

MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
RULES COMMITTEE MEETING
(ANDREW CLARK, CHAIR – SANJENA CLAY – CHRIS JENSEN – DARRIN WILLIAMS)
VIDEOCONFERENCE MEETING
MAY 11, 2026 – 10:00 A.M.

A. Call to Order, Preliminary Remarks, and Roll Call

Mr. Andrew Clark – Good morning, everyone. Thank you for joining us. I will call the meeting to order, and then I'll turn it over to Ms. Schwantes.

Ms. Mary Schwantes – Thank you, Mr. Chair. Good morning. My name is Mary Schwantes. I'm the Division Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Monday, May 11, 2026, and it's approximately 10:00 AM. This is a public meeting of the Rules Committee for the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held via video conference. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting as well as the meeting materials have been made available to all interested persons. Both the link and the call-in number are on the agenda, which has also been published on the Division's website and made available to the public. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

The purpose of the meeting is to conduct the business of the Rules Committee. Specifically, the Committee will consider any rulemaking that may be required as a result of the anticipated approval of SB1452, which is titled Department of Financial Services – 2026. That bill passed in the Legislature in mid-March 2026 and essentially becomes effective upon approval by the Governor.

As a general rule, please do not utilize your video camera for the meeting unless you are a Committee member, Board counsel, or an authorized Division employee. At this meeting, public comments will be taken during the review of each item discussed. Comments should be limited only to that particular item at that time and ultimately only to the rules which are listed in the agenda, which may be further discussed by the Committee. Turn your video camera option on when we have reached the agenda item on which you want to be heard. Then turn your video camera option off again as soon as your matter has been addressed by the Committee. After comments have been received from those attending with video cameras, we will ask if there are any public comments from those attending by phone. We have a small group today, so I think we will be able to see that fairly clearly. In this way, we hope that all who want to be heard on any issue can be recognized by the Chair to express their concerns.

As always, we need everyone on the call who is not speaking to place their phone or audio feed on mute. The ambient noise coming from someone's phone or audio, which is not muted, causes severe disruption to the meeting. If you are not muted, you may be muted by Division staff and as a result, you may need to call back into the meeting because that may be the only way to unmute your phone. Also, if you are using your computer or smartphone for your audio feed, please remember to speak directly into the microphone on your device. To do otherwise negatively impacts the recording of this meeting.

Just as in a live meeting, persons speaking are requested to identify themselves for the record each time they speak and participants are respectfully reminded that the Committee Chair, Andrew Clark, runs the meeting. Persons desiring to speak should initially ask the Chair for permission and make sure that they are recognized or acknowledged by Chair Clark before they speak. At this time, I'll call the roll. Committee Chair Andrew Clark?

Chair Clark – Present.

Ms. Schwantes – Committee member Sanjena Clay?

Ms. Sanjena Clay – Present.

Ms. Schwantes – Committee member Chris Jensen?

Mr. Christian Jensen – Present.

Ms. Schwantes – And Committee member Darrin Williams has been excused. Is that not correct?

Chair Clark – That's correct.

Ms. Schwantes – Mr. Chair, there's a quorum for the business of the Committee. For our records, I also need to do a roll call to determine if other members of the Board are present and attending the meeting. Jill Peeples, Board Chair? Hearing none. David Chapman? Hearing none. Todd Ferreira? Hearing none. Ken Jones? Hearing none. Janis Liotta? Hearing none. Bill Quinn? Hearing none. It is just the Committee members from the Board who are here today. Mr. Chair, do you mind if I continue?

Chair Clark – Yes, please. Thank you.

Ms. Schwantes – Thank you.

B. Provided For Committee Use During Meeting

(1) SB1452 – Department of Financial Services – 2026; Pages 37-41 Concerning Chapter 497, F.S

Ms. Schwantes – We have only copied and provided you with the relevant pages regarding Chapter 497. I think the bill itself is something like 150 pages long. You have received Pages 37 through 41, which contain the information relating to Chapter 497, and we are here to develop rules pursuant to new section 497.1411(4), which is found on Page 39 of the bill. The bill has not yet been presented to the Governor. When they're presented to the governor, he has a certain number of days that he has to take action on it. Since it has not yet been presented to the Governor, we do not have any deadlines at this time but according to the bill which passed it will be going into effect upon becoming law. It doesn't have what we normally see, the July 1st beginning date, so it could go into law any time before July 1st or by that date.

(2) Pending Department Changes to Relevant Rules:

Ms. Schwantes – The Department has submitted these changes already and they are pending rulemaking process.

(a) Pending Repeal of 69K-1.007, Disclosure of Certain Criminal Records for Renewal of License

Ms. Schwantes – The reason the Department is asking for repeal of this bill, and this is not the action that this Committee needs to take, this is just for your information, but the reason we have asked for repeal of this bill is that pertinent information contained within the rule relating to the renewal of licenses has been moved to 69K-1.008 which is the next item that you will see in your packet. That again has been presented by the Department into the rulemaking process.

(b) Pending Changes to 69K-1.008, Criminal Disclosures and Procedures

Ms. Schwantes – This incorporates the renewal language from 69K-1.007 links the relevant form and is there for your information. I tried to include documents or rules, proposed rules, et cetera, that may pertain or have any relevance to the bill that we're looking at today.

(c) Sample Application and Renewal Forms which are Pending Changes

Ms. Schwantes – These are sample applications and renewal forms, which are pending changes. These, again, are just there for your reference.

1. DFS-N1-1744, Application for Direct Disposer Licensure

Ms. Schwantes – This is used for the initial licensure. We are only including the direct disposer ones, as a sample. This is a sample of an application form. The same changes have been made to all licensure application forms regarding individuals, and those same changes are all pending in the rulemaking process. It incorporates new language added in the bill contained in

section 497.142. See Page 3 of the proposed rule and you'll see it's highlighted. That brings in some of the language that we needed to incorporate into rulemaking from the new bill. It is now a fillable form as are all of the others that are being changed.

2. DFS-N1-1783, Application for Direct Disposer Licensure Renewal

Ms. Schwantes – You have a paper form, if you will, for the initial application, but after that, for renewals, it's done online through the portal. This also incorporates new language added in the bill which is contained in section 497.142. That's the section we talked about earlier on Page 40 of the bill. It also includes pending changes. As a reminder about this, even though the old form is now part of an online system for renewals, it still has to go through the rulemaking process as it is considered a form for that purpose. That's why you have a screenshot of each relevant page from the online process. We have to do that with everything that goes online.

(d) Pending Changes to DFS-N1-1716, Criminal History Form

Ms. Schwantes – Again, this is just for reference. This is the new form that's been proposed by the Department, which would be used by applicants with criminal history when submitting their information to us with their applications.

C. Proposed 69K-1.009, Effect of Law Enforcement Records on Applications for Licensure

Ms. Schwantes – Mr. Chair, with your approval, the Committee can now begin its review of the rules on the agenda today. To get discussion started, we've included proposed language for a new rule, which is 69K-1.009. Just as the new statute and the other provision are loosely modeled to similar statutes used by our Division of Insurance, Agent and Agency Services, which as you all know, licenses agents, the proposed rule is also modeled from a similar rule used by that Division. There is history of how it is read, how it is used, and how it is calculated when you're looking at the different time periods, et cetera. With that long introduction of items on today's agenda, I turn it back to the Chair for Committee discussion and recommendations.

Chair Clark – Thank you, Ms. Schwantes. I just wanted to check, Mr. Jensen or Ms. Clay, any questions on anything Ms. Schwantes went over? Ms. Clay?

Ms. Clay – My question is just for clarity in terms of the pending repeal of the 69K-1.007, and that relates to the disclosure of the criminal records. I'm just wondering out of curiosity, is there something, because this deals directly with renewals and initial applications for licensing. Is there something that addresses if criminal activity happens while the person is currently licensed? Or is there only a concern when the license is being renewed or applied for?

Ms. Schwantes – No, ma'am. It does deal with that. You can look at 69K-1.008.

Ms. Clay – I thought I read through it and only saw renewals and licensing. So perhaps I missed it or misinterpreted it.

Ms. Schwantes – Well, it does talk about, in (5), that any criminal record that's been disclosed to the Department when applying for initial licensure or licensure renewal is not required to be disclosed again, but things since then would have to be disclosed.

Ms. Clay – Okay, so it is just doing renewal, basically.

Ms. Schwantes – Yes, ma'am.

Ms. Clay – Okay, that's my question. Thank you.

Mr. Jensen – Mr. Clark?

Chair Clark – Go ahead, Mr. Jensen.

Mr. Jensen – Yes, I also need a little clarification on SB1452. The underlying part that begins at the end of Page 2 of our packet, Number Five. The purpose of this section of disqualifying period begins on the application applicant's final release from

supervision. But then if I scroll down to the bottom of Page 3, Number Two, it says at least two (2) years have lapsed since the applicant completed or has lawfully released from confinement, supervision, or any non-monetary conditions. So, it seems to be contradictory. Maybe I'm reading it incorrectly.

Ms. Schwantes – Are you looking at the Senate bill, or at the proposed rule?

Mr. Jensen – This is SB1452, the second attachment on our packet. In our packet in the bottom of Page 2.

Ms. Schwantes – Sub five? Where it starts (5)?

Mr. Jensen – Yes, where it starts (5), and then you go to Page 3.

Ms. Schwantes – And you're comparing that to -- if you wouldn't mind telling me where the other one that you're reading from starts.

Mr. Jensen – Okay, (5) bottom of Page 2 goes into Page 3 and at the bottom of Page 3, Number Two under (8) says at least two (2) years have it lapsed.

Ms. Schwantes – You have to read that in conjunction with (8)(a). That part refers to if the Board wants to grant an exemption from disqualification to any person that would be disqualified from licensure under (3), who is somebody who's been found guilty of or entered a plea of guilty or nolo contendere to an offense not subject to a permanent bar under (2). It's confusing a little bit, I agree. But you've got to keep, every time you see a paragraph like that or disqualification, you've got to read it back into the subsection that it came from and then compare it to where you were from before. There is a difference. Ms. Simon, do you have anything that you want to add to that or Ms. Munson?

Ms. Ellie Simon – I do not have anything to add to that except that they are two (2) different areas. One is talking about the exemption, and the other is talking simply about the disqualified period, if I'm reading correctly-

Ms. Rachelle Munson – I was just going to add that I have nothing, because you do have to read it back. But it is confusing.

Mr. Jensen – Okay, thank you.

Ms. Schwantes – Chair Clark?

Chair Clark – So, just to move on, I know a big part of our discussion is 69K-1.009. Any thoughts or questions on that section? That's a big part of why we're here. It's obviously new. I read through it a couple of times. I thought it looked fine.

Mr. Jensen – I didn't see anything that stood out. All of this that is underlined is new language. Is that what I'm to understand?

Ms. Schwantes – Yes, sir. This is a new rule to incorporate the changes that would be made by new statute, section 497.1411.

Mr. Jensen – So that tells me we really don't have a choice, right? I mean, what are we looking at it for? It's got to be if it's by statute.

Ms. Schwantes – The Committee, by statute, well, the Board, is to make a rule that addresses mitigating factors, extenuating circumstances, et cetera, and other rules to administer the section. That's what I was referring to when I said, take a look at (4), that's on Page 38 of the bill. You were referring to it by Page 2 of the bill. That is the Board's rulemaking authority and also directions as to the type of rule that the Board is expected to make on this matter. Because that entire statute is new, and because we do not have an existing rule that would address these types of issues, we took the rule that is in place with the Division of Insurance, Agent and Agency Services. Again, similar, it's not identical, but similar, and have proposed that as underlined, because it would be a new rule for your consideration. The Committee and the Board may make whatever changes it deems relevant to do this. This is just a starting point for discussion purposes. But because there are procedures in place that the Division of Insurance, Agent and Agency Services has used, we can model some of what we would do based on that. So, it's a starting point.

Mr. Jensen – And, Mr. Chair, may I comment?

Chair Clark – Yes.

Mr. Jensen – You know, Page 4 on that same thing in our packet, you know, mentions that two (2) years again, I don't have an issue necessarily with it, but I'm just looking at it saying, well, if they're done, they're done, you know. If they're released from supervision, they're done. So, why are we adding two (2) years to that? But I'm probably not reading this in conjunction with something else. So, you know, is that what it is again?

Ms. Clay – Mr. Chair, I believe that I read that they're done, but there are circumstances in which they may not be done depending on how the Board views it, as usual.

Chair Clark – That's how I read it, Ms. Clay.

Mr. Jensen – So long story short here, the Board still has the right to approve or deny based upon the circumstances on an individual basis. Correct?

Chair Clark – Go ahead, Ms. Schwantes.

Ms. Schwantes – Mr. Jensen, yes, the Board still has the right to do that, but this would provide the Board with stricter, and frankly with any guidelines to help the Board in its decision-making process. As an example, that's given in here, I'm going to use what we commonly call the young and dumb language. There's some language in the proposed rule for when you want to make an exception for an applicant because they were young and foolish, we should call it that perhaps, at the time the crimes happened and they've not done anything since, for example. I know that's something that the Board has taken into consideration in the past on individuals.

Mr. Jensen – Thank you, Mr. Chair. I'm done.

Ms. Clay – Mr. Chair, I don't know who else he is who has their hand up.

Chair Clark – Go ahead, Ms. Clay.

Ms. Clay – I was just going to say that I think that this is an excellent starting point since this is a new statute that we're being introduced to. Along the lines, we may find that we need to refine it somewhat, but from what I've read, it seems adequate to satisfy the needs of this statute at this time. Where do we go from here?

Chair Clark – Thank you, Ms. Clay. I think Ms. Coney had her hand up, so if she wants to address the Committee she can go ahead.

Ms. Lisa Coney – Yes, that's me. Thank you. My only question, well I shouldn't say my only question, my primary question, it appears that this mirrors the OIR language and so many people are licensed under both that we're somewhat familiar, but in the opening section of the new proposed 69K-1.001, section (1)(a), Applicant includes manager. And I'm sure that manager is meant to be at a corporate level, listed as a manager on the LLC or corporate documents that are provided with the application, but manager could mean a lot of things. And with almost 3,000 employees, I have a lot of managers that probably are not on applications, many of whom may not be licensed. So, can we either remove the term manager, since the next sentence already says or a person who manages or controls, or define that as specific to the application document requirements? I think anybody in this business has an office manager or a customer service manager at a cemetery. You know, there's tons of managers who would not fall into this effect of this section, and I want to be sure that we're clear on that so that we're not misinterpreting it down the road.

Chair Clark – Like an office manager, what license would they be applying for? I'm not sure how that - -

Ms. Coney – Well that's exactly my point, Mr. Clark, is that they wouldn't be. But if you only say manager here, are we interpreting that to mean that anybody who manages, which isn't what this intends? This intends to be somebody listed in the

corporate entity or LLC scope of the application. But if in the future, that word means a lot of things. and I just don't want that to be used as a potential misinterpretation in the future. So, I would strike that word and be done. Because you've got officers, directors, owners, partners, and anybody who controls the entity. That should capture everybody that we're trying to capture with this.

Chair Clark – Thank you, Ms. Coney. Ms. Schwantes?

Ms. Schwantes – The Department would have no problem taking that word out.

Mr. Jensen – May I add something, Mr. Chair?

Chair Clark – Yes.

Mr. Jensen – In your example, if you have an office manager, they would never be an applicant anyways. So, this only applies to applicants. The first word there is applicant, so if you have a cemetery manager or an office manager or a family services manager, you know, a lot of times they're not applying for. They're not an applicant here, so they would not fall under that. Right?

Ms. Coney – That's exactly why I would like to have that removed for that exact purpose.

Ms. Schwantes – Mr. Clark, may I?

Mr. Jensen – What about an FDIC? They would not be an applicant either, right?

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Thank you, sir. Yes, you're correct when you're looking at individual licenses, Mr. Jensen. But when you're looking at the establishment licenses, it still requires background criminal checks on the major principles, et cetera, of the corporation. And I think that that is where Ms. Coney is talking about. The Department doesn't have any problem taking out the word manager.

Mr. Jensen – Well, on all these LLCs, they're all called managers. So, what do you do about that?

Ms. Coney – I don't think they're all called managers.

Chair Clark – Mr. Jensen, I agree with you. And I also think the second part that we keep, which is “or other person who manages or controls.” I mean, that's where I think we're covered. Does that make sense, Mr. Jensen?

Mr. Jensen – Yes, it makes sense.

Chair Clark – Ms. Wiener?

Ms. Wendy Wiener – I think the best thing to do would be to leave the word manager there, but before manager put LLC manager, because an LLC has members, which are owners, and managers which are the equivalent of officers and directors. So, as we say, officers and directors, LLC managers, those persons identified in the records of the Division of corporations as managers of an LLC, I think they would fall into this category. But to Ms. Coney's point, that wouldn't sweep up all of the people that get the title manager who are not otherwise licensees and who don't actually have the capacity to control the operation of the licensee on the establishment level or not. So, you could clarify by just putting LLC in front of the word manager.

Mr. Jensen – That's what I was trying to say, Mr. Chair.

Chair Clark – Yes.

Mr. Jensen – I agree with you, Ms. Wiener.

Chair Clark – Thank you. Ms. Munson?

Ms. Munson – I was just curious though, because again, this is not my technical area. By putting LLC in front of the term manager, is that not restrictive in any way? Because when I think about rulemaking and when they're going to review the technical language of it, I just want to make sure that it is not—it can't be overly broad, but you don't want it to be restrictive in any way either. So, I don't know if removing it is better than qualifying it. And I just needed that type of communication and conversation to take place, just to make sure we're all on the same page with what we need the language to say.

Chair Clark – Thank you, Ms. Munson. Ms. Wiener?

Ms. Wiener – I think if you remove it, you're going to accidentally excuse a level of persons from disclosure that you don't mean to excuse. In as much as you are requiring disclosure on officers and directors, as you know, as Ms. Munson certainly knows, the manager of an LLC is the officer. There are no officers and directors of LLCs. Sometimes people use those terms, they call them the president of the LLC and whatnot, but the statute recognizes members, owners, and managers, controllers. So, I don't think it restricts it. I think it actually encapsulates what we identify in the law as those persons that can control an entity. So, for parity purposes, if we feel like the language that sweeps up all persons that can control covers managers, then it would also cover officers and directors, and we should remove those from any references as well.

Ms. Munson – I kind of just did a quick search on definitional meanings, and I see where LLC manager is, the person of authority, operational responsibility. So, if that's what you're saying this is, then that's how that definition will be applied. I just could not speak to it with specificity, because it is not my specific area of practice.

Mr. Jensen – Mr. Chair?

Chair Clark – Mr. Jensen?

Mr. Jensen – I'd like to make a motion that we leave as is.

Ms. Clay – You're making a motion we leave what as is?

Mr. Jensen – Yes, 69K-1.009. Everything underlined there because I do agree with Ms. Munson and Ms. Wiener. Manager could do that, but if they're just a regular office manager, they're not going to be on an application anyway. So, you wouldn't be doing that. So, manager, you know, encompasses the ones that we need. For instance, to Ms. Coney's point, I mean, their applications might have nine (9) people on there. You know, SCI of Florida and, I mean, there's a whole bunch of people on there when you look at the officers of the corporation and you want to encapsulate all them. But there's no office managers on that.

Ms. Coney – And to my point, that's exactly why I wanted clarification, whether that was to remove it or to clarify it. What I don't want is ten (10) years from now, the Board is applying this to every manager because the word says manager. So, if removing it is not the right thing to do, what about as identified in the LLC or supporting documentation or as identified in this application? And then those corporate documents lead who that manager is that would fall into this. I'm not concerned at all with running background checks on all of those people who are in those supporting documents that lead to an application. I'm concerned with it being misinterpreted in the future as every manager, when we all have tons of managers that this would not apply to.

Mr. Jensen – Right. Mr. Chair? Ms. Coney, I definitely agree with you, but I think this is broad enough and those other managers are not going to be on the application anyway. So, they would not be under Department purview of background checks in that sense. So, I don't know.

Ms. Coney – That's exactly why I would want that change because it is broad enough, that it could be misinterpreted later.

Mr. Jensen – I see. Okay.

Ms. Munson – If I may, Chair? I just wanted to not be misleading in any of my comments. I am not disputing what Ms. Coney indicated, that it could be valid because the term manager is very, very broad. So, when someone reads it, what does it mean when it reads manager? We are speaking in terms of, well, we know what it is, but for rulemaking, rulemaking is not just based on what we know and understand, it's for the layperson to understand what their expectations are. So, in whatever language we land on, I don't know how to qualify it or not, but I just wanted to make that clear that it can't be overbroad, which manager may be, because it mean a lot of things. But if we use the term LLC manager in this qualified sense, is that exactly what we mean? And you won't be able to say, LLC, you have to be limited liability. You have to do all that. That's what that is. And that's the only person it would apply to. And I don't know if they'll come back and ask for a definition of what that is, even though there is an existing role for LLC managers recognized by law. I don't know what they'll do with it. I'm just trying to highlight to you that like your word, your nomenclature, it does matter. So however you land on it, it's not what you think you understand. For rulemaking purposes, it's what a person who is reading this with expectations of following it that they understand it as well.

Mr. Jensen – May I ask a question of Ms. Munson?

Ms. Munson – Absolutely.

Mr. Jensen – So, Ms. Munson, what you're basically saying is the word manager there, you're thinking someone's going to read applicant and say, oh, I'm a manager, so I need to fill out an application.

Ms. Munson – I think it's possible. I think that's feasible. I'm not saying that everyone will, but in reading language, and I see the word manager, it may just ask me, wait, I think I'm a manager or I think there are, I mean, it's vague. To be quite honest with you.

Mr. Jensen – I understand what you're saying.

Ms. Munson – But again, I don't know enough technical terminology to know how to better qualify it so that's why I did not make prior comment.

Chair Clark – I don't know if this is for Ms. Munson or Ms. Wiener, but after manager does the “or other person who manages or controls an entity”, does that cover an LLC manager or no?

Ms. Wiener – Yes, it would cover them broadly. I mean, the concept of manager for an LLC, and this is where everybody gets screwed up. The concept of manager for an LLC is the legal equivalent of an officer or a director. But we use the term manager to mean a lot of different things. And so, the law on limited liability companies does us no favors. They call owners members. There's no shareholders. They don't call them owners. They call them members. And then those people that control an LLC, the officers and directors, those are managers. But lots of people end up calling themselves a manager of an LLC just by virtue of having a manager title.

And so, the effort here I think started by Ms. Coney is simply to clarify that when a business entity is applying, those persons that should be identified for purposes of disclosing criminal history and as business principles would be the LLC corporate level managers. Not the customer service manager and the casket inventory manager and, you know, everybody who has the title of manager. It's instead the corporate level manager. So that's why I think adding a manager identified in the records of the Division of Corporations or simply an LLC manager would, I think, solve the problem. I don't know if Lisa agrees with me, but I think that that would resolve the issue to make it clear to applicants so that the other thing that we want to be concerned about, not all of us are going to be here forever. So we're talking about this now, and everybody has a generalized understanding that we're not talking about the casket inventory manager, we are talking about the corporate level manager, but when Ms. Schwantes and Ms. Simon no longer run the Division and when you guys are no longer on the Board or on the Rules Committee meeting and when Lauren and Hank are in charge and Rachelle and I have gone, then we need to make sure that these things are clear going forward.

Chair Clark – Thank you, Ms. Wiener. Just for purposes of the record, Mr. Jensen, your motion lacks a second, so we can't move forward with that notion. I don't know if any of the additional discussion has been helpful for the Committee. My thought was “or other persons” covered LLC manager. The Divisions indicated that they're willing to remove manager. But I thank you, Ms. Wiener, for your guidance, because I don't want anyone to be able to slip through. And you're right. I think we all know what our intentions are with this rule, but again, if the LLC manager is covered in the “or other persons.” If Ms. Munson and those that are of legal expertise says it's okay to remove managers, then...

Ms. Munson – I think it's

Chair Clark – Ms. Wiener? I'm sorry, Ms. Munson, go ahead.

Ms. Munson – No, I was just saying, I think it's covered in that clause, “or other persons.”

Chair Clark – Thank you. Ms. Wiener?

Ms. Wiener – Just to clarify, the definition of manager in the actual limited liability company law is this. Manager means a person who, under the operating agreement of a manager-managed limited liability company, is responsible alone or in concert with others for performing the management functions stated in 605.4073 and 4073(2). So, these are the managers identified in the operating agreement for a manager-managed LLC. If we simply remove the word manager and leave that broad language there, then I think you were actually excusing the limited liability equivalent of officers and directors that would be required in an incorporated entity. So, I think we should say, perhaps you want to say, manager as defined in Chapter 605, F.S., because that makes it really clear. Exactly the managers that we're talking about and that leaves no room for question. Everybody knows what an officer is and what a director is, but this would make it very clear that we're referring to managers as defined in Chapter 605, Florida Statutes, because those people do need to be disclosed. Otherwise, you're going to like back into, as some Wendy Weiner in the future is going to make an argument that they didn't have to disclose that person because you took that person out and took that reference out and blah blah blah. So, I mean to me I think you should leave it in, and then make a specific reference to Chapter 605, F.S., which is something we often see.

Chair Clark – Thank you, Ms. Wiener. Ms. Munson?

Ms. Munson – I was going to say I don't think that's problematic but just be mindful as far as when in future movement of rule review that you keep up with what these statutory references are. Because if there's any change to them that would require change to the rule as well.

Chair Clark – For the Committee, I think that was Ms. Munson's blessing. Ms. Schwantes, any concerns with defining manager?

Ms. Schwantes – I have no concerns with defining manager. I've written down manager as defined in Chapter 605 Florida statutes and then it would continue on say or other person who manages or controls the entity applying for licensure or relicensure under Chapter 497, as it currently is written. So, I have no concerns.

Ms. Coney– Thank you. I appreciate the consideration.

Chair Clark – Thank you, Ms. Schwantes.

Ms. Clay – Mr. Chair, is a motion required or are we just to have suggested language incorporated and sent back to us for approval?

Chair Clark – Ms. Schwantes, do you want the Committee to take action?

Ms. Schwantes – Yes, sir. The Committee needs to ultimately give a recommendation. You would be taking action to give a recommendation to the Board for its review, and the Committee can review several ways. You could vote on in acceptance of that change, and I would make sure it gets incorporated in what goes before the Board. But in the long run, if you're going to go this way, I need for you please to recommend the entire proposed language. You could say you recommend the entire

proposed language incorporating the change that we've just discussed, and I do have it written down.

MOTION: Ms. Clay moved to accept the suggested language provided by staff with the incorporated changes that have been discussed during this meeting. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Schwantes – May I go on to the next item on the agenda?

Chair Clark – Yes, thank you.

Ms. Schwantes – Thank you, Mr. Chair. And thank you, Committee members.

D. Summary Regarding Meeting Results and Future Plans

Ms. Schwantes – What I have here is, as it is proposed by the Department, that you received in your packet with the one change we've discussed where we will clarify that that manager (1)(a) says manager as defined in Chapter 605, Florida Statutes, and that's what will be presented to the Board. Our plan would be to provide the Board with this information, the results of the Committee and the recommendation, at the June meeting. I say our plan because I think in part that may depend on when this bill is actually reviewed and approved by the Governor. I cannot say right now, and I think this is something that Ms. Munson and I will need to discuss whether it will just be a report for the June meeting. Whether it will just be a report from the Committee with the proposed language, or whether we can move into the actual rulemaking process at that time. I think that's the part I'm saying that might depend on whether the Governor has approved it yet or not. I may have to talk to Ms. Munson about that later, unless Ms. Munson has an idea now.

Ms. Munson – No, we can speak later.

Ms. Schwantes – That would end our discussions for the Rules Committee purposes on this bill. The next Rules Committee meeting is scheduled now for Friday, June 12th at 10 a.m. The purpose of that meeting will be to discuss SB598 and any required rules that come about or changes to existing rules that may come about as a result of the passage of that bill. As you all know that bill has been signed and the effective date is July 1st for that bill. We do want to get moving on the rulemaking process on that.

Ms. Munson – May I?

Chair Clark – Go ahead, Ms. Munson.

Ms. Munson – Just a point of clarification. And I meant to mention it, but in the rule that the language that's just been recommended, when I see as provided by statute in a couple of those clauses, I guess there's a decision not to identify the statute. Just as provided by, I'm not saying it won't fly. I don't know why we're saying as provided by statute instead of just saying the language or identifying the statute when we say as provided by statute, dah, dah, dah, dah. And that just could be.

Ms. Schwantes – My take on that, Ms. Munson, would be that there are so many statutes that require the applicants to disclose the law enforcement record and such like that on their licensure applications that it would just get burdensome, but obviously if it comes back from JAPC or otherwise in the rulemaking process, then if we need to further refine that we can.

Ms. Munson – Okay. Thank you. I didn't have a chance to ask.

Ms. Schwantes – Thank you.

Ms. Munson – Thank you, Chair, for that indulgence.

Ms. Schwantes – So I think that concludes the summary regarding the results and future plans.

E. Chair's Remarks

Ms. Schwantes – Mr. Chair?

Chair Clark – Thank you. This was a very intentional meeting regarding upcoming changes. So, thank you for coming prepared. It was a great discussion, and we get to do it again in thirty-one (31) days, I think. Ms. Schwantes?

Ms. Schwantes – Thank you, sir.

F. Adjournment

Chair Clark – Thank you all. It is 10:51 and this meeting is adjourned. Have a great day.

DRAFT