

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
May 18, 2017 - 10:00 A.M.

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

Mr. Jody Brandenburg, Chair –Good morning everyone. Welcome to the Board of Funeral, Cemetery, and Consumer Services’. This is the Teleconference Meeting of May 18, 2017. I want to call this meeting to order. Ms. Ellen Simon, would you please make your opening remarks and do the roll call?

Ms. Ellen Simon – Yes Mr. Chair. My name is Ellen Simon. I’m the Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. Today is May 18, 2017 and it is 10:00 A.M. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Service. Notice of this meeting has been published in the Florida Administrative Register. An agenda for this meeting has been made available to all interested persons. This meeting is occurring in Tallahassee FL. Ms. Jasmin Richardson is recording the meeting and minutes will be prepared. 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. At this time, Mr. Chair, I would like to call the roll:

Joseph “Jody” Brandenburg, Chair
Keenan Knopke, Vice Chair {**ABSENT**}
Jean Anderson
Francisco “Frank” Bango
Andrew Clark
James “Jim” Davis {**ABSENT**}
Lewis “Lew” Hall
Powell Helm
Ken Jones
Vanessa Oliver {**DELAYED**}

Also noted as present:

Mary Schwantes, Executive Director
Tom Barnhart, Board Legal Advisor (via telephone)
Jasmin Richardson, Department Staff
Lashonda Morris, Department Staff
Nicole Singleton, Department Staff

Ms. Simon – Mr. Chair there is a quorum for the business of the Board.

Chair – Thank you.

2. Action on the Minutes

A. April 13, 2017

Chair – Is there a motion?

MOTION: Mr. Lew Hall moved to adopt the minutes of the meeting. Mr. Ken Jones seconded the motion, which passed unanimously.

3. Application(s) for Preneed Sales Agent

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

Ms. Simon – This is an information item. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

4. **Application(s) for Continuing Education Course Approval**
 - A. *Recommended for Approval without Conditions – Addendum B*
 - (1) *Florida Cemetery, Cremation & Funeral Association (75)*
 - (2) *Funeral Service Academy (23408)*
 - (3) *FuneralCE (43)*
 - (4) *In-Sight Books (10008)*
 - (5) *Independent Funeral Directors of Florida Inc. (135)*
 - (6) *International Order of the Golden Rule (2201)*
 - (7) *LifeNet Health of Florida (22608)*
 - (8) *National Funeral Directors Association (136)*
 - (9) *New Jersey Funeral Service Education Corp. (7002)*
 - (10) *SCI Management - Dignity University (99)*

Ms. Simon – The courses presented have been reviewed Continuing Education Committee and the Committee, as well as the Division, recommends approval of the applications for the number of hours indicated on Addendum B.

MOTION: Mr. Powell Helm moved to approve the applications. Ms. Jean Anderson 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) *Memoriams, By Ancestry (28208)*

Ms. Simon – The application presented have been reviewed Continuing Education Committee and the Committee, as well as the Division, recommends approval of the application on Addendum C.

MOTION: Mr. Andrew Clark moved to approve the application. Mr. Jones 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 and Exam*
 - (a) *Cornish, Cathleen*
 - (b) *Johnson, Mallory J*
 - (2) *Funeral Director and Embalmer – by Endorsement*
 - (a) *Bussa, David L*
 - (b) *McKiel, Glenn F*
 - (3) *Funeral Director and Embalmer – by Internship and Exam*
 - (a) *Bell, Danielle C*
 - (b) *Brown, Ryan A*
 - (c) *Comas, Rebeca M*
 - (d) *Clymer, Tara L*
 - (e) *Goins, Tabatha A*
 - (f) *Schmaltz, Donald*
 - (g) *Smith, Julie G*
 - (h) *Thompson, Scotti B*

Ms. Simon – This is an information item. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

7. **Application(s) for Internship**
 - A. *Informational Item (Licenses Issued without Conditions) – Addendum E*
 - (1) *Embalmer*
 - (a) *McAlpin, Laura D F089239*

- (2) *Funeral Director*
 - (a) *Behan, Kara A F160668*
 - (b) *Giagnorio, Renee M F076007*
- (3) *Funeral Director and Embalmer*
 - (a) *Cox, Kim W F160859*
 - (b) *Reese, Christopher F025827*
 - (c) *Schwartz, Pamela J F160887*
 - (d) *Zahn, Richard E F160648*

Ms. Simon – This is an information item. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

- B. *Recommended for Approval without Conditions – Criminal History***
 - (1) *Funeral Director and Embalmer*
 - (a) *Stephens, Elizabeth A*

Ms. Simon – The applicant submitted an application to become a Concurrent Intern on March 8, 2017. The application was incomplete when submitted. All deficient items were returned on April 10, 2017. The applicant submitted a fingerprint card with was returned with criminal history. Applicant has a criminal record, to wit: In March 2015, Ms. Stephens was found guilty of DUI – first offense. She was sentenced to pay a fine of \$600. The Division is recommending approval without conditions.

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

- 8. *Application(s) for Embalmer Apprenticeship***
 - A. *Informational Item (Licenses issued without Conditions) – Addendum F***
 - (1) *Gamboa, Brianna A F157266*
 - (2) *Giammarinaro Sr, James D F160669*
 - (3) *Smith, Quantez F162208*
 - (4) *Vagts, Joshua D F160658*
 - (5) *Zebart, Christopher J F157265*

Ms. Simon – This is an information item. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

- 9. *Application(s) for Change of Location***
 - A. *Informational Item (Licenses issued without Conditions) – Addendum G***
 - (1) *Deborah Faniel Jenkins d/b/a Faith Funeral Services (F080821) (Haines City)*
 - (2) *Global Final Care Consultants Inc. d/b/a Global Cremations of Florida (F079655) (Hollywood)*

Ms. Simon – This is an information item. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

- 10. *Consumer Protection Trust Fund Claims***
 - A. *Recommended for Approval without Conditions – Addendum H***

Ms. Simon – The CPTF Claims presented have been reviewed by the Division and the Division recommends approval for the monetary amounts indicated.

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

- 11. *Application(s) for Monument Establishment Sales Agent License***
 - A. *Informational Item (Licenses issued without Conditions) – Addendum I***

Ms. Simon – This is an information item. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

- 12. **Application(s) for Change of Ownership (Dignity Funeral Services Inc.)**
 - A. **Recommended for Approval *with* Conditions – Collective Coversheet**
 - (1) **Application(s) for Funeral Establishment**
 - (a) **Dignity Funeral Services Inc. d/b/a Coastal Cremations (New Port Richey)**
 - (b) **Dignity Funeral Services Inc. d/b/a Coastal Cremations (Zephyrhills)**

Ms. Simon – Dignity Funeral Services Inc. seeks approval for the following application for a change of ownership: a funeral establishment (F074523) and a funeral establishment that is currently a direct disposal establishment (F059377). All fingerprint cards were returned with no criminal history. Both establishments passed the inspection on April 24, 2017.

More specifically, the entities that are being acquired is as follows:

- 1) Coastal Cremations Inc., a licensed direct disposal establishment, license #F059377, physical address: 4911 Allen Road, Zephyrhills, FL 33541; FDIC will be – John W Gooldin (F044362)
- 2) Coastal Cremations Inc., a licensed funeral establishment, license #F074523, physical address: 4201 Grand Boulevard, New Port Richey, FL 34652; FDIC will be – Cheryl Gooldin (F046877)

The Division is recommending approval subject to the following conditions:

- 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 substantially 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 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 applications subject to the conditions recommended by the Division. Ms. Anderson seconded the motion.

- 13. **Application(s) for Change of Ownership (McAlpin Funeral Home Inc.)**
 - A. **Recommended for Approval *with* Conditions – Collective Coversheet**
 - (1) **Application(s) for Funeral Establishment**
 - (a) **McAlpin Funeral Home Inc. d/b/a McAlpin Funeral Home Inc. Doing Business As Lanier- Andler Funeral Home (Sneads)**
 - (2) **Application(s) for Registration as a Training Agency (Waiver of Rule)**
 - (a) **McAlpin Funeral Home Inc. d/b/a McAlpin Funeral Home Inc. Doing Business As Lanier- Andler Funeral Home (Sneads)**

Ms. Simon – McAlpin Funeral Home Inc., seeks approval for the following applications for a change of ownership: a funeral establishment (F041629) and a Training Facility. The fingerprints for the principals were returned without criminal history.

More specifically, the entities that are being acquired is as follows:

- 1) Lanier-Andler Funeral Home, a licensed funeral establishment and training facility, license # F041629, physical address: 8261 Highway 90 East, Sneads, FL 32460; FDIC will be Gene Lanier (F042954)

The Division is recommending approval subject to the following conditions:

- 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 substantially 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.
- 8) That the Petition relating to continuation of training agency status be approved, so that the training agency status of said locations be continued under the new owners, provided there has been no dispute by the public within 30 days of the date the request was published.

MOTION: Mr. Jones moved to approve the applications subject to the conditions recommended by the Division. Mr. Clark seconded the motion.

14. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Sanchez Rehoboth Mortuary LLC d/b/a Sanchez Rehoboth Mortuary and Cremation Services (St. Petersburg)

Ms. Simon – An application for a Funeral Establishment was received on April 25, 2017. The application was complete when submitted. The Funeral Director in Charge will be Irving Sanchez III (F077932). All fingerprint cards were returned with no criminal history. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Mr. Helm – Mr. Chair, this is Helm. I have a question for you.

Chair – Mr. Helm, go right ahead.

Mr. Helm – This is for the Division. On the cremation part (4a), “Will cremation services be offered by this funeral establishment?” They checked no and then they checked “make arrangements for.” That is still offering the service, isn't it? Shouldn't they check yes?

Ms. Simon – Yes, it looks like that was in error.

Mr. Helm – Ok. The other one is the same way. Eternal Rest is the same way, too.

Chair – Will the Division please check with the applicant and make sure that its yes and not no, on both of those?

Ms. Simon – Yes sir. I believe that you will find, I hope that you will find the contracts for both of those in your package.

Mr. Helm – Yes, I found it.

Ms. Simon – I would assume that that means that they intend on offering those services, but we will double check.

Chair – Thank you very much. Any other questions or comments?

MOTION: Mr. Helm moved to approve the application subject to the conditions that the establishment passes an onsite inspection by a member of Division Staff and clarification on the answer to question (4a) of the Cremation section of the application. Mr. Hall seconded the motion.

Ms. Simon – Mr. Helm, we will look in to that, but if you could make the motion not contingent upon that. If you could rephrase the motion it would be helpful to us.

Mr. Helm – What are you asking now?

Ms. Simon – If you agree that this entity should be licensed as a funeral establishment, if you could simply make the motion to do so and we will look at the matters requested by Board after this meeting.

Mr. Helm – You don't need to have that in the conditions?

Ms. Simon – No sir.

Mr. Helm – That's fine. It doesn't make a difference to me. I'll make the motion for the inspection.

Chair – So the motion is to approve with the condition that the establishment passes an onsite inspection by a member of Division Staff. Is there a second?

Mr. Hall – Second, Hall.

Chair – Thank you. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? That motion carries.

B. Recommended for Approval without Conditions
(1) Blue Angel Funeral Home USA LLC (West Park)

Ms. Simon – An application for a Funeral Establishment was received on April 5, 2017. The application was incomplete when submitted. All deficient items were returned on April 25, 2017. The Funeral Director in Charge will be Jean Gaetan Sr (F042246). All fingerprint cards were returned with no criminal history. The establishment passed its inspection on May 5, 2017. The establishment is recommended for approval without conditions.

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

Ms. Vanessa Oliver – Mr. Chair, this is Vanessa Oliver. I just wanted to let you all know that I've joined the meeting.

Chair – Thank you. We are on Item 14. B. (2), Eternal Rest Mortuary.

(2) Eternal Rest Mortuary LLC (Miami)

Ms. Simon – An application for a Funeral Establishment was received on January 26, 2017. The application was incomplete when submitted. All deficient items were returned on April 24, 2017. The Funeral Director in Charge will be Peggy Johnson-Rahming (F043590). All fingerprint cards were returned with no criminal history. The establishment passed its inspection on May 1, 2017. The establishment is recommended for approval without conditions.

Mr. Helm – This one also has the information about the cremation, Ms. Simon.

Ms. Simon – Yes sir.

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

15. Application(s) for Removal Facility

- A. Recommended for Approval with Conditions**
 - (1) Mary Nash d/b/a AAA Transport (Lecanto)**

Ms. Simon – An application for a Removal Facility was received on April 21, 2017. The application was complete when submitted. All fingerprint cards were returned with no criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

MOTION: Mr. Clark moved to approve the application subject to the condition that the facility passes an onsite inspection by a member of Division Staff. Ms. Oliver seconded the motion, which passed unanimously.

- (2) Rose Transport LLC (Tavares)**

Ms. Simon – An application for a Removal Facility was received on April 21, 2017. The application was complete when submitted. All fingerprint cards were returned with no criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

MOTION: Ms. Anderson moved to approve the application subject to the condition that the facility passes an onsite inspection by a member of Division Staff. Mr. Frank Bango seconded the motion, which passed unanimously.

- B. Recommended for Approval without Conditions**
 - (1) Sterling Trade Services LLC (Sanford)**

Ms. Simon – An application for a Removal Facility was received on March 23, 2017. The application was incomplete when submitted. All deficient items were returned on April 4, 2017. All fingerprint cards were returned with no criminal history. The facility passed its inspection on April 28, 2017. The Division is recommending approval.

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

- (2) Slonaker Transportation Service Inc. (Boynton Beach)**

Ms. Simon – An application for a Removal Service was received on March 3, 2017. The application was incomplete when submitted. All deficient information was received on April 24, 2017. Fingerprints for all principals have been returned with no criminal history. The Division is recommending approval.

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

16. Contract(s) or Other Related Form(s)

- A. Recommended for Approval with Conditions**
 - (1) Preneed Sales Agreement(s)**
 - (a) Forethought Life Insurance Company (Batesville, IN)**

Ms. Simon – FLIC submits the attached preneed sales agreement form for approval: Funeral Planning Agreement (Form A4000-04-FL). If the form is approved, it is to be used for the sale of insurance-funded preneed contracts by various preneed licensees and their related preneed branches. The Division is recommending 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.

MOTION: Mr. Hall moved to approve the agreement 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. Bango seconded the motion, which passed unanimously.

17. **Executive Director's Report**
A. Operational Report (Informational)

Ms. Simon – We have Mary Schwantes here to give her Operational Report.

Mary Schwantes – Good morning. Thank you. At our April meeting, I referred to a number of projects that are ongoing within the Division. These projects continue. In particular, the business analysis of the Division's Information Technology needs. I did want to report that as explained at the April meeting, we requested six (6) FTE positions from the Legislature. We got zero (0) FTE positions from the Legislature approved. So we will be operating with the continued staff that we have currently, in terms of the number of FTEs, which is twenty-five (25), and going into FY17/18 working with staff and within the budget to improve services to the consumers as best as possible. We have a Rulemaking Workshop coming up on June 6th. I believe Mr. Barnhart will explain a little bit more about. That is scheduled for June 6th at 9 o'clock in the morning and concerns rule 69K-30, which is our Disciplinary Guidelines, so we look forward to seeing a number of you then. That concludes my report for today. Thank you, Mr. Chair.

Chair – Thank you.

B. Rulemaking Cleanup Project (Action)

Ms. Simon – If the Board members will recall, in the past I have submitted forms to the Board members: forms that needed to be updated for various reasons. A number of the reasons were either grammatical or to comply with current law and they have not been modified until this time. It is the Division's recommendation that the Board approve the modified forms. The forms, as modified, are in your packet in the first part and in the back there are the modified versions with tracked changes.

MOTION: Mr. Jones moved to approve the modified forms as presented by the Division. Mr. Bango seconded the motion, which passed unanimously.

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

Ms. Simon – This is an informational item as to the payment of disciplinary fines and costs. If there are no questions?

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 May 18, 2017 Board Meeting
 Date of Report: March 5, 2017

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Hunter James West	Apr-17	197862-16-FC	\$1,000	6/9/2017	Note D	
John W. Harmon III	Feb-17	198972-16-FC	\$1,000	3/22/2017	Paid in Full	
Harmon Funeral Home, Inc.	Feb-17	198968-16-FC	\$1,500	3/22/2017	Paid in Full	
Damon Baker	Dec-16	198641-16-FC	\$2,500	3/8/2017	Note D	Discussions taking place between the
Derryck Richardson	Dec-16	197853-16-FC	\$1,000	1/8/2017	Paid in Full	
Affordable Monument Company	Jun-16	184198-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Patricia Narciso	Jun-16	184202-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Clifford N. Robinson d/b/a CN Robinson Memorial	Jun-16	178019-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Clifford Nathaniel Robinson	Jun-16	178002-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Ronald Noble	Aug-15	134801-13-FC	\$2,500	8/1/2017	Note D	
James West	Feb-16	165110-14-FC & 165112-14-FC	\$2,500	3/14/2016	Note A	License surrendered
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.						

18. **Chairman's Report (Verbal)**

Chair – June 29th, our next meeting, will be in Tallahassee. I look forward to seeing you there.

19. **Office of Attorney General's Report (Verbal)**

A. *69K-30.003 Current Rule Text (Verbal)*

Ms. Simon – Mr. Barnhart?

Mr. Tom Barnhart – Board members, I'll just cover first of all that Rule 69K-30.003 is just there for your information. We are not looking for any action to be taken today on that rule. It's just there for your information and reference.

B. *Attorney General's Rules Report (Informational)*

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-7.0012	Care and Maintenance Trust Fund Withdrawals	04/07/2016	4/12/2016	4/22/2016	RN 6/20/2016 JAPC Ltr 7/7/2016 NOC 8/12/2016 NOC 09/08/2016	10/07/16	10/27/16
69K-27.001	Embalmer Apprentice Program	06/30/2016	05/24/2016	5/31/2016	RN 10/12/2016 JAPC letter 11/03/2016 JAPC response letter 01/03/2017 Filing date TOLLED 01/03/2017 JAPC response letter 01/03/2017 JAPC response letter 01/20/2017 Notice of change 03/14/17	04/12/2017	05/02/2017
69K-1.005	License Application Procedures	10/13/2016	03/14/2017 (Re-Notice of Proposed Rule)	09/09/2016	RN 11/02/2016 Notice of Change/Withdrawal / Public hearing submitted to FAR 01/17/2017 for 04/13/17 hearing date 03/15/17 Notice of Change/Withdrawal (Notice of Cancellation of Hearing) published to FAR 03/15/17 rulemaking withdrawn and Notice of Withdrawal published to the FAR 03/15/17 OFARR notification, notice of proposed rule and SERC checklist for replacement rulemaking sent to OFARR 03/23/17 Notice of Proposed Rule RE-published to FAR	04/20/2017	05/10/2017
69K-16.0001	State Examination for Funeral Industry Professionals	12/01/2016	10/13/2016	10/27/2016	RN 12/19/2016 Notice of Correction 01/12/2017 Filed for adoption 01/18/2017	01/18/2017	02/07/2017
69K-30.001 / .0012 / .003*	Disciplinary Guidelines and Penalties for Funeral Directors and Establishments, Embalmers, Removal Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities (30.001); Minor Violations and Notice of Noncompliance for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities (30.0012); Citations for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities (30.003)		03/24/2017 (Rule Development only)	04/14/2017			
69K-21.003	Inspection Criteria (Funeral Establishments)		05/05/2017 (Rule Development Only)				

*Note: Rule Development encompasses all three rules; however, each proposed rule can be amended separately if needed

Mr. Barnhart – As mentioned before, our Rules Workshop is on June 6th at 9:00a.m. in the Alexander Building where we usually have the Board meetings. Ms. Simon, that draft we've been working on should be going out very shortly, correct?

Ms. Simon – I would hope so. Yes, sir.

Mr. Barnhart – Board members, we've working on getting a good draft together so we'll have something to work from as a reference point for that Rules Workshop. As you see, on the Rules Report, we have several rules that have recently gone into effect. We have of course the ones we have currently in the process, which are the Disciplinary Rules, Citations, Notices of Noncompliance, and a new one there, Inspection Criteria Regarding Funeral Establishments. If there are any questions, I'll try to answer them. If I don't have the answer, let me know what it is you want to know and I will find out and get the information to you through the Board office.

Mr. Jones – Mr. Chair, this is Mr. Jones.

Chair – Mr. Jones?

Mr. Jones – Question on the June 6th Rules Workshop. Do you prefer the Board to attend that or what's your preference?

Mr. Barnhart – Personally, I think as many Board members as possible should attend the meeting. I don't know if there's any travel budget constraints. The Board staff can advise about that, but I always like as many Board members as possible to attend Rules Workshops if they can.

Chair – And we do have a Rules Committee. Who knows who sits on that Committee?

Ms. Simon – I can look up the information Mr. Chair. It would just take me a moment.

Chair – Please do.

Mr. Barnhart – In the meantime, Mr. Chair, we can start discussing the Notices of Noncompliance, if you'd like.

Chair – Let me get there. Just a moment.

Ms. Simon – Mr. Chair?

Chair – Yes?

Ms. Simon – As for the Rules Committee, the Rules Committee is made up of you, Mr. Chair, Mr. Jones, and Mr. Williams.

Chair – Okay. Thank you. Did everyone hear that the Rules Committee is myself, Mr. Jones, and Mr. Williams? Mr. Barnhart, would you go right ahead with the Notices of Noncompliance issue?

C. 69K-30.0021 Proposed Rule Worksheet (Action)

Mr. Barnhart – Yes sir. Thank you. Board members, if you remember, we talked about s. 120.695, F.S., a new requirement that the Board reviews its rules and determine which rules that they would like to designate as minor violations which do not impact the health, safety, or welfare of the consumers or public. We had a Notice of Noncompliance rule and what you have in your packet is an effort to designate those rules which myself, working with the Director and Assistant Director of the Division, came up with a draft that we thought would be appropriate for first violations of particular rules. Keep in mind that these are just rules. They're not going to be applicable to any statutory violations. I believe it was thought that statutory violations should at least be a citation for a first offense if not a regular penalty even if it was a minor penalty. So 30.0021 is a draft which we came up with to seek approval from the Board members for the new version of 69K-30.0021, which is your Notices of Noncompliance.

Chair – Any of those changes we need to discuss Board members or Mr. Barnhart?

Mr. Barnhart – I'm just here to answer any questions if you have any questions or would like to see more violations to be on there, as Notices of Noncompliance, or to take some rules off that you think should not be minor violations. This is the time to have that discussion, if you would.

Chair – The discussion is not limited to today. Is that correct, also? Could we take it up on the June 6th Rules Workshop?

Mr. Barnhart – Well, no because it was not noticed for that particular purpose. If the Board members would like more time, I think the appropriate time would be to take it up at the Board meeting in person, in Tallahassee at the end of June. What I am proposing today is, if this is appropriate, if the Board members are comfortable with it, that we get this language approved and approve the SERC Checklist, which is the next step; but if the Board members would like to have more time to look at it and discuss it and do more review that would be fine too. We would just need to put it on the agenda for the June 29th meeting.

Chair – Board members? Anyone from the Industry have any input? Hello? Ms. Coney?

Ms. Lisa Coney – Yes, my phone was on mute. I was trying to find the right button. This is Lisa Coney with Dignity Memorial SCI. I don't know if there's a sense of urgency like there is around some of these other things that have been presented, but given that we are going to be talking about exactly all these kinds of matters at the Rules Workshop on June 6th would definitely be my preference to go through that process first and see if that doesn't add to or take away from this list and then represent it with any new information we gain from that process at the next either workshop opportunity or in-person meeting.

Chair – That would certainly seem to give us time to take up the results of the Rules Committee meeting from June 6th to be able to take it up on June 29th. Mr. Barnhart, you indicated that that is certainly an option. Is that correct?

Mr. Barnhart – Yes sir. That would be fine. If the Board members would like to do that that would be fine.

Mr. Jones – Mr. Chair, this is Mr. Jones. I actually recommend that. As I look at (d) and (e), their proposed rule differs from what the stated rule is and I would like a little more time to look at it and see what comes out of the June 6th meeting. So my recommendation is to do that.

Mr. Barnhart – Mr. Jones, this is Tom Barnhart. Would you mind repeating that. You said (d) and (e) do not track the rule language or are different?

Mr. Jones – No sir. I was just looking at what was being stricken and what was being added, so I'd like a little more time and the opportunity to hear more at the June 6th meeting. I agree with Ms. Coney on that.

Mr. Barnhart – Ok. The reason, Mr. Jones, it doesn't track the same things is that we made an effort to make the rule numbers chronological, to go from the lowest number to the highest number. So that's why you'll see different language that won't match up necessarily with what's being proposed.

Mr. Jones – Yes sir. I understand. I just didn't see it picked up elsewhere, and I may have missed it.

Mr. Barnhart – Ok.

Mr. Jones – And I didn't know if that was important to have the prep room stuff in there, to have the display in this portion, but that was my only comment. I understand what you're doing. Thank you.

Mr. Barnhart – Ok.

Chair – Thank you. I would like to see this taken up then at the June 6th meeting and hopefully be voted on by the Board at the June 29th meeting. Anything else, Mr. Barnhart?

Mr. Barnhart – That concludes my report.

D. SERC Checklist for 69K-30.0021 (Verbal)

Chair – Ok, the SERC Checklist is not applicable then?

Mr. Barnhart – No sir. We'll address that when it comes time to adopt the language that you decide on.

Chair – Thank you.

Ms. Schwantes – Excuse me, Mr. Chair, this is Mary Schwantes.

Chair – Yes, Ms. Schwantes?

Ms. Schwantes – This is really a question for Mr. Barnhart. I think someone mentioned taking up the Noncompliance rules at the June 6th meeting. I don't know if that's possible, so I'm asking you about that. They're not noticed for that meeting. Is that correct?

Mr. Barnhart – Right. I think we're going to have to decide on the 29th about that particular thing. We're going to be discussing a lot of different components of the Disciplinary Guidelines so I imagine it'll come up in conversation no doubt in questions, but if someone wants to make a recommendation that certain rules be added to the Notices of Noncompliance or some taken out then they can make those suggestions and we can make the proposal at the June 29th meeting for a final vote.

Ms. Schwantes – Thank you for that clarification. Mr. Chair, I just needed to make sure that everybody knew that it was not formally noticed.

Chair – Thank you. Any other comments, Mr. Barnhart?

Mr. Barnhart – No sir.

Chair – Thank you. Board members? Good of the cause? Ms. Oliver, thank you for your participation.

Ms. Oliver – Sorry to be late.

Chair – We understand. Was there someone else?

Mr. Jones – This is Mr. Jones. I was going to ask that Ms. Simon send something out on the June 6th Rules meeting. If you'd just send a meeting notice out. I'm out of the office and I don't want to forget about it. So, thank you.

Ms. Simon – Absolutely sir. It was my intent to send it out to the Industry after today's meeting, as well as the Board members.

Chair – Good. If there's anyone else who has an interest in serving on the Rules Committee, would you please contact me. Other than that, have a good day, have a good weekend. We appreciate you.

20. Upcoming Meeting(s)

- A. June 29th (Tallahassee)
- B. July 13th (Teleconference)
- C. August 3rd (Embassy Suites by Hilton Orlando North - Altamonte Springs)
- D. September 7th (Teleconference)
- E. October 5th (DoubleTree by Hilton Tampa Airport Westshore - Tampa)
- F. November 2nd (Teleconference)
- G. December 7th (Tallahassee)

21. Adjournment

The meeting was adjourned at 10:41 a.m.