

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**  
**TELECONFERENCE MEETING**  
**March 5, 2015 - 10:00 A.M.**

**1. Call to Order, Preliminary Remarks and Roll Call**

Mr. Jody Brandenburg, Chair – I would like to call to order the Board of Funeral, Cemetery and Consumer Services' Teleconference meeting. It is March 5, 2015. Mr. Doug Shropshire, will you make the usual preliminary remarks for the record and then call the roll.

Mr. Doug Shropshire – Yes, Mr. Chairman. My name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, March 5, 2015. The time is approximately 10:00am. This is a public meeting of the Board of Funeral, Cemetery and Consumer Services. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting had been made available to interested persons. The meeting is occurring by Teleconference with some members of the Public here with the Division staff here in the Pepper Building, in Tallahassee, Florida. The call in number has also been made available to the public. Members of the Board are participating by phone. My assistant LaTonya Bryant will take minutes of the meeting, which is being recorded. Board Counsel is also appearing by teleconference.

Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. All persons participating by phone, other than the Chair and Board members while speaking, are asked to place their phones on mute at all times while listening. I repeat, please place your phones on mute at all times while listening. We ask this to enhance the audio quality of the Teleconference. If any Member or participant is disconnected they can call back to the same number called initially. Participants are respectfully reminded of the necessary protocol that only one person may speak at the time.

At this time I will take the roll and Board members will please respond clearly with "present", as preferred, when I call their name:

**PRESENT (via phone):**

Joseph "Jody" Brandenburg, Chairman  
Keenan Knopke, Vice-Chairman  
Jean Anderson  
Andrew Clark  
James "Jim" Davis  
Lewis "Lew" Hall  
Powell Helm  
Ken Jones  
Richard "Dick" Mueller  
Vanessa Oliver (delayed)

**Also noted as present:**

Tom Barnhart, Board Legal Advisor (via phone)  
Ellen Simon, Assistant Division Director  
LaTonya Bryant, Department Staff  
Jasmin Richardson, Department Staff  
LaShonda Morris, Department Staff

Mr. Shropshire – Mr. Chairman there is a quorum for the business of the Board.

**2. Action on the Minutes**

**A. February 5, 2015**

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meetings held on February 5, 2015.

**MOTION:** Mr. Dick Mueller moved to adopt the minutes of the meeting. Ms. Jean Anderson seconded the motion, which passed unanimously.

**3. Application(s) for Preneed Sales Agent**  
*A. Informational Item (Licenses Issued without Conditions) – Addendum A*

Mr. Shropshire – The application(s) presented are clean and have been approved by the Division. This item is informational only and does not require Board action.

**4. Application(s) for Continuing Education Course**  
*A. Recommended for Approval without Conditions – Addendum B*  
*(1) Florida Cemetery, Cremation & Funeral Association (75)*  
*(2) M.K. Jones & Associates, Inc. (9605)*  
*(3) National Funeral Directors Association (136)*  
*(4) The Dodge Institute for Advanced Mortuary Stu (81)*

Mr. Shropshire – The majority of the Continuing Education Committee and the Division recommends approval of the application(s) for the number of hours indicated on Addendum B in the right hand corner.

**MOTION:** Mr. Mueller moved to approve the application(s). Mr. Andrew Clark seconded the motion, which passed unanimously.

**5. Application(s) for Approval as a Continuing Education Provider**  
*A. Recommended for Approval without Conditions – Addendum C*  
*(1) HR Compliance 101, LLC (22008)*

Mr. Shropshire – The majority of the Continuing Education Committee and the Division recommends approval of the application(s) for Provider status as indicated on Addendum C.

**MOTION:** Mr. Ken Jones moved to approve the application(s). Mr. Mueller seconded the motion, which passed unanimously.

**6. Application(s) for Florida Law and Rules Examination**  
*A. Informational Item (Licenses Issued without Conditions) – Addendum D*  
*(1) Funeral Director – by Internship*  
*(a) Espejo, Lizbeth*  
*(2) Funeral Director and Embalmer - by Endorsement*  
*(a) Bryan, Gerald*  
*(b) Callahan, Michelle L*  
*(c) Cardenas, Victor M*  
*(d) Robinson, Scott P*  
*(e) Winterkorn, Andrew D*  
*(3) Funeral Director and Embalmer - by Internship*  
*(a) Gomez, Daniela*  
*(b) Griffin, Chassica E*

Mr. Shropshire – The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

The Chair – Are any of these Applicants on the call? We just wanted to congratulate them.

**7. Application(s) for Internship**

**A. Informational Item (Licenses Issued without Conditions) – Addendum E**

- (1) *Funeral Director*
  - (a) *McCall, Debra A (F082337)*
  - (b) *Van-Orsdel-Marchant, Crystal (F082468)*
- (2) *Funeral Director and Embalmer*
  - (a) *Brazier, George (F082759)*
  - (b) *Brown, Alexander R (F075265)*
  - (c) *Burdick, Jennae E (F082469)*
  - (d) *Glover, Valerie P (F082761)*
  - (e) *Meagher, Sean M (F082758)*

Mr. Shropshire – The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

**8. Application(s) for Embalmer Apprenticeship**

**A. Informational Item (Licenses issued without Conditions) – Addendum F**

- (1) *Caston Jr, John W (F082760)*
- (2) *Cooler, Chiquita M (F082338)*
- (3) *Sanders, Maryanne E (F082339)*

Mr. Shropshire – The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

**9. Application(s) for Registration as a Training Agency**

**A. Informational Item (Licenses issued without Conditions) – Addendum G**

- (1) *CEJ South Inc d/b/a Family – Funeral & Cremation (F071238) (Pensacola)*
- (2) *Williams Funeral Home (F041429) (Quincy)*

Mr. Shropshire – The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

**10. Notification(s) of Change in Location**

**A. Informational Item – Addendum H**

- (1) *Omega Discount Funeral & Cremation Services Inc (F081283) (Miami)*
- (2) *RKF LLC d/b/a A Cremation Service of the Palm Beaches (F068102) (Boynton Beach)*
- (3) *Trusted Funeral Plans Inc (F041266) (Tallahassee)*

Mr. Shropshire – This item is informational only and does not require Board action.

**11. Consumer Protection Trust Fund Claims**

**A. Recommended for Approval without Conditions – Addendum I**

Mr. Shropshire – The Division recommends approval of the claim(s) for the amount indicated on Addendum I entitled “Amount Recommended.”

**MOTION:** Mr. Mueller moved to approve the claim(s) for the amount indicated on Addendum I entitled “Amount Recommended.” Mr. Lew Hall seconded the motion, which passed unanimously.

**12. Application(s) for Direct Disposal Establishment**

**A. Recommended for Approval with Conditions**

***(1) EZ Cremation Inc (Orange Park)***

Mr. Shropshire – An application for a Direct Disposal Establishment was received on January 21, 2015. The application was complete when submitted. The Funeral Director in Charge will be W Jerry Bass (F043604). The fingerprint cards for all principals were returned with no criminal history.

The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

**MOTION:** Mr. Jones moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Mr. Jim Davis seconded the motion, which passed unanimously.

**13. Application(s) for Funeral Establishment**

**A. Recommended for Approval with Conditions**

***(1) Evergreen Funeral Home LLC d/b/a Evergreen Funeral Home and Crematory (Jacksonville)***

Mr. Shropshire – An application for a Funeral Establishment was received on January 23, 2015. The application was complete when submitted. The Funeral Director in Charge will be Rick Swanson (F044932). The fingerprint cards for all principals were returned with no criminal history; except the fingerprint card result was returned illegible for Michael Darby. The Division is pending results from the FDLE.

The establishment is recommended for approval subject to the condition(s) as follows:

- 1) That the establishment passes an onsite inspection by a member of Division Staff.
- 2) That the results of the fingerprint submission for Michael Darby return with no criminal history.
- 3) That the Direct Disposal Establishment, The Evergreen Cemetery Association (F073486), licensed at this location must be relinquished.

Mr. Mueller – Mr. Chairman, I would like to proudly disclose my 39 year affiliation with the Evergreen Cemetery Association. Such affiliation will not hinder my ability to render a fair and impartial opinion about any matter before the Board.

Chair – Thank you kind sir. Congratulations on your 39 years.

Mr. Mueller – Thank you very much.

**MOTION:** Mr. Mueller moved to approve the application subject to the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

***(2) Johnson-Nelson-Gill Funeral Home LLC (Lake Wells)***

Mr. Shropshire – An application for a Funeral Establishment was submitted on February 6, 2015. The application was complete when submitted. The Funeral Director in Charge will be Marty Hancock (F044151). This funeral establishment is not the qualifying entity for a preneed Licensee.

As stated in the letter from Wendy Weiner, dated February 6, 2015, Marion Nelson Funeral Home Inc (F019235) will assume all existing preneed liabilities for any unfulfilled contracts sold while this location maintained a preneed license. All fingerprint information was returned without criminal history. The Division is recommending approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Asset Purchase Agreement, or other document by which

the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.

- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the Applicant in the application and related materials provided to the Board or FCCS Division by the Applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

**MOTION:** Mr. Hall moved to approve the application subject to the conditions recommended by the Division. Mr. Jones seconded the motion, which passed unanimously.

**(3) *Joseph A Scarano Funeral Home Inc (Dania Beach)***

Mr. Shropshire – An application for a Funeral Establishment was received on February 9, 2015. The application was complete when submitted. The Funeral Director in Charge will be John Hengesch (F046288). The fingerprint cards for all principals were returned with no criminal history. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

**MOTION:** Ms. Vanessa Oliver moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division Staff. Mr. Clark seconded the motion, which passed unanimously.

**(4) *Langford – Rogers Memorial Funeral Home LLC (Chiefland)***

Mr. Shropshire – An application for a Funeral Establishment was submitted on January 12, 2015. The application was incomplete when submitted. All deficient items were returned on February 19, 2015. The Funeral Director in Charge will be Jewett Leaptrot (F044115). This funeral establishment is not the qualifying entity for a preneed Licensee.

As stated in the letter from Dale Langford, dated February 19, 2015, the new owners will assume all existing preneed liabilities for any unfulfilled. All fingerprint information was returned without criminal history.

The Division is recommending approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the Applicant in the application and related materials provided to the Board or FCCS Division by the Applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

Mr. Clark – Mr. Chairman, I would like to disclose my near 11 year affiliation with the Applicant coming before the Board. That affiliation will not affect my ability to render a fair and impartial decision in this matter.

Chair – Thank you Mr. Clark.

Mr. Mueller – Mr. Clark, live long and prosper.

Mr. Clark – I will catch up to you one day.

Chair – Mr. Mueller has done both of those things, Mr. Clark.

Mr. Clark – Just remember I am still growing Mr. Mueller.

**MOTION:** Mr. Mueller moved to approve the application subject to the conditions recommended by the Division. Mr. Davis seconded the motion, which passed unanimously.

**(5) *Nakia Ingraham Funeral Home Inc (Pembroke Pines)***

Mr. Shropshire – An application for a Funeral Establishment was received on February 2, 2015. The application was complete when submitted. The Funeral Director in Charge will be Melvin Jones (F046907). The fingerprint cards for all principals were returned with no criminal history. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

**MOTION:** Mr. Jones moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division Staff. Mr. Clark seconded the motion, which passed unanimously.

**(6) *SCI Funeral Services of Florida LLC d/b/a Dignity Memorial Funeral & Cremation Services (Tamarac)***

Mr. Shropshire – This item has been withdrawn by the Applicant.

**(7) *Young Funeral Home & Cremation Services LLC d/b/a Young Funeral Home & Cremation (Crawfordville)***

Mr. Shropshire – An application for a Funeral Establishment was received on January 9, 2015. The application was incomplete when submitted. All deficient items were returned on January 29, 2015. The Funeral Director in Charge will be Leharve Young Jr (F044299). The fingerprint cards for all principals were returned with no criminal history.

The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

**MOTION:** Ms. Oliver moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division Staff. Ms. Anderson seconded the motion, which passed unanimously.

**14. Application(s) for Monument Establishment Retailer License and Monument Retail Sales Agreement**

**A. Recommended for Approval without Conditions**

**(1) Monument Establishment Retailer License**

**(a) *Scott Higginbotham d/b/a Red Hills Monuments (Cairo, GA)***

Mr. Shropshire – This application is being filed for a new monument establishment retailer license. The application was received on January 15, 2015 and deficiencies were noted. A deficiency letter was sent on January 26, 2015 and the Applicant resolved all deficiencies as of February 13, 2015. If approved, Applicant will utilize the attached monument retail sales agreement which is also being presented for approval at this meeting.

Mr. Powell Helm – Mr. Chairman, I am sorry I did not get to get with the Division because I did not get to study some of my stuff until late last night as I have been busy, but I have a problem with this application. There is no physical address for the business. It appears that the address is a house or a residential area. In the past we have refused these because the way I read it, it says there is supposed to be a physical structure at a located specific street address. I know we have turned down two (2) in the past and I do not believe that this is correct.

Mr. Shropshire – We are certainly sensitive to Mr. Helm’s concern. In reviewing the application, the Applicant gives as his mailing address a Tallahassee address, but he provides in Section 4 of the application in the actual business location, he provides the address 490 Ridge Road, Cairo GA. In his handwritten letter, which is included in the materials he states and I quote, “The monument company’s physical location is in Georgia. It is located on a family farm that already houses another commercial business (Georgia Agri-Med), a pecan company. The monuments, slabs, coping and other material will be delivered in Georgia to this location and then transported to Florida by my personal vehicle.” That letter is signed by the Applicant, Mr. Higginbotham. We have gone on Google Earth and looked and sure enough 490 Ridge Road is a farm in the Cairo GA area. I believe we have Mr. Higginbotham on the line and perhaps the questions could be addressed to him. Mr. Higginbotham, are you on the line sir?

Mr. Higginbotham – Yes sir I am.

Mr. Shropshire – Mr. Chairman could I swear Mr. Higginbotham in.

Chair – Yes.

Mr. Shropshire – Mr. Higginbotham, it is our standard practice whenever an Applicant is going to give statements to the Board of a factual nature that we swear them in. Please raise your right hand. Do you solemnly swear that the testimony you are about to give the Board will be the truth, the whole truth and nothing but the truth so help you God?

Mr. Higginbotham – Yes sir.

Mr. Shropshire – Would you state your full name for the record sir?

Mr. Higginbotham – It is George Scott Higginbotham.

Mr. Shropshire – Mr. Chairman at this time should we cede the floor to Mr. Helm for his question or how would you like to proceed?

Chair – Mr. Helm do you have a question of Mr. Higginbotham?

Mr. Helm – Yes I do. Mr. Higginbotham, where are you selling when you sell to a customer, where are you selling it at?

Mr. Higginbotham – I am selling it either at their residence, a cemetery, my house here in Tallahassee or my place of business in Cairo GA.

Mr. Helm – Wow, you give a bunch of different answers.

Mr. Higginbotham – I am being truthful. When I meet with a potential client, I meet wherever it is convenient for them.

Mr. Helm – Actually Mr. Higginbotham that is exactly the way I thought you would answer me. I have not had this situation before so I am having a little trouble figuring out how to understand it. If you had told me that you sold everything in Georgia where you do have the place of business I would understand that but when you tell me that you are going to sell other places that bothers me. In the past, we have turned down two (2) because they were going to do the very same thing, sell out of their house. So if the Division would not mind giving me a little help here or somebody.

Mr. Shropshire – Mr. Higginbotham, the statute requires that your establishment be a physical structure that is located at a specific street address. Now would you say that your Georgia location is the physical structure that you would offer to satisfy that requirement?

Mr. Higginbotham – Yes.

Mr. Shropshire – Well, describe for us what is the physical structure at 490 Ridge Road address.

Mr. Higginbotham – It is a family farm and on that farm there is an office building attached to a shelter where we house tractors, pecan equipment, nursery equipment and other various tractors that will also be used in the loading/unloading of the monuments and monument products.

Mr. Shropshire – So this would be a typical open, metal shelter that you could see on many farms where tractors and equipment are parked under?

Mr. Higginbotham – There is a metal shelter there, but there is also an enclosed office space.

Mr. Shropshire – Would you have any of your business records for the monument establishment located in that office at that Georgia location?

Mr. Higginbotham – Yes.

Mr. Shropshire – Where would most of your business records be related to this monument business?

Mr. Higginbotham – I have a file cabinet located in that office. I also have a briefcase that I carry around with me.

Mr. Shropshire – What records if any would you keep in your Tallahassee address?

Mr. Higginbotham – I have my sales literature books that show monuments, lettering, the whole gamut of monument products offered, whether it be the slab, the actual monument, the coping, the rock and things of that nature.

Mr. Shropshire – Would there be any occasions when you would store any of your monuments, slabs, coping or other material at your Tallahassee address?

Mr. Higginbotham – No sir. I could not pick those up by hand and put those in my truck and transport those to my house. They are weight prohibited.

Mr. Shropshire – What would you do? What would be your typical practice if you have a monument sold in a Tallahassee cemetery? Describe for us how you would actually go about fulfilling that order.

Mr. Higginbotham – If I met them in a cemetery and we chose the product we would either proceed to their house with their family members or we would go to my house located here in Tallahassee. Sometimes they drive up from Tallahassee to my location in Cairo. From that point we would fill out the sales agreement describing what they want, the cost, the price and then I would order the material from my suppliers, have it delivered to the 490 Ridge Road in Cairo and from there I would deliver the product to the cemetery of their choosing.

Mr. Tom Barnhart – Am I correct in saying that s. 497.552, F.S. governs this application.

Chair – Not only does s. 497.552, F.S. govern it, but we also have to look at s. 497.550(2)(d), F.S.

Mr. Shropshire – Mr. Chairman I think that may be s. 497.550(2)(d), F.S., but I am not sure.

Mr. Barnhart – S. 497.552, F.S. as I read it says, “in Florida” and that is something that we could not change. Those requirements are going to have to be in Florida.

Chair – I think s. 497.550, F.S. shows an exception with that.

Mr. Barnhart - S. 497.550(2)(d), F.S.?

Mr. Shropshire - S. 497.550(1)(d), F.S. and while you are looking that up, let me read it: *“The requirements of this chapter apply to both monument retailers and monument builders, except as provided in this paragraph. Each monument establishment shall be a physical structure that is located at a specific street address, in compliance with zoning regulations of the appropriate local government, and not*



*located on property that is exempt from taxation, but a monument retailer may not otherwise be required to comply with s. 497.552 or be subject to inspection under this chapter."*

Mr. Barnhart – Okay, but it has to be in compliance with zoning regulations, right?

Mr. Shropshire – Yes sir.

Mr. Barnhart – And this is a residence that is just off of Thomasville Road close to Betton Hills?

Mr. Shropshire – No sir. His application indicates that his business address is the 490 Ridge Road location in Cairo GA, which is on the family farm he indicates.

Mr. Barnhart – So it is a practice of the Board to approve out of state physical addresses?

Mr. Shropshire – Mr. Barnhart, in as much as s. 497.552, F.S. expressly requires a location in Florida, but then s. 497.550(1)(d), F.S. expressly eliminates that requirement. We do not believe there is a statutory requirement that the location be in Florida subject to your legal advice sir.

Mr. Barnhart – That could be true, but what about the "in compliance with zoning regulations?"

Mr. Shropshire – Well let me inquire then of the Applicant, Mr. Higginbotham. Is your location in Georgia, to the best of your knowledge and belief, in compliance with any applicable zoning regulations sir?

Mr. Higginbotham – Yes sir it is. It currently houses a commercial business already so it is in compliance.

Mr. Hall – At the location in Georgia, is there signage for the monument dealership and is there a business license issued for that monument dealership there on the farm?

Mr. Higginbotham – There is no license requirement in the State of Georgia. All you have to do is have a State Tax ID number and I do have a Federal and State Tax ID number for Georgia.

Mr. Hall – Is there signage there representing that business being there on the farm there?

Mr. Higginbotham – There is a thing like most politicians use during election season that they put in the ground. There is one there that states Georgia Agri-Med, which is my father's pecan and nursery business and then there is one that says Red Hills Monuments, so it is separate from the Georgia Agri-Med.

Mr. Hall – So it is similar to a temporary real estate sign or a yard sale sign, but it is stuck to the ground?

Mr. Higginbotham – Correct, yes.

Mr. Don Ray – Mr. Chairman, I am Don Ray with the Florida Monument Builders Association.

Chair – Is it necessary for Mr. Ray to be sworn in?

Mr. Shropshire – If he is going to provide testimony as to factual matters, yes. Mr. Ray, is that your intention?

Mr. Ray – Mr. Shropshire I was just going to ask a question for clarification at this point.

Mr. Shropshire – I do not think so. Mr. Barnhart, do you think that he needs to be sworn in?

Mr. Barnhart – No I do not think so if he just wants to provide some input that might be of benefit to the Board members.

Mr. Ray – My question is simply this. What other licensures authorized under Chapter 497 do you license out of state businesses?

Mr. Shropshire – As a practical matter, I am not aware that the issue has come up in other areas. Although, of course we have Licensees who are headquartered outside of Florida and not a few of them.

Mr. Ray – But are they directly selling to the public in Florida? I am just wondering in terms of cinerators, cemeteries and a host of other licenses that you regulate, authorize and enforce. Is there any other entity out there that you license out of state?

Mr. Shropshire – I do not think that we license cinerators out of state Mr. Ray, but I am not sure of the pertinence of this question as we are not dealing with cinerator facilities. We are dealing with a monument establishment and a specific set of statutes related to monument establishments and I will be guided by Mr. Barnhart's interpretation of those statutes.

Mr. Hall – I am not sure if this needs to go to Mr. Shropshire or Mr. Barnhart, but if a consumer complaint came in would we deal with it here in Florida or would we refer them to Georgia being that the physical location is in Georgia?

Mr. Shropshire – If they were a Georgia customer located in Georgia we would refer them to Georgia authorities. If they were a Florida resident and a Florida transaction we would view ourselves as having jurisdiction to look into it.

Mr. Hall – Thank you.

Mr. Jones – Mr. Higginbotham stated that he does use the Tallahassee resident to meet clients, if I remember what he said correctly, and that is a residential area. Can he clarify on that again, how he uses the Tallahassee resident because I thought he indicated that he uses it to meet clients?

Mr. Higginbotham – If it is convenient for the client and their family, if they are spread out from Quincy to Perry to wherever and they needed a central meeting location and they choose to meet at my residence then I would meet them at the residence.

Mr. Jones – And that is a residential residence, correct?

Mr. Higginbotham – Yes it is.

Mr. Jones – Thank you.

Mr. Barnhart – Mr. Brandenburg, when Mr. Shropshire showed me that provision in (1)(d), it seems to approve a situation like this although it is quite strange in my opinion. I think Mr. Shropshire is right. It does fit that exemption I believe. It is very unusual but if you look at what it says that s. 497.552, F.S. is not required for a monument retailer, I think he is eligible to be licensed under this Section. It is just somewhat different from what I have seen in other practice acts but I think the Applicant would qualify under this. It is just unusual because we are so close to another state line.

Chair – That is what I was referring to when I initially mention s. 497.550(1)(d), F.S. but it seems to contradict s. 497.522, F.S., or give an exemption.

Mr. Helm – The way I understand it and the way I believe it is, this s. 497.552, F.S. that they are referring to has to do with a monument builder, which is totally different than the retailer. That is the requirement for a monument builder. It is a little bit of a misunderstanding and I have had read it several times trying to figure it out, but I believe that what they are saying when they say to comply with s. 497.552, F.S. is that is what a monument builder has to do. A retailer does not have to do that part of it. Now that is my take on it.

Mr. Mueller – Mr. Shropshire, is there any requirement that a monument retailer license in Florida be inspected by your office?

Mr. Shropshire – Monument builders have to but monument retailers are not subject to inspection.

Mr. Mueller – Okay, good, thank you.

Mr. Barnhart – The monument establishment appears to pertain to both licenses the builder and retailer. So the way it is used in that statute is that it includes both initially but the retailer appears to have to have that exemption in that s. 497.552, F.S. would not apply to a retailer.

Mr. Ray – I still have not heard anyone respond to my question yet as to what other licenses does Chapter 497, F.S. explicitly grant to out of state entities. We all know the intent of Chapter 497 F.S. was to protect the public. So Chapter 497, apparently the argument I am hearing, is that it creates one (1) standard of condition for monument builders. They must be located in Florida but the interpretation that is being made is that anybody else, whether it is across the State line in Georgia or Oregon or Hawaii would be able to qualify under the interpretation I am hearing explained by legal counsel and I do not believe for a moment that was the intent of the Legislature. Now that is a comment but I just think that this is an extreme far stretch. Thank you.

Chair – Mr. Barnhart, any other comments or recommendations to the Board?

Mr. Barnhart – I was just looking at s. 497.550, F.S. and it talks about “*No person shall conduct, maintain, manage, or operate a monument establishment in this state.*” Mr. Shropshire, do you think we have jurisdiction over the establishment that is in Georgia?

Mr. Shropshire – No, not beyond determining that it is a physical structure, that it is at a specific street address, that it complies with zoning regulations and is not located on tax exempt property. Once those threshold questions are addressed, I do not believe we have any continuing jurisdiction over the establishment but that is to say I think that is about the equivalent jurisdiction we would have if the establishment was at a Florida location. Just to be clear, I do not have an axe to grind either way in this. We are just guided by what the statute says and if there is a denial, Mr. Barnhart would have to defend it and it appears that ultimately the only issue is does the establishment have to be located in Florida. If Mr. Barnhart feels that he can defend a denial because the application is not located in Florida then that would be an appropriate motion by the Board but that turns on Mr. Barnhart’s analysis of that Florida requirement and does it apply here. Otherwise, I do not see any grounds to deny him.

Mr. Barnhart – I agree with Mr. Shropshire that a denial under this section would be a tough argument to win before DOAH in a formal hearing. I do not know what the Legislature exactly intended here but I think this situation most likely qualifies for this exemption.

Mr. Shropshire – I believe that the remedy here, if a remedy is needed, is legislative action.

Mr. Helm – I do not want Mr. Higginbotham to think that I do not want him in business. My problem is not with him being in Georgia whatsoever. My problem is with his physical address in Tallahassee being a house that he says he is going to use to sell with. That is my problem. I think if the Board and everyone else will remember we already have recused two (2). Again, I am not trying to keep him from being licensed. I do not have any problem with him being in Georgia whatsoever but I do not see how we can do one thing one way and do this another way. Mr. Shropshire, do you understand what I am saying? It has nothing to do with Georgia.

Mr. Shropshire – Yes sir, I recognize that and fully accept that. The other main denial that we had, if you recall, the business address given was a house which when you called it up in Google was in a subdivision of houses, each on a quarter acre lot, so I do not really think this is analogous to that but it is a very awkward situation. I agree and probably if I was drafting the statute I would require a Florida location but I do not think the statute would support a denial based on that.

Mr. Helm – I do not believe so either.

Mr. Ray – Mr. Chairman, I would just direct counsel to maybe look at s. 497.002, F.S., where the statute talks about unreasonably affecting the competitive market. That may be a thin argument but what we are about to do is that we are about to make it more disadvantageous for establishment retailers across the Panhandle of Florida who are Florida residents, operating Florida business, paying Florida taxes, playing by the rules. Now anybody one foot across the state line can open up shop with a monument establishment retailer license from here to New York to Hawaii. I think we all know that that was

never the intent of the Legislature in the writing of Ch. 497. I simply ask one more time. What other licenses do 497 automatically grant to out of state entities? That concludes my comments.

Mr. Barnhart – Mr. Brandenburg, I think Mr. Shropshire said early that he could not recall any other licenses that would be granted to out of state facilities. Right, Mr. Shropshire?

Mr. Shropshire – In other license categories, I believe we already have several monument establishments that are located out of state that the Board has previously approved. Ms. Lashonda Morris is shaking her head in agreement. She does not have any specifics as we sit here.

Mr. Ray – I am not aware of any.

Mr. Shropshire – The only thing that I can suggest then in that regard if that is pertinent to the analysis Mr. Barnhart is if the Board tabled the matter to April we could look into that and report back to the Board on the issue of if there is any precedent for this.

Chair – Have we calculated a deemer date on this?

Mr. Shropshire – Yes, and this would be safe to come back to the April Board meeting.

Mr. Clark – In the Board packet we received, on Pages 12 and 13 I notice that we were given screenshots which show snapshots from a website ([www.redhillsmonuments.com](http://www.redhillsmonuments.com)). One of the screenshots says “Red Hills Monuments is a family owned monument company, serving North Florida...” and I am just curious when that was placed on the website.

Mr. Higginbotham – Yes it was on the website and the website is not complete but it is a work in progress. We just met with the website manufacturer yesterday to take more pictures, change some verbiage and to add more sites on there. While I have the floor, if I can just make one comment. I do live in Tallahassee. I am paying Leon County and State of Florida taxes and doing business out of that house is not a primary location. That is for convenience purposes only for families that live not in the Tallahassee area so it is not a primary spot. If one of the conditions is that I do not do business there I will be happy to meet them at McDonald’s, the public library, a park or wherever is necessary.

Mr. Clark – On the website though, and I have pulled it up, under contact information it is showing the Tallahassee address. He is showing his home address as a contact for the business. I will certainly vote for tabling the application but perhaps that could be changed or taken away along with the verbiage of “serving North Florida” as that obviously should not be happening at this point. There are some inconsistencies. From the website’s perspective, it is showing his home as the business address.

Chair – I will direct Board members to Page 14 of 15 of your electronic package. I believe that is what Mr. Clark is referring to. Actually Page 13 states “North Florida and South Georgia” and Page 14 lists the address in Tallahassee.

Mr. Clark – Thank you Mr. Chair.

**MOTION:** Mr. Mueller moved to table the application to the April meeting to allow Staff time to complete the analysis. Mr. Hall seconded the motion, which passed unanimously.

- B. Recommended for Approval with Conditions**
- (1) Monument Retail Sales Agreement**
- (a) Scott Higginbotham d/b/a Red Hills Monuments (Cairo, GA)**

Mr. Shropshire – This is the related item of the Monument Retail Sales Agreement and the Division withdraws this from the Agenda and will present it at the April meeting.

- 15. Application(s) for Monument Establishment Sales Agent License**
- A. Informational Item (Licenses Issued without Conditions) – Addendum J**

Mr. Shropshire – The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

**16. Application(s) for Preneed Branch License**

**A. Recommended for Approval without Conditions – Addendum K**

Mr. Shropshire – The Division recommends approval of the application(s).

**MOTION:** Mr. Helm moved to approve the application. Mr. Hall seconded the motion, which passed unanimously.

**17. Application(s) for Removal Facility**

**A. Recommended for Approval with Conditions**

**(1) Mishkin Removal Service Inc (N Miami Beach)**

Mr. Shropshire – An application for a Removal Service was received on January 14, 2015. The application was incomplete when submitted. All deficient items returned on February 6, 2015. Fingerprints for all principals have been returned with no criminal history.

497.385 Removal services; refrigeration facilities; centralized embalming facilities.—

(1) REMOVAL SERVICES AND REFRIGERATION SERVICES.—

(g)

2. A change in location shall be promptly reported to the licensing authority pursuant to procedures established by rule. Operations by the Licensee at a new location may not commence until an inspection by the licensing authority of the facilities, pursuant to rules of the licensing authority, has been conducted and passed at the new location.

Rule 69K-24.010 - Application for Licensure of Removal Services, Refrigeration Facilities, and Centralized Embalming Facilities:

(4) Any change in own

(5) ership 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.

The establishment is recommended for approval subject to the condition that the establishment passes an on-site inspection by a member of the Division staff.

**MOTION:** Mr. Hall moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division Staff. Mr. Clark seconded the motion, which passed unanimously.

**18. Contract(s) or Other Related Form(s)**

**A. Recommended for Approval with Conditions**

**(1) Preneed Sales Agreement**

**(a) Miami Memorial LLC d/b/a Miami Memorial Park (F081266) (Miami)**

Mr. Shropshire – Miami Memorial, LLC d/b/a Miami Memorial Park (Miami), submits the attached preneed sales agreement form for approval: Cemetery Interment Rights, Merchandise and Services Purchase/Security Agreement (Form 604-FL REV (1/15)). If the form is approved, they are to be used for the sale of trust-funded preneed contracts by Miami, and its various licensed preneed branches. The establishment is recommended for approval subject to the condition that two full sized print-ready copies of each contract are received by the Department within 60 days of this Board meeting.

Mr. Mueller – The problem here for me is on Page 5 of 6 in the electronic package, “Purchaser hereby notifies Seller that the cemetery named \_\_\_\_\_ or indicated above is the cemetery of his/her choice and that as of the date of this agreement the merchandise being purchased is acceptable at the cemetery.” That is contrary to the statute and or rule that it is the seller’s responsibility to assert that the merchandise is acceptable at the cemetery at the time of purchase.

Mr. Shropshire – Mr. Rudolph, you represent the Applicant?

Mr. John Rudolph – This is directly from language that was previously approved through SCI. The only thing we are changing is the provision of the application of the famous.

Mr. Shropshire – I do believe Mr. Mueller is right. It is the Licensee who is supposed to be representing that the merchandise is acceptable.

Mr. Rudolph – It should be “The Seller hereby notifies the Purchaser...” We will make that change.

Mr. Shropshire – My understanding is that Mr. Rudolph on behalf of the Applicant has indicated that he will revise that provision so that it is the Seller who is giving representation to the Purchaser.

Chair – So the Seller and Purchaser would be switched in that sentence?

Mr. Shropshire – Yes sir that is my understanding.

Chair – Mr. Mueller, any other questions or comments.

Mr. Mueller – I do not think just switching those two (2) nouns in that sentence would fix the whole thing because then you will have the Seller certifying the name of the cemetery. I am not uncomfortable with Mr. Rudolph fixing it but I do not think that way is going to fix it.

Mr. Rudolph – I believe it will. *“Seller hereby notifies Purchaser that the cemetery named \_\_\_\_\_ or indicated above is the cemetery of his/her choice and that as of the date of this agreement the merchandise being purchased is acceptable at the cemetery.”*

Mr. Mueller – Using it in that way Mr. Rudolph will make it the Seller certifying that the cemetery is his choice.

Mr. Shropshire – Yes, I believe Mr. Mueller is right. It would require more than just literally switching the two (2) words. You would have to revise it so that it would read, *“Purchaser hereby notifies Seller that the cemetery above indicated here \_\_\_\_\_ is the cemetery of his/her choice, and Seller represents that as of the date of this agreement the merchandise being purchased is acceptable at the cemetery.”* I think that would fix it. Mr. Mueller, do you agree?

Mr. Mueller – Yes, I agree. I agree.

Mr. Shropshire – Mr. Rudolph, would that be an acceptable change?

Chair – Mr. Rudolph did you get that?

Mr. Rudolph – Yes I did and I am sure this language has been there forever but we will change it.

Mr. Mueller – Perhaps Mr. Rudolph would be happy to send us the copies from the other establishments that are using this language so that we can fix those too.

Mr. Shropshire – I do not recall this being approved but anyways Mr. Rudolph, you are indicating that you would revise it as I indicated?

Mr. Rudolph – Yes sir.

**MOTION:** Mr. Mueller moved to approve the agreement subject to the condition that two full sized print-ready copies are received by the Department within 60 days of this Board meeting along with the change to the verbiage. Mr. Davis seconded the motion, which passed unanimously.

*(2) Request for Trust Transfer*

*(a) Jacobs Funeral Services, LLC d/b/a Boca Raton Funeral Home and Cremation Service (F019197) (Boca Raton)*

Mr. Shropshire – Jacobs Funeral Services, LLC d/b/a Boca Raton Funeral Home and Cremation Service (Jacobs) seeks approval of the below proposed trust asset transfer, as set forth in the attached letter dated February 11, 2015 from Funeral Services Inc. (FSI) (copy attached hereto).

Proposed Trust Transfer

Jacobs seeks approval of the transfer of its preneed assets from Independent Funeral Directors of Florida, Inc. Master Trust Fund (70/30 trust, dated 12-14-93) under Regions Bank, N.A., as administered by Independent Funeral Directors of Florida (IFDF), to the FSI 1993 Trust Agreement under Sabal Trust Company (Sabal), as administered by Funeral Services Inc. (FSI). If approved, Sabal is or will be trustee, all as more specifically set out in the attached letter dated February 11, 2015 from FSI (copy attached hereto).

**Division Recommendation:**

Subject to the conditions set forth below, the FCCS Division recommends:

Approval of the proposed trust transfer as identified above.

Conditions recommended by FCCS Division:

- 1) That the representations of Jacobs, as set forth in letter dated February 11, 2015 from FSI, copy attached hereto, be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board meeting Sabal provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
  - a) That Sabal provides a letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trusts to be transferred to Sabal pursuant to letter dated February 11, 2015 from FSI.
  - b) A letter from Sabal, signed and dated by one of its officers, stating:
    - That Sabal provides a certificate stating the dollar amount of trust assets being transferred as referenced in attached letter dated February 11, 2015 from FSI.
    - That Sabal provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as referenced in attached letter dated February 11, 2015 from FSI.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

**MOTION:** Mr. Mueller moved to approve the agreement subject to the conditions recommended by the Division. Mr. Clark seconded the motion, which passed unanimously.

**19. Executive Director's Report**

*A. Extension Granted – Gendron Funeral & Cremation Services, Inc. (Informational)*

GARDNER, BIST, WIENER, BOWDEN,  
BUSH, DEE, LAVIA & WRIGHT, P.A.  
ATTORNEYS AT LAW  
100 THOMASWOOD DRIVE  
TALLAHASSEE, FLORIDA 32308

MICHAEL P. BIST  
CARYN B. BOWDEN\*  
BENJAMIN S. BUSH  
DAVID S. DEE  
ERIN W. DUNCAN  
CHARLES R. GARDNER  
AMANDA L. HALL  
JOHN T. LAVIA, III  
BRUCE L. WIENER\*  
WENDY RUSSELL WIENER  
ROBERT S. WRIGHT

\*BOARD-CERTIFIED REAL ESTATE ATTORNEY

TELEPHONE:  
(904) 385-0990

FACSIMILE:  
(904) 385-9446

February 5, 2015

Doug Shropshire, Director  
Division of Funeral, Cemetery and Consumer Services  
[Doug.Shropshire@myfloridacfo.com](mailto:Doug.Shropshire@myfloridacfo.com)

**Re: Gendron Funeral & Cremation Services Inc.  
Change of Ownership for Funeral Establishment  
H&P Memorials, Inc. d/b/a Anderson-Patterson Cremation & Funeral Services**

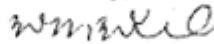
Dear Doug:

As you know, we represent Gendron Funeral & Cremation Services, Inc. (Gendron). On January 8, 2015, the Board approved the funeral establishment application submitted by Gendron, with the condition that the transaction close within 60 days (i.e., March 9, 2015).

Our client has notified us that the parties will require additional time to close. Therefore, we would like to request an additional 60 (sixty) days to enable Gendron to complete the transaction, until May 8, 2015, at which time we will revisit the matter, if necessary.

Please let us know if you require additional information.

Sincerely,



Wendy Russell Wiener

Approved.  
DSR 2-5-15  
Doug Shropshire, Director  
Funeral & Cemetery Division  
850-413-4096

*B. DFS Legal Division, Rules Cleanup Project (Informational)*

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

TO: Board Members (Board of Funeral, Cemetery, and Consumer Services)  
FROM: Douglas Shropshire, Division Director *DSR*  
DATE: 2-5-2015  
RE: DFS Legal Division, Rules Cleanup Project

The Legal Division of the Department of Financial Services is conducting a Department-wide project to review all rules to make sure they comply with the technical requirements of Chapter 120 of the Florida Statutes.

The Legal Division has advised that the six Ch. 497 rules listed in the attached materials are unnecessary in that they merely repeat the language of a statute, or they merely direct the reader to another rule. The Legal Division advises that such rules are not proper rules under chapter 120, and the Legal Division will be taking steps in the near future to repeal the rules.



## INTER-OFFICE MEMORANDUM (2d Notice)

DATE: January 30, 2015

TO: Jeff Atwater, Chief Financial Officer

THROUGH: Robert C. Kneip, Chief of Staff  
M. Drew Parker, General Counsel  
Chasity O'Steen Deputy General Counsel, Division of Legal Services

FROM: Pennington G. Kamm

RE: Repeal of Rule 69K-28.001, Control of Preneed Agents, in Chapter 69K-28, F.A.C., Supervision of Pre-Need Agents  
Assignment No. 167387

**Section 120.54(3)(a)1., Florida Statutes, requires CFO Atwater, as agency head of the Department, to approve the proposed rule.**

---

Attached for your approval and signature is a copy of the proposed above referenced rule repeal for the Division of Funeral, Cemetery, and Consumer Services.

The Division of Funeral, Cemetery, and Consumer Services identified this rule as unnecessary as part of the 2014 comprehensive rule review project. Specifically, Rule 69K-28.001, F.A.C., Control of Preneed Agents, which is the only rule in Rule Chapter 69K-28, F.A.C., Supervision of Pre-Need Agent, is unnecessary because it is duplicative of section 497.166(3), F.S., the law implemented.

Since this rule is being repealed, a Notice of Proposed Rule Development was not required to be published in the *Florida Administrative Register*.

Pursuant to section 120.54(3)(a), Florida Statutes, CFO Atwater, as agency head of the Department of Financial Services, must approve the Notice of Proposed Rule. This Notice will be published in the *Florida Administrative Register* and sent to the Joint Administrative Procedures Committee.

Please obtain CFO Atwater's approval on the Approval form as noted. Thank you for your assistance.

cc: Paul Whitfield, Deputy Chief Financial Officer  
Attachments

### **69K-28.001 Control of Preneed Agents.**

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

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


*Specific 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.*

## INTER-OFFICE MEMORANDUM (2d Notice)

DATE: January 30, 2015

TO: Jeff Atwater, Chief Financial Officer

THROUGH: Robert C. Kneip, Chief of Staff  
M. Drew Parker, General Counsel  
Chasity O'Steen Deputy General Counsel, Division of Legal Services

FROM: Pennington G. Kamm, Assistant General Counsel 

RE: Repeal of Rules in Chapter 69K-33, Handling and Storing of Human Remains:  
69K-33.002 Direct Disposal Establishments  
69K-33.003 Centralized Embalming Facilities  
69K-33.004 Cinerator Facilities  
69K-33.005 Removal Services  
69K-33.006 Refrigeration Facilities  
Assignment No. 166722

Section 120.54(3)(a)1., Florida Statutes, requires CFO Atwater, as agency head of the Department, to approve the proposed rule.

---

Attached for your approval and signature is a copy of the proposed above referenced rule repeal for the Division of Funeral, Cemetery, and Consumer Services.

The Division of Funeral, Cemetery, and Consumer Services identified these rules as unnecessary as part of the 2014 comprehensive rule review project. Specifically, Rule 69K-33.002, F.A.C., is redundant of section 497.171(4), F.S. Rules 69K-33.003, 69K-33.004, 69K-33.005, and 69K-33.006, F.A.C., merely advise readers as to the location of another rule or statute that provides their respective requirements.

Since this rule is being repealed, a Notice of Proposed Rule Development was not required to be published in the *Florida Administrative Register*.

Pursuant to section 120.54(3)(a), Florida Statutes, CFO Atwater, as agency head of the Department of Financial Services, must approve the Notice of Proposed Rule. This Notice will be published in the *Florida Administrative Register* and sent to the Joint Administrative Procedures Committee.

Please obtain CFO Atwater's approval on the Approval form as noted. Thank you for your assistance.

cc: Paul Whitfield, Deputy Chief Financial Officer

Attachments

**69K-33.002 Direct Disposal Establishments.**

Direct disposal 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.~~

*Rulemaking Authority 497.103, 497.386 FS. Law Implemented 497.386 FS. History—New 2-28-02, Formerly 61G8-33.002.*

**69K-33.003 Centralized Embalming Facilities.**

The requirements for handling and storing of human remains by centralized embalming facilities are set forth in ~~Rule 69K-24.0425, F.A.C., and Sections 497.385(2) and 497.386, F.S.~~

*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.*

**69K-33.004 Cinerator Facilities.**

The requirements for handling and storing of human remains by cinerator facilities are set forth in ~~subsection 69K-22.004(1), F.A.C., and Sections 497.386, 497.171, 497.606 and 497.607, F.S.~~

*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*

**69K-33.005 Removal Services.**

The requirements for handling and storing of human remains by removal services are set forth in ~~Rule 69K-24.024, E.A.C., and Sections 497.386 and 497.171, F.S.~~

*Rulemaking Authority 497.103, 497.384, 497.386 FS. Law Implemented 497.386 FS. History—New 6-17-02, Formerly 61G8-33.005.*

**69K-33.006 Refrigeration Facilities.**

The requirements for handling and storing of human remains by refrigeration facilities are set forth in ~~Rule 69K-24.034, E.A.C., and Section 497.386, F.S.~~

*Rulemaking Authority 497.103, 497.386 FS. Law Implemented 497.386 FS. History—New 6-17-02, Formerly 61G8-33.006.*

Mr. Shropshire – Unless the Board objects, that project will go forward.

Mr. Mueller – I would suggest to Mr. Shropshire that while something is going on with changing the regulations, maybe you could, if appropriate, let these people know that you are going to want to make a change to the monument retailer business that we discussed previously that we tabled.

Mr. Shropshire – Our Legal Staff would not be the ones of course to typically initiate legislative proposals. I will certainly consult with the Capitol, my superiors, on the subject. I am fairly certain from the Department's point of view that change could not be gotten into a package in this current Session that is already underway but it is something that we will certainly make note of. Of course, such changes as they often do can come from outside of the Department, from the Industry or virtually any other source.

**C. Report: Payment of Disciplinary Fines and Costs (Informational)**

Monthly Report of Fine and Costs Assessed and Paid  
 Division of Funeral, Cemetery and Consumer Services  
 March 5, 2015 Board Meeting  
 Date of Report: February 25, 2015

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Cemetery Professionals, LLC dba Beaches Memorial Gardens and Cemetery Professionals, LLC dba Beaches Memorial Park	Jun-12	110156-10-FC & 110157-10-FC	\$5,250 \$5,000 38,859.57	9/6/2012 12/7/2012 35 mo pymts	YES YES Status Pending	Licensee monthly restitution payments are current.
Carriage Florida Holdings, Inc., d/b/a Forest Lawn Memorial Cemetery	Feb-15	158822-14-FC	\$2,250	3/25/2015	Note D	
Carriage Florida Holdings, Inc., d/b/a Evergreen Memorial Park	Feb-15	159824-14-FC	\$2,250	3/25/2015	Note D	
Carriage Florida Holdings, Inc., Garden of Memories	Feb-15	159820-14-FC	\$2,250	3/25/2015	Note D	
Rick Groover	Feb-15	162136-14-fc	\$1,000	3/25/2015	Note D	
SCI Funeral Services of Florida, Inc. Groover Funeral Home at Mansion Memorial Park	Feb-15	162135-14-FC	\$1,000	3/18/2015	Note D	
Daniel A. Newsome d/b/a Gravesites L.L.C.	Feb-15	147250-14-FC	\$2500 fine/ \$4,850 restitution	3/19/2015	Note D	
Groover Funeral Home	Feb-15	162135-14-FC	\$1,000	3/13/2015	Note D	
			\$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50			
Buy and Sell Cemetery	Dec-14	154941-14-FC	\$62.50	\$62.50 Initial payment/ \$62.50 First installment payment (paid)	On time	
Larry M. Saunders	Dec-14	154919-14	\$500	1/24/2015	Yes	
Chestnut Funeral Home	Dec-14	154927-14-FC	\$500	1/24/2015	Yes	
Reddick Funeral Home	Dec-14	151717-14-FC	\$250	11/24/2014	Yes	
Jay Monument & Vault a/k/a Jay Monument & Vault Inc.	Oct-14	153256-14-FC	\$5000 and 13 years of renewal fees	11/24/2014	No/Legal to take action	No license.
Ruskin Memorial Park Association	Dec-14	161244-14	\$1,000	2/24/2015	Yes	
Restlawn Cemetery, Inc.	Dec-14	160014-14-FC	\$500	1/23/2015	Yes	
Wilson-Eichelberger Mortuary	Dec-14	160017-14-FC	\$500	1/24/2015	Yes	
Janorise Stone	Nov-14	144432-13-FC	\$1,500	12/25/2014	Yes	
Larry Locke	Dec-14	139606-14-FC	\$5,000	Paid in full	Yes	
Cremation Services of Mid-Florida	Dec-14	139614-13-FC	\$5,000	Paid in full	Yes	
Rogers Funeral Home	Dec-14	150303-14-FC	\$3,000	January 23, 2015	No.	
Delvis Rogers	Dec-14	150301-14-FC	\$3,500	January 23, 2015	No	
<p>A. When payment in full becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment.          B. Once fines and costs are paid in full, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensee dropped off report after disciplinary action filed due to nonpayment of the fine and costs.          C. The Order re this case is still in process, so no Due date is not yet established.          D. Due date has not passed, as of the date of this report.          E. As of the date of this report, monthly payments were current.</p>						

Mr. Helm – If memory serves me right I cannot remember whether Keenan was the one that was doing the motions on this one or not. Are you there Keenan?

Mr. Knopke – I am here.

Mr. Helm – On Rick Groover and SCI, we only did two (2) matters on that, but I see three (3) on here.

Mr. Knopke – Powell, I would have to go back and look at the Minutes.

Chair – I think maybe that is an administrative error where there is Rick Groover SCI Funeral Services of Florida Inc., Groover and Groover Funeral Home. I think one (1) of the last two (2) is perhaps a duplicate. It even indicates that it is the same Case No. so I think you are right there Mr. Helm that it is a duplicate.

Mr. Helm – But then it has a different date due.

Ms. Lisa Coney – There were two (2) and if there is a difference in date it is because we received the Final Order after the Board meeting. I believe the date of issuance of the Final Order was February 27<sup>th</sup>. I do not have the file with me but there were only two (2); \$1000 against Rick Groover and \$1000 against Groover Funeral Home at Mansion. They both should have the same date because of the same Final Order for \$1000 each.

Chair – Thank you Ms. Coney. Mr. Helm, I think we can clean this up administratively. Is there any other question, Mr. Helm?

Mr. Helm – No.

**20. Upcoming Meeting(s)**

- A. April 2<sup>nd</sup> (Embassy Suites Jacksonville Baymeadows)*
- B. April 30<sup>th</sup> (Teleconference)*
- C. June 4<sup>th</sup> (Teleconference)*
- D. June 25<sup>th</sup> (Tallahassee)*

Mr. Clark – I just wanted to make note. I understand that the Division withdrew the Red Hills Monument sales agreement. However, in an effort to perhaps expedite the discussion when we do revisit it, the address on that agreement is also the residence. So again just note that that may want to be reviewed by the Applicant as well.

Chair – Thank you Mr. Clark. That is a point well taken. Thank you so much.

**21. Adjournment**

The meeting was adjourned at 11:04 a.m.