of Centralized Embalming Facilities
69K-24.042	Inspection Criteria for Centralized Embalming Facilities
69K-24.0425	Operating Procedures for Centralized Embalming Facilities
69K-24.043	Duplicate License and Renewal Penalty Fees for Centralized Embalming Facilities

69K-24.010 Application for Licensure of Removal Services, Refrigeration Facilities, and Centralized Embalming Facilities.

(1) At least thirty (30) days before the initiation of operation of a removal service, refrigeration facility or centralized Embalming Facility, the owner shall make application to the Board. Information to be provided shall include the corporate name, business name, correct street address, all telephone numbers and any post office box numbers.

(2) The Board shall be notified in writing within ten (10) days when any of the information required in the application changes.

(3) Any change in ownership or location of a removal service, refrigeration facility, or centralized embalming facility requires relicensure. Such application for relicensure must be made within ten (10) days of the change in ownership or location.

Rulemaking Authority 497.103, 497.385 FS. Law Implemented 497.385 FS. History—New 7-19-94, Amended 11-20-96, 6-14-00, Formerly 61G8-24.010.

69K-24.020 Licensure of Removal Services.

(1) Removal services that are operated independently of funeral establishments and direct disposal establishments shall register with the Board of Funeral, Cemetery, and Consumer Services.

(2) Removal services shall apply to the Department to be registered and shall pay a nonrefundable application fee of \$300 together with an annual inspection fee of \$225 for each year for which the initial license will be issued.

(3) Removal services shall apply to the Department for renewal of registration and shall pay a nonrefundable renewal fee of \$300 together with the annual inspection fee of \$225 for each year for which the license will be issued.

(4) Removal services shall include the registration number issued by the Board on all forms, including the Report of Bodies Handled as required by rule 69K-20.001, F.A.C., and on advertisements or solicitations to funeral homes or direct disposal establishments.

Rulemaking Authority 497.103, 497.385 FS. Law Implemented 497.385 FS. History—New 5-21-95, Amended 9-18-95, 9-17-97, 2-16-98, Formerly 61G8-24.020, Amended 5-19-09.

69K-24.021 Requirements for Inspection of Removal Services.

(1) Removal services shall at all times be subject to inspection of all its buildings, grounds and vehicles used in the conduct of its business by the Department, or any of its designated representatives and agents, or local Department of Health inspectors.

(2) Employees of the removal services shall possess identification of their employer and such identification shall include the registration number and name of the removal service.

- (3) Vehicles, for the removal of dead human remains shall be constructed so that:
 - (a) Bodies contained therein shall be secured to prevent displacement during a motor vehicle accident,
 - (b) Wherever a vehicle is used to transport more than one dead human body at a time:
 - 1. Dead human remains are transported in a manner that separates the remains from other remains; and
 - 2. Dead human remains, if stacked, are supported by racks or other support of sufficient strength to separate the dead human remains.
 - (4) Separation for dead human bodies shall be by use of:
 - (a) A cot;
 - (b) A body bag within a box; or
 - (c) A cremation container.
 - (5) Removal services shall maintain the following minimum equipment in a clean and sanitary manner and shall have this equipment available whenever dead human bodies are stored or in transit:
 - (a) One light weight body bag;
 - (b) One heavy weight body bag;
 - (c) One cot cover for each cot, if cots are used for transport;
 - (d) One first-aid kit;
 - (e) One fire extinguisher.
 - (f) Sufficient protective clothing to meet the needs of the staff accompanying the removal that, at a minimum, contains:
 - 1. Disposable gowns;
 - 2. Shoe covers;
 - 3. Protective eyewear;
 - 4. Gloves;
 - 5. Masks;
 - 6. Waterproof aprons;
 - (6) Containers for transport shall not be reused unless such containers have been disinfected.

Rulemaking Authority 497.103, 497.385 FS. Law Implemented 497.385 FS. History—New 5-21-95, Amended 9-18-95, 6-14-00, Formerly 61G8-24.021.

69K-24.022 Inspection Criteria for Removal Services.

Each removal service shall be inspected prior to the issuance and annually for renewal of its license and shall meet the following criteria:

- (1) Compliance with rule 69K-24.021, F.A.C.
- (2) Either have on site or immediately available sufficient sealed containers of a type required for the transportation of bodies.
- (3) Maintain the premises in a clean and sanitary condition.
- (4) Have Department of Environmental Protection permits, when required.
- (5) All signed contracts are to be retained for a period of at least two years.

Rulemaking Authority 497.103, 497.385 FS. Law Implemented 497.385 FS. History—New 5-21-95, Amended 9-18-95, Formerly 61G8-24.022.

69K-24.023 Duplicate License and Renewal Penalty Fees for Removal Services.

- (1) The fee for each duplicate license shall be \$25. To obtain a duplicate license, a licensee must inform the department that the licensee needs a duplicate license and pay the duplicate license fee to the department.
- (2) The renewal penalty fee for a delinquent license shall be \$50.00.

Rulemaking Authority 497.103, 497.140, 497.385 FS. Law Implemented 497.140, 497.385 FS. History—New 5-21-95, Amended 11-11-99, Formerly 61G8-24.023.

69K-24.024 Operating Procedures for Removal Services.

Removal services shall establish a system of identification of human remains received for removal. This system shall be designed to track the identity of the remains from time of receipt until delivery of the remains to the authorized persons, or until otherwise

disposed of in accordance with instructions from the authorized person.

Rulemaking Authority 497.103, 497.385 FS. Law Implemented 497.385 FS. History—New 5-21-95, Amended 9-18-95, Formerly 61G8-24.024.

69K-24.030 Licensure of Refrigeration Services.

(1) Refrigeration services that are operated independently of funeral establishments and direct disposal establishments shall register with the Board of Funeral, Cemetery, and Consumer Services.

(2) Refrigeration services shall apply to the Department to be registered and shall pay a nonrefundable application fee of \$300 together with an annual inspection fee of \$225 for each year for which the initial license will be issued.

(3) Refrigeration services shall apply to the Department for renewal of registration and shall pay a nonrefundable renewal fee of \$300 together with the annual inspection fee of \$225 for each year for which the license will be issued.

(4) Refrigeration services shall include the registration number issued by the Board on all forms, including the Report of Bodies Handled as required by rule 69K-20.001, F.A.C., and on advertisements or solicitations to funeral homes or direct disposal establishments.

Rulemaking Authority 497.103, 497.385 FS. Law Implemented 497.385 FS. History—New 5-21-95, Amended 9-17-97, 8-10-98, Formerly 61G8-24.030, Amended 5-19-09.

69K-24.031 Requirements for Inspection of Refrigeration Services.

(1) Refrigeration services shall make available to Department inspectors at any time requested its buildings, grounds and vehicles used in the conduct of its business.

(2) Employees of the refrigeration service shall possess identification of their employer and such identification shall include the registration number and name of the refrigeration service.

(3) Dead human remains stored at a refrigeration facility shall be stored in a manner that separates the remains from other dead human remains. The dead human remains, where stacked, shall be on racks or other support of sufficient strength.

(4) Refrigeration facilities shall maintain space and containers adequate to meet the needs of the refrigeration service.

(5) Refrigeration must be maintained as required by section 497.386, F.S.

Rulemaking Authority 497.103, 497.385 FS. Law Implemented 497.385, 497.386 FS. History—New 5-21-95, Amended 6-15-99, Formerly 61G8-24.031.

69K-24.032 Inspection Criteria for Refrigeration Services.

Each refrigeration service shall be inspected prior to the issuance and renewal of its license and shall meet the following criteria:

(1) Compliance with rule 69K-24.031, F.A.C.

(2) Either have on site or immediately available sufficient sealed containers of a type required for the transportation of bodies.

(3) Maintain the premises in a clean and sanitary condition.

(4) Have Department of Environmental Protection permits, when required.

(5) All signed contracts are to be retained for a period of at least two years.

Rulemaking Authority 497.103, 497.385 FS. Law Implemented 497.385 FS. History—New 5-21-95, Formerly 61G8-24.032.

69K-24.033 Duplicate License and Renewal Penalty Fees for Refrigeration Services.

(1) The fee for each duplicate license shall be \$25. To obtain a duplicate license, a licensee must inform the department that the licensee needs a duplicate license and pay the duplicate license fee to the department.

(2) The renewal penalty fee for a delinquent license shall be \$50.00.

Rulemaking Authority 497.103, 497.140, 497.385 FS. Law Implemented 497.140, 497.385 FS. History—New 5-21-95, Amended 11-11-99, Formerly 61G8-24.033.

69K-24.034 Operating Procedures for Refrigeration Services.

Refrigeration services shall establish a system of identification of human remains received. This system shall be designed to track the identity of the remains from time of receipt until delivery of the remains to the authorized persons, or until otherwise disposed of

in accordance with instructions from the authorized person.

Rulemaking Authority 497.103, 497.385, 497.386 FS. Law Implemented 497.385, 497.386 FS. History--New 5-21-95, Amended 9-18-95, Formerly 61G8-24.034.

69K-24.040 Licensure of Centralized Embalming Facilities.

(1) Centralized embalming facilities that are operated independently of funeral establishments shall register with the Board of Funeral, Cemetery, and Consumer Services.

(2) Centralized embalming facilities shall apply to the Department to be registered and shall pay a nonrefundable application fee of \$300 together with an annual inspection fee of \$225 for each year for which the initial license will be issued.

(3) Centralized embalming facilities shall apply to the Department for renewal of registration and shall pay a nonrefundable renewal fee of \$300 together with the annual inspection fee of \$225 for each year for which the license will be issued.

(4) Centralized embalming facilities shall include the registration number issued by the Board on all forms, including the Report of Bodies Handled as required by rule 69K-20.001, F.A.C., and on advertisements or solicitations to funeral homes or direct disposal establishments.

(5) A full-time embalmer in charge shall be responsible for no more than one centralized embalming facility.

Rulemaking Authority 497.103, 497.385 FS. Law Implemented 497.385 FS. History--New 7-14-99, Formerly 61G8-24.040, Amended 5-19-09, 12-13-09.

69K-24.041 Requirements for Inspections of Centralized Embalming Facilities.

(1) All centralized embalming facilities shall be subject to inspection by the Department at all times. The inspection shall include all buildings, grounds and vehicles used in the embalming business.

(2) All new centralized embalming facilities shall be inspected and shall receive a satisfactory rating prior to the issuance of an establishment license and shall comply with the criteria set forth in rule 69K-24.042, F.A.C.

(3) All existing centralized embalming facilities shall be inspected once every year and shall comply with the criteria set forth in rule 69K-24.042, F.A.C.

(4) A centralized embalming facility shall be inspected by the Department under the following circumstances, and the Department shall be notified by the owner of the establishment at least 10 days before paragraph (a), (b), or (c) occur:

- (a) When a centralized embalming facility moves to a new location;
- (b) When ownership of a centralized embalming facility is changed or otherwise transferred;
- (c) When major alterations or modifications in the physical structure of a centralized embalming facility are made;
- (d) To ensure protection of the public health, safety, and welfare.

Rulemaking Authority 497.103, 497.385 FS. Law Implemented 497.385 FS. History--New 7-14-99, Formerly 61G8-24.041.

69K-24.042 Inspection Criteria for Centralized Embalming Facilities.

The Department shall inspect centralized embalming facilities on the basis of the following:

(1) There shall be a refrigeration equipment large enough to store all dead human bodies found in the facility at any given time; and

(2) A preparation room equipped as follows:

- (a) An exhaust fan with proper screening to exchange the air in the room with outside air at least twelve (12) times per hour;
- (b) Operating table with non-porous surface;
- (c) Sanitary floors with non-porous surface;
- (d) Sanitary waste receptacles;
- (e) A hand sink with hot and cold water and a service sink and a floor drain or sanitary drain for the removal of body fluids connected to central sewage system or septic tank. The floor drain may be replaced by an alternative method of removal of body fluids which meet the sanitation requirements of paragraph 69K-21.003(1)(c), F.A.C.;
- (f) The following instruments properly maintained:
 - 1. 1 machine for embalming or gravity equipment;
 - 2. 1 aspirator;

3. 1 master trocar;
 4. 1 aneurism needle;
 5. 1 scalpel;
 6. 1 drain tube;
 7. 1 arterial tube;
 8. 1 scissor;
 9. Surgical needles;
 10. Eye caps;
 11. Surgeon's thread;
 12. 1 head rest;
 13. Razor and blades;
 14. Absorbent cotton;
 15. Antiseptic soap;
 16. Sheet(s);
 17. Towel(s);
 18. Disinfectant;
 19. Tubing;
 20. Disposable surgical gloves.
- (g) The following minimum supplies for embalming dead human bodies:
1. 2 bottles arterial fluid per body;
 2. 1 bottle cavity fluid per body;
 3. Supply of hardening compound for autopsies.

(3) Centralized embalming facilities shall have on site or immediately available sufficient sealed containers of a type required for the transportation of bodies which prevents the seepage or emission of offensive fluids or odors.

(4) Compliance with rule 69K-24.041, F.A.C.

(5) Preparation room shall meet the requirements of the Department of Health chapter 64E-16, F.A.C., which prescribes minimum sanitary practices relating to the management of biomedical waste, including segregation, handling, labeling, storage, transport and treatment. Centralized embalming facilities shall be maintained in a clean and sanitary manner.

Rulemaking Authority 497.103, 497.385 FS. Law Implemented 497.385 FS. History—New 5-26-99, Amended 1-30-02, Formerly 61G8-24.042.

69K-24.0425 Operating Procedures for Centralized Embalming Facilities.

Centralized embalming facilities shall establish a system of identification of human remains received. This system shall be designed to track the identity of the remains from time of receipt until delivery of the remains to the authorized persons, or until otherwise disposed of in accordance with instructions from the funeral establishment in charge of said human remains.

Rulemaking Authority 497.103, 497.385, 497.386 FS. Law Implemented 497.385, 497.386 FS. History—New 2-28-02, Formerly 61G8-24.0425.

69K-24.043 Duplicate License and Renewal Penalty Fees for Centralized Embalming Facilities.

- (1) The fee for each duplicate license shall be \$25. To obtain a duplicate license, a licensee must:
 - (a) File a written statement with the department that the license has been lost, stolen, or destroyed;
 - (b) Pay the duplicate license fee to the department.
- (2) The renewal penalty fee for a delinquent license shall be \$50.00.

Rulemaking Authority 497.103, 497.140, 497.385 FS. Law Implemented 497.140, 497.385 FS. History—New 5-26-99, Formerly 61G8-24.043.

CHAPTER 69K-25

LICENSURE BY ENDORSEMENT

69K-25.001	Licensure by Endorsement; Embalmers
69K-25.002	Licensure by Endorsement; Funeral Directors
69K-25.0025	Licensure by Military Experience; Funeral Directors, Embalmers, and Direct Disposers; Licensure Renewals of Spouses of Armed Forces Members
69K-25.003	Licensure as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration
69K-25.004	Limited License for Retired Professionals During Times of Critical Need

69K-25.001 Licensure by Endorsement; Embalmers.

(1) The Board specifically finds that no presumption shall arise as to equivalence or stringency of requirements or examinations of other states except as provided by this rule, and that a determination of equivalence or stringency shall be determined in the manner set forth herein.

(2) The Board of Funeral, Cemetery, and Consumer Services determines that persons who have successfully completed a course, embracing at least the subjects specified in Section 497.368(1)(d), (e), F.S., at a school or college approved by the American Board of Funeral Service Education or by this Board and who have passed an embalmer examination administered by a licensing agency of another state or The Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination and who hold a current valid license to practice embalming in the original state of licensure are considered to have met standards substantially equivalent to the requirements of this state.

(3) Applicants for licensure by endorsement for embalmers shall complete and submit the Application For Embalmer License By Endorsement, form number DFS-N1-1707, effective 05/24, which is hereby incorporated by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-16585> and at: www.myfloridacfo.com/division/funeralcemetery/licensing#forms. Applicants applying for licensure by endorsement based upon five years of full-time employment must complete and submit the Certification of Employment History, form number DFS-N1-1775, effective 05/24, which is hereby incorporated by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-16587> and at: www.myfloridacfo.com/division/funeralcemetery/licensing#forms.

Rulemaking Authority 497.103, 497.369 FS. Law Implemented 497.140, 497.141, 497.142, 497.146, 497.369 FS. History—New 6-4-80, Amended 12-24-81, 8-10-83, 10-16-85, Formerly 21J-25.01, 21J-25.001, Amended 8-8-00, Formerly 61G8-25.001, Amended 5-19-24.

69K-25.002 Licensure by Endorsement; Funeral Directors.

(1) The Board specifically finds that no presumption shall arise to equivalence or stringency of requirements or examinations of other states except as provided by this rule, and that a determination of equivalence or stringency shall be determined in the manner set forth herein.

(2) The Board of Funeral, Cemetery, and Consumer Services determines that persons who have successfully completed a course in mortuary science prior to 1979 at a school or college approved by the American Board of Funeral Service Education and who have passed a Funeral Director Examination administered by a licensing agency of another state or the examination administered by The Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination and who hold a current valid license to practice funeral directing in the original state of licensure; or

(3) If licensed subsequent to October 1, 1979, those who hold an associate degree in mortuary science from a school or college approved by the American Board of Funeral Service Education or by this Board and have met the examination requirements as stated in subsection (2) are considered to have met standards substantially equivalent to this state.

(4) Applicants for licensure by endorsement for funeral director shall complete the Application For Funeral Director License By Endorsement, form number DFS-N1-1721, effective 05/24, which is hereby incorporated by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-16586> and at: www.myfloridacfo.com/division/funeralcemetery/licensing#forms. Applicants applying for licensure by endorsement based upon five years of full-time employment must complete and submit the Certification of Employment History, form number DFS-N1-1775, incorporated by reference in Rule 69K-25.001, F.A.C.

Rulemaking Authority 497.103, 497.374 FS. Law Implemented 497.140, 497.141, 497.142, 497.146, 497.374 FS. History—New 6-4-80, Amended 12-24-81, 8-10-83, 10-16-85, Formerly 21J-25.02, Amended 7-30-86, Formerly 21J-25.002, Amended 8-8-00, Formerly 61G8-25.002, Amended 5-19-24.

69K-25.0025 Licensure by Military Experience; Funeral Directors, Embalmers, and Direct Disposers; Licensure Renewals of Spouses of Armed Forces Members.

(1) A member of the United States Armed Forces and a veteran of the United States Armed Forces whose appointed duties in the military is/was to act as a mortician or mortuary specialist, is eligible for licensure as a funeral director if the following are submitted:

(a) Proof of an associate's degree in mortuary science from a school or college approved by the American Board of Funeral Service Education or by the Board of Funeral, Cemetery, and Consumer Services;

(b) Either proof of passing the Arts section of the national board examination administered by the International Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination, or proof of passing a funeral director examination administered by a licensing authority of another state;

(c) Proof of having had the appointed duties of a mortician or mortuary specialist in the military;

(d) Proof of successful completion of the Florida Laws & Rules examination; and

(e) A copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document.

(2) A member of the United States Armed Forces and a veteran of the United States Armed Forces whose appointed duties in the military is/was to act as a mortician or mortuary specialist, is eligible for licensure as an embalmer if the following are submitted:

(a) Proof of successful completion of a course, embracing at least the subjects specified in Sections 497.368(1)(d), (e), F.S., at a school or college approved by the American Board of Funeral Service Education or by the Board of Funeral, Cemetery, and Consumer Services;

(b) Either proof of passing the science section of the national board examination administered by the International Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination, or proof of passing an embalmer examination administered by a licensing authority of another state;

(c) Proof of licensure to practice embalming in another state in the United States of America;

(d) Proof of having had the appointed duties of a mortician or mortuary specialist in the military;

(e) Proof of successful completion of the Florida Laws & Rules examination; and

(f) A copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document.

(3) A member of the United States Armed Forces and a veteran of the United States Armed Forces whose appointed duties in the military is/was to act as a mortician or mortuary specialist, is eligible for licensure as a direct disposer if the following are submitted:

(a) An official transcript showing a college level course in Florida Mortuary Law and a college level course in ethics;

(b) A copy of a high school diploma or GED certificate;

(c) Proof of having had the appointed duties of a mortician or mortuary specialist in the military;

(d) Proof of successful completion of the Florida Laws & Rules examination; and

(e) A copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document.

(4) A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the Armed Forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show proof to the Board of the absence and the spouse's military status.

Rulemaking Authority 497.103, 497.168, 497.393, 497.602(4) FS. Law Implemented 497.168, 497.393, 497.602(4) FS. History—New 6-11-19.

69K-25.003 Licensure as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration.

(1) An applicant for licensure by endorsement as an embalmer or as a funeral director may, at the time of application, request to

be registered to practice as a temporary embalmer or a temporary funeral director while awaiting to take the licensure examination required in Section 497.369(4) or 497.374(4), F.S. The fee for such registration shall be \$50.00.

(2) The request for licensure as a temporary embalmer or temporary funeral director shall be in writing, shall include the name and address of the establishment at which the applicant will be temporarily practicing and the name of the licensee who will be supervising the applicant, and shall be accompanied by payment of the registration fee which shall be in addition to the fee for licensure by endorsement.

(3) After verifying that the applicant meets the requirements of Section 497.369(1)(a) or 497.374(1)(a), F.S., and has paid the registration fee, the Board shall issue the applicant a letter authorizing temporary practice which the applicant shall keep readily available for inspection by the Board or inspectors of the Department of Financial Services. In the event the Executive Director is unable to verify that the applicant meets all the requirements for temporary practice, the applicant's request shall be presented to the Board at its next available meeting for decision.

(4) A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within 2 years preceding the application for licensure are exempt from the initial issuance fee. The military record must show such member is currently in good standing or such veteran was honorably discharged.

(5) An applicant, who is granted authorization for temporary practice, shall practice only in a licensed funeral establishment. A temporary embalmer shall practice only under the direct supervision of a licensed embalmer. A temporary funeral director shall practice only under the direct supervision of a licensed funeral director. For purposes of this rule, "direct supervision" does not require the physical presence of the supervising licensee on the premises at all times; however the supervising licensee shall be available to communicate with the temporary licensee in those times in which the supervising licensee is not on the premises. Furthermore, the supervising licensee shall review and give final approval to all services performed by the temporary licensee.

(6) The authority to practice temporarily shall expire at the end of the sixtieth day after the licensure examination for which the applicant applied.

(7) Applicants granted permission to practice temporarily shall be governed by the laws and rules of the Board regulating the practice of funeral directing and embalming and shall be liable for violations thereof.

Rulemaking Authority 497.103, 497.369(5), 497.374(5) FS. Law Implemented 497.369, 497.374 FS. History--New 10-25-92, Amended 5-20-93, Formerly 21J-25.003, Amended 11-11-99, Formerly 61G8-25.003, Amended 2-18-19.

69K-25.004 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 order from the Governor 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 is incorporated by reference in Rule 69K-1.001, F.A.C., and is available on the Department's website (www.myfloridacfo.com/FuneralCemetery) 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.

Rulemaking Authority 497.103(5)(b), 497.143 FS. Law Implemented 497.143 FS. History--New 6-2-09.

CHAPTER 69K-27
EMBALMER APPRENTICE PROGRAM

69K-27.001 Embalmer Apprentice Program

69K-27.001 Embalmer Apprentice Program.

(1) Persons desiring to become an embalmer apprentice shall submit to the Division of Funeral, Cemetery, and Consumer Services, an Application For Embalmer Apprentice License, (Rev. 1/2017), Form DFS-N1-1755, incorporated herein by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-08149>, or from the Board office or on the Board's website, <http://www.myfloridacfo.com>, together with a fifty-five dollar (\$55.00) nonrefundable application fee. No embalmer apprentice license shall be issued unless the applicant is at least 18 years of age, has received a high school diploma or equivalent degree, and is determined to be of good character and has not demonstrated a history of lack of trustworthiness or integrity in business or professional matters.

(2) Embalmer apprentice licenses shall be issued for a period of three years.

(3) An embalmer apprentice license may be extended for an additional two years past the initial three year licensure period, if during the additional two years the apprentice is enrolled in and attending a course in mortuary science or funeral service education at any mortuary college or funeral service education college or school. Such extension may not be applied for or granted earlier than 180 days before the expiration of the original three year apprentice license. To obtain such extension the embalmer apprentice licensee shall at least 60 days prior to the expiration of their initial three year embalmer apprentice license, file with the Division an Application to Extend Embalmer Apprenticeship, (Rev. 1/2017), Form DFS-N1-1733, incorporated herein by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-08148>, or from the Board office or on the Board's website, <http://www.myfloridacfo.com>, together with evidence of the required college or school enrollment and attendance. The evidence of the required college or school enrollment and attendance shall consist of a dated letter or report from the college or school, on the letterhead of the college or school, indicating that the person seeking the extension is currently enrolled in or has been accepted for enrollment in said college or school. An extension under this paragraph shall terminate at the earlier of the two year extension period, or when the apprentice ceases to be enrolled in and attending the mortuary college or funeral service education college or school. If during an extension granted under this paragraph the apprentice ceases to be enrolled in and attending the mortuary college or funeral service education college or school, the apprentice shall within 30 days of such cessation of enrollment and attendance, cease their apprentice activities and notify their apprentice supervisor and the Division of such cessation of enrollment and attendance.

(4) An embalmer apprenticeship may be performed only at a training agency approved under section 497.375(2), F.S., and rule 69K-18.004, F.A.C. All embalmer apprentice activities shall be under the direct supervision of a Florida licensed embalmer in good standing who shall provide quarterly reports to the Division pursuant to subsection 69K-18.002(9), F.A.C., concerning the activities engaged in by the embalmer apprentice during the preceding calendar quarter.

(5) If an embalmer apprentice license is extended for two years based upon the apprentice being enrolled in and attending a course in mortuary science or funeral service education at any mortuary college or funeral service education college or school, during such extension the apprentice's supervising embalmer shall verify that the embalmer apprentice remains enrolled in his or her educational program.

(6) No person shall be issued more than one embalmer apprentice license in his or her lifetime.

(7) A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within 2 years preceding the application for licensure are exempt from the licensure fee. The military record must show such member is currently in good standing or such veteran was honorably discharged.

Rulemaking Authority 497.103, 497.371 FS. Law Implemented 497.141, 497.371 FS. History—New 8-18-82, Formerly 21J-27.01, Amended 11-15-92, Formerly 21J-27.001, Amended 7-14-99, Formerly 61G8-27.001, Amended 5-2-17, 2-20-19.

CHAPTER 69K-28
SUPERVISION OF PRE-NEED AGENTS

69K-28.001 Control of Preneed Agents (Repealed)

69K-28.001 Control of Preneed Agents.

Rulemaking Authority 497.103 FS. Law Implemented 497.166 FS. History—New 10-13-82, Formerly 21J-28.01, 21J-28.001, Amended 11-23-00, 11-26-02, Formerly 61G8-28.001, Repealed 10-11-15.

**CHAPTER
69K-29
ADVERTISING**

69K-29.001 False, Fraudulent, Deceptive and Misleading Advertising.

69K-29.001 False, Fraudulent, Deceptive and Misleading Advertising.

(1) It is the policy of the Board of Funeral, Cemetery, and Consumer Services that advertising by persons and entities licensed or registered pursuant to chapter 497, F.S., in this state shall be regulated to protect the health, safety and welfare of the public, while not abridging any rights guaranteed by the Constitutions of the United States and the State of Florida.

(2) No licensee or registrant shall disseminate or cause dissemination of any advertisement or advertising which is in anyway false, fraudulent, deceptive and misleading. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:

- (a) Contains a misrepresentation of facts; or
 - (b) Has the capacity or tendency to mislead or deceive because in its content or in the context in which it is presented it makes only a partial disclosure of relevant facts; or
 - (c) Has the capacity or tendency to create false or unjustified expectations; or
 - (d) Contains false, fraudulent, deceptive or misleading representations relating to the quality or quantity of the services offered; or
 - (e) Contains any representations or claims which the licensee referred to in the advertising fails to perform; or
 - (f) Contains any other representation, statement or claim which has the capacity or tendency to mislead or deceive.
- (3) As used in these rules, the terms "advertisement" and "advertising" shall mean any statements, oral or written, disseminated

to or before the public or any portion thereof, with the intent of furthering the purpose, either directly or indirectly, of selling funeral services or merchandise or inducing members of the public to enter into any obligation to purchase such funeral services or merchandise.

(4) All advertising by licensees and registrants shall be only in the name of such establishment as reflected by the records of the Board and the Department of Financial Services. An individual licensee or registrant may also advertise in his or her own licensed or registered name.

(5) Whenever a Florida licensed establishment permits its name, address, telephone number or other references to be used in any advertising of goods or services for or by a non-Florida licensed establishment, the words "representing" or "represented by" or words of substantial equivalence and the name of the Florida establishment shall be utilized therein. Failure to include the language required herein shall be deemed to be advertising goods or services in a manner which is false, fraudulent, deceptive and misleading in form or content.

Rulemaking Authority 497.103 FS. Law Implemented 497.152 FS. History—New 1-5-86, Formerly 21J-29.001, Amended 11-11-99, Formerly 61G8- 29.001.

CHAPTER 69K-30
DISCIPLINARY GUIDELINES AND PENALTIES FOR FUNERAL DIRECTORS
AND ESTABLISHMENTS, EMBALMERS, REMOVAL SERVICES, REFRIGERATION
SERVICES, DIRECT DISPOSERS AND ESTABLISHMENTS, AND CINERATOR FACILITIES

69K-30.001	Disciplinary Guidelines and Penalties
69K-30.0021	Minor Violations and Notice of Noncompliance for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities (Repealed)
69K-30.003	Citations for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities (Repealed)

69K-30.001 Disciplinary Guidelines and Penalties.

(1) THE PURPOSE OF THE DISCIPLINARY GUIDELINES IS TO GIVE NOTICE THE LICENSEES AND OTHERS OF THE RANGE OF PENALTIES WHICH MAY BE IMPOSED FOR VIOLATIONS OF PARTICULAR PROVISIONS OF CHAPTER 497, F.S., AND RULES PROMULGATED THERETO. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapter 497, F.S., or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., may include lesser penalties, i.e., fines, costs, or probation which may be included in the final penalty at the board's discretion. If the board finds that a person is subject to disciplinary action, the board shall issue a final order imposing appropriate penalties within the ranges recommended in these disciplinary guidelines, in the absence of aggravating or mitigating factors.

(2) As an alternative to the provisions of Section 497.153, F.S., and pursuant to Section 497.155, F.S., the department may provide a licensee with a notice of noncompliance for a minor violation. Minor violations are deemed to be those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) THE DEPARTMENT SHALL ALSO HAVE THE AUTHORITY TO ISSUE CITATIONS FOR THE VIOLATIONS SET FORTH HEREIN IS ISSUED WITHIN SIX MONTHS AFTER THE COMPLETION OF THE INSPECTION OR EXAMINATION OR THE FILING OF THE COMPLAINT WHICH IS THE BASIS OF THE CITATION. The licensee must confirm that the violation has been corrected or is in the process of being corrected, upon acceptance of the citation. For each violation, there is a range of penalties to be imposed depending upon whether the violation is the first or second violation of the particular provision within the previous six (6) year period. (Multiple occurrences of a specific violation within an examination report will be cited as one violation.)

(4) DEFINITIONS. As used in this rule:

(a) "Notice of noncompliance" means an instrument which meets the requirements set forth in Section 497.155, F.S., and which is served upon a person for the purpose of notifying the subject of the violation(s).

(b) "Citation" means an instrument which meets the requirements set forth in Section 497.155, F.S., and which is served upon a person for the purpose of assessing a penalty in an amount established by this rule.

(c) "Costs" includes costs of investigation and prosecution as set forth in Section 497.153(5)(b), F.S.

(d) "Reprimand" is a discipline that the board may impose in addition to or in lieu of any other disciplinary penalty. A reprimand is represented by a written document.

(5) UNLESS OTHERWISE SET OUT HEREIN, A VIOLATION OF ANY PROVISION UNDER CHAPTER 497, F.S., OR VIOLATION OF ANY LAWFUL ORDER OF THE BOARD OR DEPARTMENT WILL BE CONSIDERED A VIOLATION OF SECTION 497.152(1)(a), F.S., AND MAY RESULT IN DISCIPLINARY ACTION AS FOLLOWS:

(a) Penalty Range 1st Offense: Reprimand, fine of \$250 to \$2500 plus costs. In addition, probation for 6 months to 1 year, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.

(b) Penalty Range Subsequent Offenses: Reprimand, fine of \$1,000 to \$5,000 plus costs. In addition, probation for up to 2 years, suspension up to 5 years, permanent revocation of license and/or restitution may be imposed.

(6) BASED UPON CONSIDERATION OF THE FOLLOWING AGGRAVATING AND MITIGATING FACTORS, THE BOARD MAY IMPOSE DISCIPLINARY ACTION OTHER THAN THE PENALTIES RECOMMENDED HEREIN:

(a) The danger to the public;

(b) The length of time since date of violation;

- (c) The number of complaints filed against the licensee;
- (d) The length of time licensee has practiced;
- (e) The actual damage, physical or otherwise, caused by the violation;
- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the licensee's livelihood;
- (h) Any efforts for rehabilitation;
- (i) The actual knowledge of the licensee pertaining to the violation;
- (j) Attempts by licensee to correct or stop violations or refusal by licensee to correct or stop violations;
- (k) Related violations against a license in another state including findings of guilt or innocence, penalties imposed and penalties served; and

(l) Penalties imposed for related offenses under these guidelines.

(7) THE BOARD MAY ALSO IMPOSE ONE OR MORE OF THE FOLLOWING CONDITIONS IN A DISCIPLINARY ORDER:

(a) Fines and costs are to be paid by cashier's check or money order payable to the Board of Funeral, Cemetery, and Consumer Services and delivered to the board office at the Department of Financial Services, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399, within 30 days of the effective date of the Order;

(b) Continuing Education, when imposed as a condition of probation, will be a minimum of two (2) hours and a maximum of six (6) hours per violation and shall be in addition to those hours required for license renewal. Unless otherwise indicated in the Order, all Continuing Education must be completed prior to the lifting of probation or suspension;

(c) Licensee may be required to take and pass the Florida Laws and Rules Examination at his/her own expense, prior to the lifting of probation or suspension; and

(d) Prior to the lifting of probation or suspension, the board may compel the licensee to attend an in-person meeting of the board and demonstrate compliance with the Order and demonstrate by testimony, presentation of letters of recommendation from friends and supervisors within the industry, and other indicia of rehabilitation, that he or she is able to resume practicing with reasonable care and safety and in compliance with the laws of the State of Florida and rules of this board.

(8) UPON MOTION AND FOR GOOD CAUSE SHOWN, THE USUAL CONDITIONS MAY BE ALTERED BY THE BOARD AT THE TIME DISCIPLINE IS IMPOSED TO REFLECT LICENSEE'S ABILITY TO COMPLY. Changes include, but are not limited to, extension of time for payment of fines and costs, reduction of the interest rate imposed, altering the time for taking Continuing Education or the Florida Laws and Rules Examination, waiving appearance before the board altogether, or permitting appearance pursuant to paragraph (7)(d), by telephone due to incapacity.

(9) TRUST FUND RESTORATION: IN ADDITION TO ANY DISCIPLINE IMPOSED UNDER THESE GUIDELINES, THE BOARD MAY ORDER A LICENSEE TO REMIT THE FULL AMOUNTS REQUIRED BY CHAPTER 497, F.S. TO THE APPROPRIATE TRUST FUND AS PER SECTION 497.153(6), F.S.

(10) THE PREVISIONS TO THESE GUIDELINES SHALL NOT BE CONSTRUED SO AS THE PROHIBIT CIVIL ACTION OR CRIMINAL PROSECUTION AS PROVIDED FOR IN SECTION 497.153, 497.158 or 497.159, F.S., AND SHALL NOT BE CONSTRUED SO AS TO LIMIT THE ABILITY OF THE BOARD TO ENTER INTO BINDING STIPULATIONS AS PER SECTION 120.57(4), F.S.

(11) VIOLATIONS AND PENALTIES ARE LISTED BELOW. Descriptions of the violations are general in nature and may not identically match the language provided in statute.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
DISCIPLINE UNDER SECTIONS 497.152(1)(A) AND (B), F.S., SHALL BE LIMITED TO VIOLATIONS NOT OTHERWISE ADDRESSED BY THESE GUIDELINES.				
GENERAL PROVISIONS				
1	Section 497.151(2), F.S.	Failing to maintain procedures for handling complaints.	Notice of non-compliance.	Citation of \$200.
2	Section 497.152(1)(b), F.S.	Committing fraud, deceit, negligence, incompetence, or misconduct.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 5 years, permanent revocation of license and/or restitution may be imposed.
3	Section 497.152(1)(c), F.S.	Failing to maintain one or more of the qualifications for holding a license under this chapter.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for up to 2 years with conditions or suspension up to 2 years may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
4	Section 497.152(1)(d), F.S.	Refusing to sell or issue a contract to any person because of race, color, creed, marital status, sex, or national origin.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for up to 2 years with conditions may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
5	<i>Section 497.152(2), F.S.</i>	Being convicted of, pleading nolo, regardless of adjudication to crime directly relates to practice or ability to do so.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, permanent revocation of license, and/or restitution may be imposed.
6	<i>Section 497.152(3), F.S.</i>	Having been disciplined by a regulatory agency in any jurisdiction for conduct that would violate Chapter 497, F.S., if committed in this state, or upon grounds that directly relate to the ability to practice under this chapter.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
7	<i>Section 497.152(4)(a), F.S.</i>	Improperly interfering with investigation or inspection.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
8	<i>Section 497.152(4)(b), F.S.</i>	Failure to comply with a lawfully issued subpoena of the department.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
9	<i>Section 497.152(4)(c), F.S.</i>	Refused to produce records to the department or board in connection with any activity regulated pursuant to this chapter.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
10	<i>Section 497.152(4)(d), F.S.</i>	Failing to report person licensee knows is in violation of this chapter if the violation is creating a serious and immediate danger to the public health, safety, or welfare.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
11	<i>Section 497.152(4)(e), F.S.</i>	Knowingly conceal information relative to violations of Chapter 497, F.S.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
12	<i>Section 497.152(4)(f), F.S.</i>	Obtaining or attempting to get license by bribery, false or forged evidence, or misrepresentation.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
13	<i>Section 497.152(4)(g), F.S.</i>	Knowingly filing false report, failing to file	Reprimand, fine of \$1,000-\$2,500 plus costs. In	Reprimand, fine of \$2,500-\$5,000 plus

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
			addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
14	<i>Section 497.152(4)(h), F.S.</i>	Failing to perform any statutory or legal obligation placed upon a licensee.	Reprimand, fine of \$250-\$2,000 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
15	<i>Section 497.152(5)(a), F.S.</i>	Practicing or offering to practice beyond the scope permitted by this chapter and rules adopted under this chapter for the type of license held.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
16	<i>Section 497.152(5)(b), F.S.</i>	Attempt to or use a suspended, revoked, inactive or delinquent license.	If delinquent, \$250 per month. If other, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years or permanent revocation of license may be imposed.	If delinquent, fine of \$1,000-\$2,500. If other, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
17	<i>Section 497.152(5)(c), F.S.</i>	Represent as your own license of another.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years or permanent revocation of license may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years or permanent revocation of license may be imposed.
18	<i>Section 497.152(5)(d), F.S.</i>	Aiding, assisting, procuring, employing, or advising any person to practice a profession or occupation regulated by this chapter without required licensure.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
19	<i>Section 497.152(5)(e), F.S.</i>	Aiding, assisting, procuring, employing, or advising any person to operate or to operate an establishment regulated by this chapter without the required licensure.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
20	<i>Section 497.152(5)(f), F.S.</i>	Delegating professional activities to a person when the licensee knows or has reason to know the person is not qualified to perform.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
21	<i>Section 497.152(5)(g), F.S.</i>	Using a title suggesting licensure that the person does not hold.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
22	<i>Section 497.152(5)(h), F.S.</i>	A direct disposer engaging in the practice of direct burial or offering the at-need or preneed service of direct burial.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
23	<i>Section 497.152(6), F.S.</i>	Failing to timely comply with continuing education course requirements.	Notice of non-compliance.	Citation of \$250.
24	<i>Section 497.152(7)(a), F.S.</i>	Having been found liable in civil proceedings for knowingly filing a false report or complaint against another licensee with the department or the board.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
25	<i>Section 497.152(7)(b), F.S.</i>	Making misleading statements or misrepresentations as to the financial condition of any person to damage that person's business regulated under Chapter 497, F.S.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
26	Section 497.152(8)(a), F.S.	Violating any state or local law/rule affecting handling, custody, care, or transport of bodies.	Reprimand, fine of \$500-\$2,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
27	Section 497.152(8)(b), F.S.	Refusing to promptly surrender custody of body on express order of a legally authorized person.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
28	Section 497.152(8)(c), F.S.	Taking possession of body w/out permission from a legally authorized person.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
29	Section 497.152(8)(d), F.S.	Embalming w/out prior permission of a legally authorized person.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
30	<i>Section 497.152(8)(e), F.S.</i>	Failing to obtain written authorization from a legally authorized person before entombment, interment, disinterment, disentombment, or disinurnment of human remains.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
31	<i>Section 497.152(9)(a), F.S.</i>	Solicitation by or on behalf of licensee by fraud, undue influence, or other vexatious conduct.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
32	<i>Section 497.152(9)(b), F.S.</i>	Exercising influence on client for financial gain.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
33	<i>Section 497.152(9)(c), F.S.</i>	Discouraging the purchase of any burial merchandise or burial service which is advertised or offered for sale, with the purpose of encouraging the purchase of any additional or more expensive burial merchandise or service as provided in section.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$1,000-\$1,500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
34	<i>Section 497.152(9)(d), F.S.</i>	Misrepresenting the benefits, advantages, conditions, or terms of any contract to provide any services or merchandise regulated under this chapter.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, permanent revocation of license, and/or restitution may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.
35	<i>Section 497.152(9)(e), F.S. Subsection 69K-29.001(2), F.A.C.</i>	Fraudulent, false, deceptive, or misleading advertising.	Reprimand, fine of \$500-\$2,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
36	<i>Section 497.152(9)(f), F.S.</i>	Directly or indirectly making any deceptive, misleading, or untrue representations, whether oral or written, or employing any trick, scheme, or artifice related to any license regulated under this chapter.	Reprimand, fine of \$500-\$2,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
37	<i>Section 497.152(10), F.S.</i>	Making any false or misleading statements, or misrepresentations regarding the sale or necessity of burial or funeral merchandise or services.	Reprimand, fine of \$500-\$2,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
38	Section 497.152(10)(f), F.S.	Making any false or misleading statement or claim that natural decomposition or decay of human remains can be prevented or substantially delayed by embalming, use of a gasketed or ungasketed casket, or use of an adhesive or nonadhesive closure on an outer burial container.	Reprimand, fine of \$500-\$2,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
39	Section 497.152(10)(g), F.S.	Making any false or misleading statement, oral or written, directly or indirectly, regarding any law or rule pertaining to the preparation for disposition, transportation for disposition, or disposition of dead human bodies.	Reprimand, fine of \$500-\$2,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
40	<i>Section 497.152(11)(a), F.S.</i>	Failing to furnish, for retention, to each purchaser of burial rights, burial or funeral merchandise, or burial or funeral services a written agreement, the form of which has been approved by the board.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for 1 year to 2 years with conditions may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
41	<i>Section 497.152(11)(b), F.S.</i>	Filling in any contract form for use with a particular customer using language that misrepresents the true nature of the contract.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
42	<i>Section 497.152(11)(c), F.S.</i>	Selling an irrevocable preneed contract to a person who is not an applicant for or recipient of supplemental security income, temporary cash assistance or Medicaid.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
43	<i>Section 497.152(11)(d), F.S.</i>	Except for preneed contracts, guaranteeing the price of goods and services at a future date.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
44	<i>Section 497.152(11)(e), F.S.</i>	Requiring casket purchase for cremation or claiming it is required.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
45	<i>Section 497.152(11)(f), F.S.</i>	If caskets are displayed for sale, failing to display the least expensive casket offered for sale in the same manner other caskets are displayed.	Notice of non-compliance.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for up to 3 years with conditions or suspension up to 3 years may be imposed.
46	<i>Section 497.152(11)(g), F.S.</i>	Assessing fees and costs that have not been disclosed to the customer as provided in the section.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, and/or restitution may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.
47	<i>Section 497.152(11)(h), F.S.</i>	Failure by a licensed cemetery to provide to any person upon request, a copy of the cemetery bylaws (ONLY if the cemetery has bylaws).	Notice of non-compliance.	Reprimand, fine of \$200-\$500 plus costs. In addition, probation for up to 2 years with conditions may be imposed.
48	<i>Section 497.152(11)(i), F.S.</i>	Requiring lot owners or current customers to make unnecessary visits to the cemetery company office for the purpose of solicitation, as provided in section.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions may be imposed.
49	<i>Section 497.152(12)(a), F.S.</i>	Failure to disclose, when requested, the components of the prices for alternatives offered by the licensee regarding graveside services, direct disposition and body donation.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
50	<i>Section 497.152(12)(b), F.S.</i>	Fails to provide itemized price list as described before discussion of selection.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
51	<i>Section 497.152(12)(c), F.S.</i>	Failing to reasonably provide by telephone, upon request, accurate information regarding the retail prices of funeral merchandise and services offered for sale by that licensee.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
52	<i>Section 497.152(12)(d), F.S.</i>	Failing to make full disclosure regarding merchandise not to be disposed of with body or obtain permission.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
53	<i>Section 497.152(12)(e), F.S.</i>	Failure by any funeral director to fully disclose all of her or his available services and merchandise prior to the selection of a casket offered by a licensee. The full disclosure required shall identify what is included in the funeral or direct disposition and the prices of all services and merchandise provided by the licensee or registrant.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
54	<i>Section 497.152(12)(f), F.S.</i>	Failing to have the price of any casket offered for sale clearly marked on or in the casket, whether the casket is displayed at a funeral establishment or at any other location, regardless of whether the licensee is in control of such location. If a licensee uses books, catalogs, brochures, or other printed display aids, the price of each casket shall be clearly marked.	Notice of non-compliance.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for up to 3 years with conditions or suspension up to 3 years may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
55	<i>Section 497.152(12)(g), F.S.</i>	Failing to disclose all fees and costs the customer may incur to use the burial rights or merchandise purchased.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
56	<i>Section 497.152(13)(a), F.S.</i>	Failing without reasonable justification to timely honor contracts entered into by the licensee or under the licensee's license for funeral or burial merchandise or services.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$1,500-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
57	<i>Section 497.152(13)(b), F.S.</i>	Failure to honor preneed contract cancellation requests and make refunds as required by the chapter.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for up to 1 year with conditions, suspension up to 1 year, and/or restitution may be imposed.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.
58	<i>Section 497.152(14)(a), F.S.</i>	Failing to adopt and implement standards for the proper investigation and resolution of claims and complaints received by a licensee relating to the licensee's activities regulated by this chapter.	Notice of non-compliance.	Citation of \$200.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
59	<i>Section 497.152(14)(b), F.S.</i>	Committing or performing with such frequency as to indicate a general business practice any of the actions listed in the section, including those regarding complaints or claims relating to the licensee's activities.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
60	<i>Section 497.152(14)(c), F.S.</i>	Making a material misrepresentation to a contract purchaser or a legally authorized person for the purpose and with the intent of effecting settlement of a claim or complaint or loss under a prepaid contract on less favorable terms than those provided in, and contemplated by, the prepaid contract.	Reprimand, fine of \$500-\$2,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,000-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
61	<i>Section 497.152(14)(d), F.S.</i>	Failing to maintain a complete copy of every complaint received by the licensee since the date of the last examination of the licensee by the department.	Notice of non-compliance.	Citation of \$200.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
62	<i>Section 497.152(15)(a), F.S.</i>	Failing to timely pay any fee required by this chapter.	Notice of non-compliance.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
63	<i>Section 497.152(15)(b), F.S.</i>	Remittance of less than 100% and more than 90% of the amounts required to be deposited to a trust fund shall be considered a MINOR violation of this section.	Notice of non-compliance.	Notice of non-compliance.
64	<i>Section 497.152(15)(b), F.S.</i>	Remitting less than 90% of the amounts required to be deposited to a trust fund or remittance deficiencies not corrected within 30 days as required under Section 497.152(15)(b), F.S., shall be considered a NON-MINOR violation of this section.	Reprimand, fine of \$250-\$1,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
65	<i>Section 497.152(15)(c), F.S.</i>	Paying to or receiving from any organization, agency, or person, either directly or indirectly, any commission, bonus, kickback, or rebate in any form whatsoever for any business regulated under this chapter, except for the payment of commissions by a funeral director, funeral establishment, cemetery, or monument establishment to its preneed agents licensed pursuant to this chapter or to licensees under this chapter.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions may be imposed.
66	<i>Section 497.157(1), F.S.</i>	Practicing any regulated activity under Chapter 497, F.S., without a license in good standing.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$200-\$500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
67	<i>Section 497.164, F.S. Rules 69K-9.002 and 69K-9.003, F.A.C.</i>	Improper solicitation of goods or services as provided in cited statute/rules.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
68	<i>Section 497.171, F.S. Rule 69K-6.009, F.A.C.</i>	Failing to properly affix an identification tag to a casket or other container in the manner required by this statute or rule.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$500-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
69	<i>Rule 69K-6.005, F.A.C.</i>	Failing to make records available to the department for examination or inspection.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
70	<i>Rule 69K-6.0051, F.A.C.</i>	Failing to maintain account receivable records in the manner required by this rule.	Notice of non-compliance	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
71	<i>Rule 69K-6.0052, F.A.C.</i>	Failure to prepare and provide accurate work papers to the department for examination in the manner required by this rule.	Reprimand, fine of \$1,000-\$2,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
72	<i>Subsection 6.0054(2), F.A.C.</i> 69K-	Making additions or deletions on a preneed contract in violation of the rule.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1,000-\$1,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
73	<i>Subsection 6.0054(3), F.A.C.</i> 69K-	Only one preneed licensee and one seller shall be referenced in a contract, unless previously approved by the division.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1,000-\$1,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
74	<i>Rule 69K-9.001, F.A.C.</i>	Failure of a licensee or registrant to maintain a file of all brochures and related documents delivered to prospective customers and copies of advertising actually printed, published, broadcast, or placed on any electronic media.	Notice of non-compliance.	Citation of \$250 or fine up to \$1,000 plus costs.
75	<i>Rule 69K-17.0041, F.A.C.</i>	A continuing education provider committing any of the acts enumerated in paragraph (6)(a), (b), (c), (d), (e), (f), (g), or (h) of this rule (if the continuing education provider is a Chapter 497, F.S. licensee).	Suspension of approval for not less than 1 month nor more than 24 months.	Revocation of approval.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
76	<i>Rule 69K-17.0043, F.A.C.</i>	Failure of a continuing education provider to maintain the records required by this rule (if the continuing education provider is a Chapter 497, F.S. licensee).	Suspension of approval for not less than 1 month nor more than 24 months.	Revocation of approval.
77	<i>Rule 69K-17.0044, F.A.C.</i>	Advertising continuing education courses in violation of this rule (if the continuing education provider is a Chapter 497, F.S. licensee).	Suspension of approval for not less than 1 month nor more than 24 months.	Revocation of approval.
CEMETERY REGULATION				
78	<i>Section 497.264(1), F.S.</i>	Operating cemetery at a location other than licensed.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
79	<i>Section 497.266(3), F.S.</i>	A person may not withdraw or transfer any portion of assets within the care and maintenance trust fund, except as authorized by Section 497.2675, F.S., without first obtaining written consent from the licensing authority.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
80	<i>Section 497.267, F.S.</i>	Using withdrawals from the care and maintenance trust fund for purposes other than allowed by this section.	Notice of non-compliance.	Reprimand, fine of \$500-\$1,500 plus costs.
81	<i>497.268(1)(a), (b), (c)</i>	Failing to set aside the required monies to the care and maintenance trust fund - remittance of less than 100% and more than 90% of the amounts required to be deposited to a trust fund shall be considered a MINOR violation of this section.	Notice of non-compliance.	Notice of non-compliance.
82	<i>Sections 497.268(1)(a), (b), (c), F.S.</i>	Failing to set aside the required monies to the care and maintenance trust fund - remitting less than 90% of the amounts required to be deposited to a trust fund or remittance deficiencies not corrected within 30 days as required under Section 497.152(15)(a), F.S., shall be considered a NON-MINOR violation of this section.	Reprimand, fine of \$250-\$1,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
83	<i>Section 497.268(2), F.S.</i>	Failure of cemetery to consistently make timely deposits to any trust fund - remittance of less than 100% and more than 90% of the amounts required to be deposited to a trust fund shall be considered a MINOR violation of this section.	Notice of non-compliance.	Notice of non-compliance.
84	<i>Section 497.268(2), F.S.</i>	Failure of cemetery to consistently make timely deposits to any trust fund - remitting less than 90% of the amounts required to be deposited to a trust fund or remittance deficiencies not corrected within 30 days as required under Section 497.152(15)(a), F.S., shall be considered a NON-MINOR violation of this section.	Reprimand, fine of \$250-\$1,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
85	<i>Section 497.270(1), F.S.</i>	Selling, mortgaging, leasing, or encumbering land in a licensed cemetery without prior approval of the licensing authority.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
86	<i>Section 497.270(2), F.S.</i>	Selling or conveying 30 or more contiguous acres of a licensed cemetery without obtaining prior written approval, if the new use of the property is not a cemetery.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
87	<i>Section 497.270(3)(a), F.S.</i>	Selling or conveying property described in Section 497.270(2), F.S., without complying with the notice requirements set forth in Section 497.270(3), F.S.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
88	<i>Section 497.270(4), F.S.</i>	Conveying real and personal property to a municipality or county without prior written approval of the department.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
89	<i>Section 497.271, F.S.</i>	Failing to comply with standards for construction and significant alteration or renovation of mausoleums and columbaria as set out in section.	Reprimand, fine of \$500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
90	<i>Section 497.272(1), F.S.</i>	Failing to meet the construction timeframes, as provided in section.	Notice of non-compliance.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
91	<i>Section 497.272(2), F.S.</i>	Failure of a cemetery company to establish a preconstruction trust fund prior to offering space in a mausoleum, columbarium or below ground crypts before construction.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
92	<i>Section 497.272(3), F.S.</i>	Failing to deposit the proper amounts into the preconstruction trust fund, if one is required (if greater than referenced in Section 497.152(15)(b), F.S.).	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
93	<i>Section 497.273(2), F.S.</i>	Failure of a cemetery company to fully disclose all fees for interment, entombment, or inurnment of human remains.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
94	<i>Section 497.273(3), F.S.</i>	Failing to comply with bylaws as set out in section (if the cemetery has adopted bylaws).	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
95	Section 497.274(2)(a), F.S.	Failing to prepare and maintain a map documenting the establishment of recoverable internal survey reference markers and establish the markers as outlined in section.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
96	Section 497.276, F.S.	Failure to maintain accurate burial records and have all financial records available for examination by department in the manner required by the section.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
97	Section 497.277, F.S.	Assessing other charges in violation of section.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions, discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S., and/or restitution may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S., and/or restitution may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
98	<i>Section 497.278(1), F.S.</i>	Charging a fee for the installation of a monument obtained from and installed by a person other than the cemetery company or its agents.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions, discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S., and/or restitution may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S., and/or restitution may be imposed.
99	<i>Section 497.278(2), F.S.</i>	Failing to mark the place on a grave where a monument is to be installed as described in section.	Notice of non-compliance.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
100	<i>Section 497.278(3), F.S.</i>	Establishing a condition for entry on or access to cemetery property as specified in section.	Notice of non-compliance.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
101	<i>Section 497.280(1), F.S.</i>	Attempting to sell grave space tied to the purchase of a monument from or through the seller or any other designated person or corporation.	Notice of non-compliance.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
102	<i>Section 497.280(2)(a), F.S.</i>	Failure to have reasonable rules, if adopted, conspicuously posted.	Notice of non-compliance.	Citation of \$200.
103	<i>Section 497.280(2)(b)1., F.S.</i>	Requiring the payment of a setting or service charge, by whatever name known, from third party installers for the placement of a monument, as provided in section.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
104	<i>Section 497.280(2)(b)2., F.S.</i>	Refusing to provide care or maintenance for any portion of a gravesite on which a monument has been placed.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
105	<i>Section 497.280(2)(b)3., F.S.</i>	Requiring a person to waive liability with respect to damage to a monument after installation, where the monument or installation service is not purchased from the person, cemetery company or other entity authorized to sell or to provide grave space.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
106	<i>Section 497.280(3), F.S.</i>	Conditioning any program offering free burial rights by any requirement to purchase additional burial rights, services, or funeral merchandise.	Citation of \$500.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
107	<i>Section 497.281(1) and (2), F.S.</i>	Failing to comply with licensure requirements of brokers of burial rights as set out in section.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
108	<i>Section 497.282(1), F.S.</i>	Providing inaccurate information by telephone upon request, regarding retail prices of burial merchandise and services.	Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
109	<i>Section 497.282(2), F.S.</i>	Failing to fully disclose services or merchandise prior to selection.	Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
110	<i>Section 497.282(3), F.S.</i>	Making false or misleading statements as to casket/outer burial container.	Notice of non-compliance.	Reprimand, fine of \$200-\$500 plus costs. In addition, probation for up to 2 years with conditions may be imposed.
111	<i>Section 497.282(4), F.S.</i>	Failing to provide a good faith estimate of all fees and costs the consumer will incur to use any burial right, merchandise, or services purchased.	Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
112	<i>Section 497.282(5), F.S.</i>	Failing to provide to the customer upon request a current copy of the bylaws of the licensee.	Notice of non-compliance.	Reprimand, fine of \$200-\$500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
113	<i>Section 497.282(6), F.S. Subsections 69K-6.0054(1) and 69K-6.0054(4), F.A.C.</i>	Failing to provide to the customer a written contract containing required information which has previously been approved.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 1 to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
114	<i>Section 497.282(6)(c), F.S. Rule 69K-8.006, Subsections 69K-6.0054(1) and 69K-6.0054(4), F.A.C.</i>	Failing to state the type, size and design of merchandise and the description of the service to be delivered or performed as required in these provisions.	Citation of \$200.	Citation of \$400.
115	<i>Section 497.282(7), F.S. Subsections 69K-6.0054(1) and 69K-6.0054(4), F.A.C.</i>	Failing to provide the licensee's policy on cancellations and refunds to each customer.	Notice of non-compliance.	Reprimand.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
116	<i>Section 497.282(8), F.S. Subsection 69K-6.0054(1) and 69K-6.0054(4), F.A.C.</i>	Failing to provide certain information on a signature page, and/or failing to provide that information in a correct type size.	Notice of non-compliance.	Reprimand.
117	<i>Section 497.282(9), F.S. Rule 69K-9.004, F.A.C.</i>	Failure to display the cemetery and preneed brochure required by this statute or rule.	Notice of non-compliance.	Citation of \$200.
118	<i>Section 497.282(10), F.S. Subsection 69K-6.0054(1), F.A.C.</i>	Failing to provide each customer a complete description of any monument or marker.	Citation of \$200.	Citation of \$400.
119	<i>Section 497.283, F.S.</i>	Cemetery is prohibited from entering into contracts where delivery is made more than 120 days after receipt of final payment.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
120	<i>Section 497.285, F.S.</i>	Prohibited conduct of surrendered licenses; inactive cemeteries.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
121	<i>Section 497.286, F.S.</i>	Improper activity by cemeteries regarding abandoned cemetery rights.	Notice of non-compliance.	Citation of \$200.
122	<i>Section 69K-6.002, F.S.</i>	Failing to maintain cemetery grounds in reasonable condition.	Notice of non-compliance.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5. F.S. may be imposed.
123	<i>Section 69K-6.004, F.S.</i>	Failing to keep burial records and contracts in a secure manner as set out in rule.	Notice of non-compliance.	Citation of \$500.
FUNERAL DIRECTING, EMBALMING AND RELATED SERVICES				
124	<i>Section 497.365, F.S.</i>	Practicing a profession or occupation regulated by Chapter 497, F.S. without an active status license.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
125	<i>Section 497.372(2), F.S.</i>	Practicing as a funeral director without affiliation with a licensed funeral establishment.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
126	<i>Section 497.375(1)(d), F.S.</i>	Operating as a funeral director intern without direct supervision of a licensed funeral director.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
127	<i>Section 497.380(3), F.S.</i>	Managing or operating an unlicensed funeral establishment.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
128	<i>Sections 497.380(6) and (7), F.S.</i>	Failing to have appropriately licensed personnel at a funeral establishment.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
129	<i>Section 497.380(12)(a), F.S. Paragraph 69K-21.002(4)(b), F.A.C.</i>	Failing to promptly report the following changes to a funeral establishment: change of ownership.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
130	<i>Section 497.380(12)(b), F.S. Paragraph 69K-21.002(4)(a), F.A.C.</i>	Failing to promptly report the following changes to a funeral establishment: change of location.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
131	<i>Section 497.380(12)(c), F.S.</i>	Failing to promptly report the following changes to a funeral establishment: change of funeral director in charge.	Notice of non-compliance.	Citation of \$500.
132	<i>Section 497.380(14), F.S.</i>	Failure of a funeral establishment to display at the public entrance the name of the establishment and the name of the full-time funeral director in charge.	Notice of non-compliance.	Citation of \$500.
133	<i>Section 497.380(14), F.S.</i>	Failure of a funeral establishment to conduct business under its licensed name.	Notice of non-compliance.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
134	<i>Section 497.380(15)(a)-(b), F.S.</i>	Failure of a funeral establishment to display the following: name of the establishment, name of the funeral director in charge, and recent photograph of each licensee within 6 years.	Notice of non-compliance.	Citation of \$200.
135	<i>Sections 497.380(15)(a)-(b) and 497.604(10), F.S. Rule 69K-21.005, F.A.C.</i>	Failure to properly display current license and other documents, or make them readily available, as set out in the rule.	Notice of non-compliance.	Citation of \$200.
136	<i>Section 497.381(4), F.S.</i>	Conducting at-need solicitation.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
137	<i>Section 497.382, F.S. Subsections 69K-20.001(2) and (3), F.A.C.</i>	Failure to properly complete, retain, and make available for review the monthly reports of cases embalmed or bodies handled.	Notice of non-compliance.	Citation of \$200.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
138	<i>Section 497.384(1), F.S.</i>	Failure to require the physical presence of a licensed funeral director at the disinterment and reinterment of human remains (unless the reinterment is to be made in the same cemetery).	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
139	<i>Section 497.384(3), F.S.</i>	Failure of a funeral director to obtain written authorization from a legally authorized person or a court of competent jurisdiction prior to the disinterment and reinterment of a dead human body ⁰	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
140	<i>Section 497.385(1)(g)1.-2., F.S.</i>	Failure of a removal service, or refrigeration facility to notify the Division of a change of ownership or location.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
141	<i>Section 497.385(1)(h), F.S.</i>	Having a person who was identified on the application for licensure of a removal service or refrigeration facility, convicted, found guilty, or who has entered a plea of nolo contendere to a crime related to their field of practice.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
142	<i>Section 497.385(1)(i), F.S.</i>	Failure of removal service or a refrigeration facility to properly display the required information; or, failure of these entities to transact business under the name to which they were licensed.	Notice of non-compliance.	Citation of \$500.
143	<i>Section 497.385(2)(a), F.S. Rule 69K-24.042, F.A.C.</i>	Failure of a centralized embalming facility to have all necessary equipment in the preparation room.	Notice of non-compliance.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
144	<i>Section 497.385(2)(b), F.S.</i>	Failure of a centralized embalming facility to have a full-time embalmer in charge.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
145	<i>Section 497.385(2)(d), F.S.</i>	Failure of a centralized embalming facility to restrict its services to funeral establishments.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
146	<i>Section 497.385(2)(e), F.S.</i>	Failure of a centralized embalming facility to have a licensed embalmer doing the embalmings.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
147	<i>Section 497.385(2)(g), (i), F.S.</i>	Failure of a centralized embalming facility to notify the Division of a change in ownership or location.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
148	<i>Section 497.386(1), F.S.</i>	Licensee stored human remains at an improper location.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
149	<i>Section 497.386(2), F.S.</i>	Failing to properly refrigerate human remains.	Reprimand, fine of \$500-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
150	<i>Section 497.386(3), F.S.</i>	Failing to comply with section requiring that transported human remains must be placed in a container adequate to prevent seepage of fluids and offensive odors, and must be accompanied by a burial transit permit.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
151	<i>Section 497.386(4), F.S. Paragraph 69K-33.001(2)(c), F.A.C.</i>	Failing to comply with section requiring that dead human bodies must be transported or stored completely covered and at all times treated with dignity and respect.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
152	<i>Section 497.387, F.S.</i>	Removing or embalming human remains in cases indicating crime or violence without the permission of a medical examiner or other lawfully authorized official.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
153	<i>Rule 69K-6.007, F.A.C.</i>	Failing to receive proper authorization before performing a burial, interment, entombment, or inurnment	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
154	<i>Rule 69K-6.008, F.A.C.</i>	Failure of the cemetery company to ensure that all interments, except cremated remains, shall be covered by at least 12 inches of soil where physically possible, unless prior approval is obtained from the family or next of kin.	Notice of non-compliance.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to 2 years with conditions may be imposed.
155	<i>Rule 69K-7.001, F.A.C.</i>	Remittance of less than 100% and more than 90% of the amounts required to be deposited to the Care and Maintenance Trust Fund shall be considered a MINOR violation of this section.	Notice of non-compliance.	Notice of non-compliance.
156	<i>Rule 69K-7.001, F.A.C.</i>	Remitting less than 90% of the amounts required to be deposited to the Care and Maintenance Trust Fund shall be considered a NON-MINOR violation of this section.	Reprimand, fine of \$250-\$1,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
157	<i>Rule 69K-7.005, F.A.C.</i>	Where a performance bond is given to the department in lieu of the payments provided by Section 497.272(3), F.S., and the cemetery company sells spaces in a mausoleum or below-ground crypt prior to the delivery of the bond to the department and receipt of acceptance by the cemetery or its agent.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
158	<i>Paragraph 69K-21.002(4)(c), F.A.C.</i>	Failure to notify the department, at least 10 days prior to the event, that major alterations or modifications are made in the physical structure of a funeral establishment.	Notice of non-compliance.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for up to 2 years with conditions or suspension up to 2 years may be imposed.
159	<i>Paragraph 69K-21.003(3)(a)-(g), F.A.C.</i>	Failure of a funeral establishment to comply with the provisions of this rule.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
160	<i>Subsection 69K-21.003(7), F.A.C.</i>	Failure to meet the requirements of Chapter 64E-16, F.A.C., and to maintain prep room in a clean and sanitary manner.	Notice of non-compliance.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
161	<i>Subsection 69K-21.003(9), F.A.C.</i>	Failure of a funeral establishment to display casket prices where caskets are located.	Notice of non-compliance.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for up to 3 years with conditions or suspension up to 3 years may be imposed.
162	<i>Rule 69K-21.006, F.A.C.</i>	Failure of a funeral establishment to retain all copies of signed at need and preneed contracts and written agreements used in making final arrangements for at least 2 years after such final disposition.	Notice of non-compliance.	Citation of \$200.
163	<i>Rule 69K-21.007, F.A.C.</i>	Failure of a full-time funeral director in charge of a funeral establishment to make sure that a licensed funeral director is reasonably available to the public during normal business hours for that establishment.	Notice of non-compliance.	Reprimand, fine of \$250-\$500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
164	<i>Rule 69K-21.008, F.A.C.</i>	Failure to notify the board office within 20 days of any change in the funeral director in charge (FDIC).	Notice of non-compliance.	Citation of \$500.
165	<i>Rule 69K-29.001, F.A.C.</i>	Engaging in false, fraudulent, deceptive, or misleading advertising.	Reprimand, fine of \$500-\$2,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
166	<i>Rule 69K-33.001, F.A.C.</i>	Failure of a funeral establishment to follow requirements for handling and storing human remains.	Reprimand, fine of \$500-\$2,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
PRENEED SALES				
167	<i>Section 497.452(1)(a), F.S.</i>	Selling or offering to sell a preneed contract without a preneed license.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, permanent revocation of license, and/or restitution may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.
168	<i>Section 497.452(1)(b), F.S.</i>	Selling, advertising to sell, or making an arrangement for services, merchandise, or burial rights on a preneed basis without the licensure required to sell at-need.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, permanent revocation of license, and/or restitution may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.
169	<i>Section 497.452(2)(a), F.S.</i>	Accepting funds for payment of a preneed contract without holding a preneed license.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, permanent revocation of license, and/or restitution may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
170	<i>Sections 497.453(6) and 497.456(2), F.S. Rule 69K-10.003, F.A.C.</i>	Failing to comply with the filing and remittance requirements - Remittance of less than 100% and more than 90% of the amounts required to be deposited to a trust fund shall be considered a MINOR violation of this section or rule.	Notice of non-compliance.	Notice of non-compliance.
171	<i>Section 497.453(6) and 497.456(2), F.S. Rule 69K-10.003, F.A.C.</i>	Failing to comply with the filing and remittance requirements - Remitting less than 90% of the amounts required to be deposited to a trust fund or remittance deficiencies not corrected within 30 days as required under Section 497.152(15)(a), F.S. shall be considered a NON-MINOR violation of this section or rule.	Reprimand, fine of \$250-\$1,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
172	<i>Section 497.453(7)(a), F.S.</i>	Failure of cemetery, preneed sales, or monument establishment to register a branch name for common business enterprise.	Notice of non-compliance.	Citation of \$200.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
173	<i>Section 497.453(8), F.S.</i>	Failure of a preneed licensee to file a full and true statement of a trust's activities on or before April of each year.	Citation of \$200, if corrected.	Reprimand, fine of up to \$1,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
174	<i>Section 497.454, F.S. Subsections 69K-6.0054(1) and 69K-6.0054(5), F.A.C.</i>	Failing to have preneed contracts and related forms filed with and approved by the board, as required by section.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for 1 year to 2 years with conditions may be imposed.
175	<i>Section 497.4555, F.S.</i>	Failure of a preneed licensee to disclose charges for processing, filing, and archiving the contract on its standard printed price list and other disclosure information provided to a purchaser.	Notice of non-compliance.	Citation of \$400.
176	<i>Section 497.456(11), F.S.</i>	Using the consumer protection trust fund as an inducement for purchasing a preneed contract.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
177	<i>Section 497.458(1)(a), F.S.</i>	Remittance of less than 100% and more than 90% of the proper amounts required to be deposited to a trust fund by a preneed licensee shall be considered a MINOR violation of this section.	Notice of non-compliance.	Notice of non-compliance.
178	<i>Section 497.458(1)(a), F.S.</i>	Remitting less than 90% of the amounts required to be deposited to a trust fund or remittance deficiencies not corrected within 30 days as required under Section 497.152(15)(a), F.S. shall be considered a NON-MINOR violation of this section.	Reprimand, fine of \$250-\$1,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
179	<i>Section 497.458(1)(c), F.S.</i>	Failure of a preneed licensee to make the proper deposit within 30 days after the end of the month in which payment is received.	Reprimand, fine of \$250-\$1,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
180	<i>Section 497.458(1)(f), F.S.</i>	Failure to keep the deposited funds in trust, except for authorized costs for operating the trust or trust account.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
181	<i>Section 497.459, F.S.</i>	Failing, without reasonable justification, to honor cancellations and to issue refunds as provided in sections.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for up to 1 year with conditions, suspension up to 1 year, and/or restitution may be imposed.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.
182	<i>Section 497.459(3), F.S. Subsection 69K-6.0054(4), F.A.C.</i>	Use a preneed contract which does not contain the required disclosures (unless the contract is approved by the board).	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for 1 year to 2 years with conditions may be imposed.
183	<i>Section 497.459(5), F.S.</i>	Failure of a preneed licensee to return specified funds after default by purchaser and after notice by licensee.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for up to 1 year with conditions, suspension up to 1 year, permanent revocation of license and/or restitution may be imposed.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
184	<i>Section 497.459(6)(d), F.S.</i>	Failure of a preneed licensee to make timely refunds after cancellation of contract.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for up to 1 year with conditions, suspension up to 1 year, permanent revocation of license and/or restitution may be imposed.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.
185	<i>Section 497.460, F.S.</i>	Failing to honor the preneed contract cancellation request by the heirs of a contract purchaser as provided in section.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for up to 1 year with conditions, suspension up to 1 year, and/or restitution may be imposed.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.
186	<i>Section 497.462(1)(c), F.S.</i>	Failure of a preneed licensee to properly and timely file the report used to determine the amount of a surety bond if that is used in place of trust fund deposits.	Notice of non-compliance.	Citation of \$500.
187	<i>Section 497.465(2), F.S.</i>	Failure of a preneed license, upon becoming inactive, to cease all preneed sales to the public or failure to deposit into the trust all funds received on or after the date on which it becomes inactive.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, permanent revocation of license, and/or restitution may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
188	<i>Section 497.466(1), F.S.</i>	Failure of a person to secure a preneed license who offers or who executes preneed contracts, unless exempt from licensure.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, permanent revocation of license, and/or restitution may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.
189	<i>Section 497.466(7)(g)1.-6., F.S.</i>	Failure of a preneed licensee or a preneed sales agent licensee to terminate an appointment in the manner prescribed herein.	Notice of non-compliance.	Citation of \$200.
190	<i>Section 497.467, F.S.</i>	Failure of a person engaged in preneed sales of funeral or burial merchandise to notify a purchaser in writing that the merchandise will be accepted in the cemetery of the purchaser's choice.	Notice of non-compliance.	Citation of \$200.
191	<i>Section 497.468(1), F.S.</i>	A preneed licensee providing inaccurate information by telephone upon request, regarding retail prices of burial merchandise and services.	Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
192	<i>Section 497.468(2), F.S.</i>	A preneed licensee failing to fully disclose all services or merchandise prior to selection.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
193	<i>Section 497.468(3), F.S.</i>	A preneed licensee making false or misleading statements as to the necessity of casket or outer burial container.	Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
194	<i>Section 497.468(4), F.S.</i>	A preneed licensee failing to provide a good faith estimate of all fees and costs the customer will incur.	Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in Sections 497.153(5)(a)4. and 497.153(5)(a)5., F.S. may be imposed.
195	<i>Section 497.468(5), F.S. Subsection 69K-6.0054(1) and 69K-6.0054(4), F.A.C.</i>	A preneed licensee failing to provide to the customer a written contract containing required information which has previously been approved.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for 1 year to 2 years with conditions may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
196	<i>Section 497.468(6), F.S. Subsections 69K-6.0054(1) and 69K-6.0054(4), F.A.C.</i>	A preneed licensee failing to provide the licensee's policy on cancellations and refunds to each customer (unless the contract is approved by the board).	Citation of \$200.	Citation of \$400.
197	<i>Sections 497.468(7)(a)-(f), F.S. Subsections 69K-6.0054(1) and 69K-6.0054(4), F.A.C.</i>	A preneed licensee failing to provide certain information on a signature page, and/or failing to provide that information in a correct type size (unless the contract is approved by the board).	Citation of \$200.	Citation of \$400.
198	<i>Sections 497.468(8), F.S. Subsections 69K-6.0054(1) and 69K-6.0054(4), F.A.C.</i>	A preneed licensee failing to display the Division's brochure.	Notice of non-compliance.	Citation of \$200.
199	<i>Section 497.468(9), F.S. Subsections 69K-6.0054(1) and 69K-6.0054(4), F.A.C.</i>	A preneed licensee failing to provide each customer a complete description of any monument or marker.	Citation of \$200.	Citation of \$400.
200	<i>Rule 69K-7.006, F.A.C.</i>	Failure of a preneed licensee to compile prior to July 1 of each year, a list including the wholesale purchase price for each item of merchandise the licensee will offer for the next 12 months.	Notice of non-compliance.	Citation of \$500.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
201	<i>Rule 69K-7.007, F.A.C.</i>	Failure to account for and maintain merchandise trust funds in accordance with this rule.	Notice of non-compliance.	Citation of \$500.
202	<i>Rule 69K-7.008, F.A.C.</i>	Failure of a preneed licensee to take reasonable steps to evaluate the income derived from a contract.	Notice of non-compliance.	Citation of \$200.
203	<i>Rule 69K-7.022, F.A.C.</i>	Failure of a preneed licensee to maintain documentation supporting fulfillment of a contract until such records are examined by the department.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
MONUMENT ESTABLISHMENT				
204	<i>Section 497.550(1), F.S.</i>	Conducting, maintaining, managing, or operating a monument establishment unless the monument establishment is licensed.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
205	<i>Section 497.552, F.S.</i>	Failure of a monument establishment to maintain a full-service place of business at a specific street address or location and comply with the requirement set out in section.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
206	<i>Section 497.553(3), F.S.</i>	Failure of monument establishment to have written procedures for the receipt, investigation and disposition of customer complaints or failure of staff to follow such procedures.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
207	<i>Section 497.553(4), F.S.</i>	Failure of monument establishment to maintain records of written complaints, in the manner described, for inspection by the department.	Notice of non-compliance.	Citation of \$200.
208	<i>Section 497.553(5), F.S.</i>	Failure of monument establishment to deliver and install a purchased monument or marker by the date agreed in the sales agreement, unless the agreed date has been extended in writing by the customer.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to 2 years with conditions or suspension up to 2 years may be imposed.	Reprimand, fine of \$1,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
209	<i>Section 497.554(1), F.S.</i>	Selling monuments, markers, or related products for a monument establishment without being licensed as a monument establishment sales agent.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
210	<i>Section 497.554(6), F.S.</i>	Selling monuments, markers, and related products on a preneed basis for a monument establishment without obtaining authorization as a preneed sales agent.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
CREMATION, CREMATORIES, AND DIRECT DISPOSITION				
211	<i>Section 497.601(2), F.S.</i>	Direct disposers or funeral directors functioning as direct disposers shall not sell, conduct, or arrange for burials, funeral services, memorial services, visitations, or viewings and hold themselves out to the public as funeral directors, or represent themselves or advertise in a manner that connotes that they are funeral directors.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
212	<i>Section 497.602(1), F.S.</i>	Any person, other than a licensed funeral director, who engages in direct disposition without being licensed as a direct disposer.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
213	<i>Section 497.604(1), F.S.</i>	Opening or maintaining an establishment to engage in direct disposition without such establishment being licensed pursuant to this section.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
214	<i>Section 497.604(7), F.S.</i>	Failure of a direct disposer to provide notice prior to any change in location.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
215	<i>Section 497.604(7), F.S.</i>	Failure of a direct disposer to provide notice prior to any change in control of the licensee.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
216	<i>Section 497.604(7), F.S.</i>	Failure of a direct disposer to provide notice prior to any change in the licensed person in charge of the licensee's operation.	Notice of non-compliance.	Citation of \$500.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
217	<i>Section 497.604(8)(a), F.S.</i>	Failure of a direct disposal establishment to have one full time licensed funeral director acting as the direct disposer in charge, unless the direct disposer meets the listed requirements as of September 30, 2010.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
218	<i>Section 497.604(8)(b), F.S.</i>	Failure of a licensed funeral director or licensed direct disposer in charge of a direct disposal establishment to be reasonably available to the public during its normal business hours; or failure to be in charge of only one disposal establishment.	Notice of non-compliance.	Citation of \$200.
219	<i>Section 497.604(9)(b), F.S.</i>	Practicing direct disposition at a fixed location of less than 625 interior contiguous square feet or failure to properly refrigerate and store dead human bodies handled and stored.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
220	<i>Section 497.604(9)(d), F.S.</i>	Failure of a direct disposal establishment to display at the public entrance the name of the establishment and the name of the licensed direct disposer or licensed funeral director in charge of the establishment.	Notice of non-compliance.	Citation of \$500.
221	<i>Section 497.604(9)(d), F.S.</i>	Failure of a direct disposal establishment to transact business under its licensed name.	Notice of non-compliance.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
222	<i>Section 497.604(9)(f), F.S.</i>	Failure of a direct disposal establishment to retain all signed contracts for at least 2 years.	Notice of non-compliance.	Citation of \$200.
223	<i>Sections 497.604(10)(a)-(b), F.S.</i>	Failure of a direct disposer, direct disposer establishment, or funeral director acting as a direct disposer, to properly display required information; or, failure of a licensee to affix a photograph of the licensee taken within the previous six years to each displayed license.	Notice of non-compliance.	Citation of \$200.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
224	<i>Section 497.606(1), F.S.</i>	A person conducting, maintaining, managing, or operating a cinerator facility which is not licensed and in good standing.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
225	<i>Section 497.606(7), F.S.</i>	Failure of a cinerator facility to obtain prior approval before commencing operation at a new location.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
226	<i>Section 497.606(8), F.S.</i>	Failure of a cinerator facility to have one full-time licensed direct disposer or licensed funeral director in charge of the facility.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
227	<i>Section 497.606(9)(b), F.S.</i>	Placing more than one dead human body in a retort at one time, unless written permission has been received from a legally authorized person for each body.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
228	<i>Section 497.606(9)(d), F.S.</i>	Receiving other than dead human bodies for cremation; not medical, hazardous or biohazardous waste for disposal in a retort.	Reprimand, fine of \$500-\$1,500 plus costs.	Reprimand, fine of \$1,500-\$2,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
229	<i>Section 497.606(9)(e), F.S.</i>	Failing to display at its public entrance the name of the facility and the name of the person responsible for the facility.	Notice of non-compliance.	Citation of \$500.
230	<i>Section 497.606(9)(e), F.S.</i>	Failing to transact business under its licensed name.	Notice of non-compliance.	Reprimand, fine of \$1,000-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
231	<i>Section 497.606(9)(f), F.S.</i>	Having a direct disposer in charge of a cinerator facility when it is located at the same address as a funeral establishment.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
232	<i>Section 497.606(9)(g), F.S.</i>	Placing human remains or body parts in a retort or cremation chamber, unless the human remains are in an alternative container, cremation container, or casket.	Reprimand, fine up to \$1,500 plus costs.	Reprimand, fine up to \$2,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
233	<i>Section 497.606(9)(h), F.S.</i>	Using alternative containers, cremation containers or caskets for cremation that do not comply with all requirements of this paragraph.	Reprimand, fine up to \$1,500 plus costs.	Reprimand, fine up to \$2,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
234	<i>Section 497.607(1), F.S.</i>	Performing a cremation without written authorization from a legally authorized person.	Reprimand, fine of \$2,000-\$3,500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3,500-\$5,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
235	<i>Section 497.607(1), F.S.</i>	Failing to perform a cremation within 48 hours after a specified time which has been agreed to in writing by the person authorizing the cremation.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
236	<i>Section 497.607(3)(b), F.S.</i>	Disposing of cremated remains without making a reasonable effort to determine whether the cremated remains are those of a veteran of the United States Armed Forces, United States Reserve Forces, or National Guard eligible for burial in a national cemetery or a spouse or dependent child of a veteran eligible for same.	Reprimand, fine of \$200-\$500 plus costs. In addition, probation for up to 1 year with conditions.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
237	<i>Section 497.607(3)(c), F.S.</i>	If unclaimed cremated remains are those of an eligible veteran or the spouse or dependent child of an eligible veteran, failing to arrange for the interment of the cremated remains in a national cemetery.	Reprimand, fine of \$200-\$500 plus costs. In addition, probation for up to 1 year with conditions.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
238	<i>Section 497.608(2), F.S.</i>	Failing to establish written procedures for the removal of cremated remains resulting from the cremation of a human body and the post cremation processing, shipping, packing, or identifying of those remains.	Notice of non-compliance.	Citation of \$200.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
239	<i>Subsection 497.608(4), F.A.C.</i>	Failing to provide a copy of the procedures used by the cinerator facility, upon request, to customers and their representatives, the department, and other legally authorized persons.	Notice of non-compliance.	Citation of \$250.
240	<i>Rule 69K-12.003, F.A.C.</i>	Failure of a monument establishment to receive approval by the board of its retail sales agreement prior to use.	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for 1 year to 2 years with conditions may be imposed.
241	<i>Rule 69K-12.004, F.A.C.</i>	Failure of a monument establishment to use a sales agreement that contains all of the requirements of this rule (unless the contract is approved by the board).	Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for 1 year to 2 years with conditions may be imposed.
242	<i>Subsection 69K-20.001(3), F.A.C.</i>	Failure to complete monthly reports of cases embalmed or bodies handled.	Notice of non-compliance.	Citation of \$200.
243	<i>Rule 69K-22.001, F.A.C.</i>	Failure of a cinerator facility to obtain a cinerator facility license prior to being operated or opening for business.	Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2,500-\$5,000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
244	<i>Subsection 69K-22.003(5), F.A.C.</i>	Failure of a cinerator facility to notify the board office of a name change within 30 days.	Notice of non-compliance.	Citation of \$500.

Violation #	Statute/Rule Violated	Nature of Violation	PENALTIES FOR EACH VIOLATION	
			Penalty Range 1 st Offense	Penalty Range Subsequent Offenses
245	<i>Subsection 69K-23.004(9), F.A.C.</i>	Failure of a direct disposer to notify the board office of a name change within 30 days.	Notice of non-compliance.	Citation of \$500.

Rulemaking Authority 497.103, 497.154 FS. Law Implemented 497.152, 497.154 FS. History—New 12-15-86, Amended 9-27-88, Formerly 21J-30.001, Amended 7-9-95, 2-11-96, 5-1-96, 8-7-03, 6-29-05, Formerly 61G8-30.001, Amended 1-1-19.

69K-30.0021 Minor Violations and Notice of Noncompliance for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities.

Rulemaking Authority 497.103, 497.155 FS. Law Implemented 497.155 FS. History—New 1-8-95, Amended 9-10-96, 10-13-97, 5-26-04, Formerly 61G8-30.0021, Repealed 1-1-19.

69K-30.003 Citations for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities.

Rulemaking Authority 497.103, 497.155 FS. Law Implemented 497.155 FS. History—New 12-29-91, Amended 11-2-92, Formerly 21J-30.003, Amended 1-8-95, 9-10-96, Formerly 61G8-30.003, Repealed 1-1-19.

CHAPTER 69K-31
CONTRACTING FOR CREMATION SERVICES

69K-31.001 Procedure Required

69K-31.001 Procedure Required.

(1) Cremated remains not claimed after 120 days from the date of cremation may be disposed of in any of the following manners:

- (a) Scattering at sea;
- (b) Placement in a licensed cemetery scatter garden or pond;
- (c) Placement in a cemetery lot, columbarium niche or mausoleum;
- (d) Placement in a church columbarium;
- (e) Placement in a county, municipal, community, fraternal, non-profit, church or veterans cemetery;
- (f) Scattering or placement in other areas where no local prohibition exists, provided the cremated remains are not distinguishable to the public, and the scattering or placement is done in a dignified manner.

(2) Each funeral establishment involved in arrangements for cremation of deceased persons shall retain and make available for inspection by the Department records pertaining to each cremation arranged by the funeral establishment. Cremation records shall be retained for a period of at least 2 years and shall include, but not be limited to the following:

- (a) Signed declaration of intent;
- (b) Date of cremation;
- (c) Disposition of cremated remains; and
- (d) Contract for funeral/cremation arrangements.

Rulemaking Authority 497.103, 497.607 FS. Law Implemented 497.607 FS. History—New 8-8-88, Amended 1-8-89, Formerly 21J-31.001, Amended 6-14-00, Formerly 61G8-31.001.

CHAPTER 69K-32

HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY SYNDROME EDUCATION

69K-32.002	Approved Courses
69K-32.003	Time for Completion of Courses (Repealed)
69K-32.004	Confirmation of Completion of Courses (Repealed)
69K-32.006	Failure to Complete Course (Repealed)
69K-32.007	Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases (Repealed)

69K-32.002 Approved Courses.

The following courses are approved by the Board as meeting the requirements of Sections 497.367 and 497.378, F.S.:

(1) An approved communicable diseases course must consist of a minimum 1-hour presentation for renewal and a minimum 2-hour presentation for initial licensure.

(2) Courses approved by the Department of Health, or any Board within the Department of Health pursuant to Section 456.033, F.S., are approved, provided they meet the 2-hour minimum presentation requirement.

Rulemaking Authority 497.103, 497.368, 497.369, 497.370, 497.373, 497.374, 497.378, 497.379, 497.602, 497.603 FS. Law Implemented 497.368, 497.369, 497.370, 497.373, 497.374, 497.378, 497.379, 497.602, 497.603 FS. History—New 5-24-89, Amended 2-14-90, Formerly 21J-32.002, Amended 2-20-95, 9-18-95, 4-5-98, 4-14-02, Formerly 61G8-32.002, Amended 3-1-20.

69K-32.003 Time for Completion of Courses.

Rulemaking Authority 497.103, 497.367, 397.368, 497.369, 497.370, 497.373, 497.374, 497.378, 497.379, 497.602, 497.603 FS. Law Implemented 497.367, 397.368, 497.369, 497.370, 497.373, 497.374, 497.378, 497.379, 497.602, 497.603 FS. History—New 5-24-89, Amended 2-14-90, Formerly 21J-32.003, Amended 10-29-97, Formerly 61G8-32.003, Repealed 10-10-12.

69K-32.004 Confirmation of Completion of Courses.

Rulemaking Authority 497.103, 497.367 FS. Law Implemented 497.367 FS. History—New 5-24-89, Amended 2-14-90, Formerly 21J-32.004, 61G8-32.004, Repealed 10-10-12.

69K-32.006 Failure to Complete Course.

Rulemaking Authority 497.103, 497.367 FS. Law Implemented 497.367 FS. History—New 5-24-89, Amended 2-14-90, Formerly 21J-32.006, 61G8-32.006, Repealed 10-10-12.

69K-32.007 Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases.

Rulemaking Authority 497.103, 497.367, 397.368, 497.369, 497.370, 497.373, 497.374, 497.378, 497.379, 497.602, 497.603 FS. Law Implemented 497.367, 397.368, 497.369, 497.370, 497.373, 497.374, 497.378, 497.379, 497.602, 497.603 FS. History—New 3-19-92, Amended 6-17-92, Formerly 21J-32.007, Amended 5-1-95, 10-29-97, 8-8-00, 10-17-01, 3-13-02, Formerly 61G8-32.007, Repealed 10-10-12.

CHAPTER 69K-33

HANDLING AND STORING HUMAN REMAINS

69K-33.001	Requirements Regarding Handling and Storing of Human Remains
69K-33.002	Direct Disposal Establishments (Repealed)
69K-33.003	Centralized Embalming Facilities (Repealed)
69K-33.004	Cinerator Facilities (Repealed)
69K-33.005	Removal Services (Repealed)
69K-33.006	Refrigeration Facilities (Repealed)

69K-33.001 Requirements Regarding Handling and Storing of Human Remains.

(1) Funeral establishments shall establish a system of identification of human remains received. This system shall be designed to track the identity of the remains from the time of receipt until delivery of the remains to the authorized persons. This is in addition to the requirements for identification of human remains set forth in section 497.171, F.S.

(2)(a) All human remains in the possession of a chapter 497, F.S., licensee shall be refrigerated at 40 degrees Fahrenheit or below commencing 24 hours after death, unless the remains have by then been embalmed.

(b) Un-embalmed remains once placed in refrigeration shall not be removed from refrigeration, until removed for final disposition and as may be necessary for transportation, identification, viewing or similar service, or for containment or treatment as required by paragraphs (2)(g)-(i) of this rule.

(c) Human remains shall be completely covered immediately prior to exiting the place of removal and completely covered while being transported and stored.

(d) Human remains while held at an establishment or facility licensed under chapter 497, F.S., shall be kept out of sight of the public, except when, with the approval of a licensed funeral director and/or embalmer, particular remains are intentionally exposed to a legally authorized person, to one or more family members of the decedent, at a viewing, or at a funeral service or burial service.

(e) As used in this rule, the term “vermin” includes all insects, insect larvae, and rodents.

(f) All human remains received at a licensed establishment or facility shall within 24 hours of receipt at the establishment or facility be inspected by the establishment’s operational staff for the presence of vermin infestation, and if same is detected, the remains shall be promptly treated for containment or elimination of same; elimination, if necessary, shall be performed by a funeral director & embalmer, embalmer, or an intern or apprentice of same. Such treatment shall not constitute embalming and shall not require the approval of a legally authorized person.

(g) Embalmed remains not stored in refrigeration or entombed in a cemetery shall be inspected at least once every 48 hours by operational staff of the establishment or facility. Any vermin infestation, mold, or mildew noted on the remains shall be promptly and effectively treated for containment or elimination of same; elimination, if necessary, shall be performed by a funeral director & embalmer, embalmer, or an intern or apprentice of same.

(h) Human remains stored in refrigeration shall be inspected by operational staff of the establishment or facility at each handling and no less than monthly. Any vermin infestation, mold, or mildew noted on the remains shall be promptly and effectively treated for containment or elimination of same; elimination, if necessary, shall be performed by a funeral director & embalmer, embalmer, or an intern or apprentice of same. Such treatment shall not constitute embalming and shall not require the approval of a legally authorized person.

(i) The requirement that human remains be handled, stored, and treated by all chapter 497, F.S., licensees with dignity and respect in accordance with chapter 497, F.S., and rules thereunder is not contingent on payment to the licensee of amounts due for professional services by the licensee.

Rulemaking Authority 497.103(1)(n), 497.386(4) FS. Law Implemented 497.386(4) FS. History—New 2-28-02, Formerly 61G8-33.001, Amended 8-5-13, 12-6-17.

69K-33.002 Direct Disposal Establishments.

Rulemaking Authority 497.103, 497.386 FS. Law Implemented 497.386 FS. History—New 2-28-02, Formerly 61G8-33.002, Repealed 8-19-15.

69K-33.003 Centralized Embalming Facilities.

Rulemaking Authority 497.103, 497.385, 497.386 FS. Law Implemented 497.385, 497.386 FS. History—New 6-17-02, Formerly 61G8-33.003, Repealed 8-19-15.

69K-33.004 Cinerator Facilities.

Rulemaking Authority 497.103, 497.606, 497.607 FS. Law Implemented 497.606, 497.607 FS. History—New 6-17-02, Formerly 61G8-33.004, Repealed 8-19-15.

69K-33.005 Removal Services.

Rulemaking Authority 497.103, 497.384, 497.386 FS. Law Implemented 497.386 FS. History—New 6-17-02, Formerly 61G8-33.005, Repealed 8-19-15.

69K-33.006 Refrigeration Facilities.

Rulemaking Authority 497.103, 497.386 FS. Law Implemented 497.386 FS. History—New 6-17-02, Formerly 61G8-33.006, Repealed 8-19-15.

CHAPTER 69K-100
DIVISION OF FUNERAL, CEMETERY, CONSUMER SERVICES

69K-100.026	Charge for Installation and Maintenance of Marker or Monument (Repealed)
69K-100.035	Courses of Study: Criteria; Procedures for College or University to Obtain Approval
69K-100.040	Funeral Director Affiliation With Funeral Establishment

69K-100.026 Charge for Installation and Maintenance of Marker or Monument.

Rulemaking Authority 20.05(5), 120.53(2)(a), 497.011(1) FS. Law Implemented 497.023(3) FS. History--New 1-27-81, Formerly 3D-30.26, 3D-30.026, Repealed 10-10-12.

69K-100.035 Courses of Study: Criteria; Procedures for College or University to Obtain Approval.

(1) This rule relates to courses of study for funeral director or embalmer licensure, under sections 497.368(1)(d), 497.370(2) and 497.373(1)(d)2., F.S., which require approval of the licensing authority. This rule specifies criteria for course approval, and provides procedures for colleges or universities in seeking and obtaining Board approval for a proposed course of study.

(2) Definitions and terminology.

(a) “ABFSE” refers to the American Board of Funeral Service Education, 3414 Ashland Avenue, Suite G, St. Joseph, MO 64506.

(3) Types of courses of study. For purposes of identifying and referring to particular course of study as satisfying the applicable education requirements of sections 497.368(1)(d), 497.370(2) and 497.373(1)(d)2., F.S., the following categories of courses of study are established:

(a) Type 1, combination funeral service arts and embalming course of study. A Type 1 course of study satisfies the course of study licensure requirement for funeral director-only, embalmer-only, and combination funeral director and embalmer, under sections 497.368(1)(d), 497.373(1)(d)2. and 497.376, F.S. The reference at sections 497.375(1)(b)2.b. and 497.373(1)(d), F.S., to a course of study in mortuary science, refers to a Type 1 course of study.

(b) Type 2, funeral service arts course of study. A Type 2 course of study satisfies the course of study requirement for funeral director-only licensure under section 497.373(1)(d)2., F.S. The reference at sections 497.375(1)(b)2.b. and 497.373(1)(d), F.S., to a course of study in funeral service arts, refers to a Type 2 course of study.

(c) Type 3, embalmer-only course of study. A Type 3 course of study satisfies the requirement for embalmer-only licensure under section 497.368(1)(d), F.S. The reference at section 497.368(1)(d), F.S., to a course of study in mortuary science, refers to this Type 3 course of study.

(4) Criteria for approval of course of study.

(a) Type 1 Combination course of study – Criteria for approval. A Type 1 course of study shall be approved if the school submitting the course to the Board for approval certifies to the Board that the course of study covers the subject matters examined on the funeral service arts and science sections of the national examination administered by the Conference of Funeral Service Examining Boards.

(b) Type 2 Course of study in funeral service arts – Criteria for approval. A Type 2 course of study shall be approved if the school submitting the course to the Board for approval certifies to the Board that the course of study covers the subject matters examined on the funeral service arts examination administered by the Conference of Funeral Service Examining Boards.

(c) Type 3 Course of study in embalming and related technical matters – Criteria for approval. A Type 3 course of study shall be approved if the school submitting the course to the Board for approval certifies to the Board that the course of study covers the subject matters examined on the science examination administered by the Conference of Funeral Service Examining Boards.

(5) Procedure for applying for approval of a course of study.

A college or university seeking approval of a course of study shall submit a completed form DFS-N1-2041, “Application for Approval of a Course of Study,” which is incorporated by reference in rule 69K-1.001, F.A.C.

Rulemaking Authority 497.103(5), 497.141(2), 497.161(1)(a), 497.368(1)(d), 497.373(1)(d)2., 497.103(1)(a) FS. Law Implemented 497.368, 497.370, 497.373, 497.375, 497.376 FS. History--New 8-14-12.

69K-100.040 Funeral Director Affiliation With Funeral Establishment.

(1) This rule implements section 497.372(2), F.S., providing that the board shall adopt by rule criteria for determining whether the required affiliation exists between a funeral director and a funeral establishment, through the funeral director's ownership of, employment by, or contractual relationship with, a funeral establishment. The criteria listed below shall determine whether the required affiliation exists.

(2) OWNERSHIP. A funeral director who asserts affiliation with a funeral establishment by ownership of such funeral establishment, shall, upon request of the Division of Funeral, Cemetery, and Consumer Services (Division) demonstrate such ownership by:

(a) Being named as owner or principal of the funeral establishment licensee in the funeral establishment's application for funeral establishment license in the records of the Division;

(b) Being named as owner or principal of the funeral establishment licensee in an application for approval of change in ownership of the funeral establishment in the records of the Division;

(c) Providing an executed contract for sale, or bill of sale, or other executed legal document showing the purchase of an ownership interest in the funeral establishment by the funeral director; or

(d) Providing executed articles of incorporation, partnership agreement, or limited liability company formation or operating agreement, showing the funeral director as incorporator, member, partner, or principal in the entity that owns or controls the funeral establishment.

(3) EMPLOYMENT. A funeral director who asserts affiliation with a funeral establishment by employment by that funeral establishment, shall upon request by the Division demonstrate such employment by:

(a) Providing a written employment agreement between the funeral director and the funeral establishment, executed by the funeral director and the funeral establishment prior to the funeral director providing services to the funeral establishment during the period of the asserted employment; or

(b) Providing documentary evidence that the funeral establishment has paid federal Insurance Contributions Act (FICA) tax in regard to gross compensation of the funeral director by the funeral establishment for the period of the asserted employment,

(4) CONTRACTUAL RELATIONSHIP. A funeral director who asserts affiliation with a funeral establishment by contractual relationship with the funeral establishment, shall upon request by the Division demonstrate such contractual relationship by:

Providing a copy of a written contract between the funeral director and the funeral establishment, calling for the funeral director to provide services on behalf of the funeral establishment, upon request. The contract shall be dated and executed by the funeral director and the funeral establishment.

Rulemaking Authority 497.372(2), 497.103(1), (5) FS. Law implemented 497.372 FS. History--New 10-16-13.