

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
May 3, 2018 - 10:00 A.M.

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

Mr. Jody Brandenburg, Chair –Welcome to the Board of Funeral, Cemetery, and Consumer Services’ teleconference meeting. It’s May 3, 2018. Ms. Simon, would you please make the preliminary remarks and process the roll call?

Ms. Ellen Simon – Yes sir. My name is Ellen Simon. I’m the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is May 3, 2018, and it is 10:00 A.M. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Service. This meeting is being held by teleconference. Notice of the meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to interested persons. The call-in number was placed on the agenda, and for future reference, the conference ID number has changed. Please continue to look at your subject line to find the conference ID. The Board’s staff present for this meeting are in the Claude Denson Pepper Building, in Tallahassee FL. Ms. LaTonya Bryant 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. Chairman, I will call the roll:

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

Also noted as present:

- Mary Schwantes, Executive Director
- Larry Harris, Board Legal Advisor
- LaTonya Bryant, Department Staff
- Jasmin Richardson, Department Staff
- Nicole Singleton, Department Staff

Ms. Simon – Mr. Chairman there is a quorum for the business of the Board. I’d like to mention that Mr. Jones may need to get off the telephone call at some point during the meeting. Mr. Jones, if you could somehow let us know when you’re getting off the teleconference that would be great.

Mr. Ken Jones – Thank you.

2. Action on the Minutes
A. April 5, 2018

Chair – Thank you, Ms. Simon. Our next item is action on the minutes from the April 5, 2018 meeting. Is there a motion?

MOTION: Mr. Ken Jones moved to accept the minutes of the meeting. Mr. Darrin Williams 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 informational item. Pursuant to s. 497.466, F.S., the applicants have been issued their licenses and appointments as preneed sales agents.

4. **Application(s) for Continuing Education Course Approval**
 - A. **Recommended for Approval without Conditions – Addendum B**
 - (1) *Cremation Association of North America (16008)*
 - (2) *Didasko Communications, LLC. (15808)*
 - (3) *Florida Cemetery, Cremation & Funeral Association (75)*
 - (4) *Independent Funeral Directors of Florida Inc. (135)*
 - (5) *International Order of the Golden Rule (2201)*
 - (6) *Kates-Boylston Publications (29810)*
 - (7) *National Funeral Directors Association (136)*

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the courses presented have been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of the applications for the number of hours indicated.

MOTION: Mr. Lew Hall moved to approve the applications. Mr. Keenan Knopke 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) *Tony Bennett, Esq. (31208)*

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the entity(s) listed has been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of the application(s) to become a CE provider.

MOTION: Ms. Jean Anderson moved to approve the application. Mr. Hall 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) *Gibbs, Jeffrey D*
 - (b) *Moore, Mandy T*
 - (2) **Funeral Director and Embalmer – by Endorsement**
 - (a) *Gee, Corey S*
 - (b) *Penkala, David*
 - (c) *Perkins, Beth M*
 - (3) **Funeral Director and Embalmer – by Internship and Exam**
 - (a) *Betancourt, Carla P*
 - (b) *Dixon, Stephanie J*
 - (c) *Dobbs, Brandon J*
 - (d) *Eristhenes, Sophonie*
 - (d) *Fontil, Raymonde*
 - (f) *Hill, Jocelyn L*
 - (g) *Santilli, Cassandra*
 - (h) *Smith, Erica S*
 - (i) *Wright, Marcus L*

Ms. Simon – This is an informational item. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved the application(s).

7. **Application(s) for Internship**
 - A. **Informational Item (Licenses Issued without Conditions) – Addendum E**

- (1) *Funeral Director and Embalmer*
- (a) *Dove, James S F250672*

Ms. Simon – This is an informational item. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved the application(s).

- 8. **Application(s) for Embalmer Apprentice**
 - A. *Informational Item (Licenses Issued without Conditions) – Addendum F*
 - (1) *Daniels, James R F251464*
 - (2) *Miller, William B F252335*
 - (3) *Smith, William S F251924*
 - (4) *Weeks, Abigail F256861*
 - (5) *White, Chelsey N F256845*
 - (6) *Wilson, Adrian O F258166*

Ms. Simon – This is an informational item. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved the application(s).

- 9. **Application(s) for Registration as a Training Facility**
 - A. *Informational Item (Licenses Issued without Conditions) – Addendum G*
 - (1) *Legacy Funeral Holdings of Florida LLC d/b/a Rose Lawn Funeral Home (F133612) (Gulf Breeze)*
 - (2) *Northstar Funeral Services of Florida LLC d/b/a Boza & Roel Funeral Home (F080433) (Tampa)*
 - (3) *Northstar Funeral Services of Florida LLC d/b/a Moss-Feaster Funeral Homes & Cremation Services (F080439) (Clearwater)*

Ms. Simon – This is an informational item. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved the application(s).

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

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

MOTION: Mr. Hall moved to approve all the claim(s), for the monetary amounts indicated. Mr. Andrew Clark seconded the motion, which passed unanimously.

- 11. **Application(s) for Direct Disposal Establishment**
 - A. *Recommended for Approval without Conditions*
 - (1) *Going Home Cremation Services Inc. (Tierra Verde)*

Ms. Simon – An application for a Direct Disposal Establishment was received on February 6, 2018. The application was incomplete when submitted. All deficient items were returned on February 26, 2018. The Funeral Director in Charge will be Rick Wumkes (F044966). A background check of the principals revealed no relevant criminal history. The establishment passed its inspection on April 2, 2018. The Division recommends approval without conditions.

Mr. Knopke – Mr. Chairman? This is Mr. Knopke.

Chair – Yes, Mr. Knopke?

Mr. Knopke – I would like to recuse myself from any discussion on this application.

Chair – Thank you.

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

12. Application(s) for Funeral Establishment

- A. Recommended for Approval without Conditions**
 - (1) James C Boyd Funeral Home and Cremations Inc. (Plant City)**

Ms. Simon – An application for a Funeral Establishment was received on March 23, 2018. The application was complete when submitted. The Funeral Director in Charge will be Willie Mosley (F043939). A background check of the principals revealed no criminal history. The establishment passed its inspection on April 6, 2018. The Division recommends approval without conditions.

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

13. Application(s) for Monument Establishment Sales Agent License

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

Ms. Simon – This item is informational only. Pursuant to s. 497.554(3)(a), F.S., the applicants have already been issued licensure as monument establishment sales agents.

14. Application(s) for Preneed Main License

- A. Recommended for Approval without Conditions**
 - (1) Evans Funeral Home LLC (Quincy)**

Ms. Simon – The Department received the application on December 28, 2017, and all deficient items were completed as of March 28, 2018. The principal and sole owner of the limited liability company is Lee V. Evans, and a completed background check was returned to the Division without relevant criminal history. Applicant’s qualifying funeral establishment license (License #F080150) located at the above address was first obtained as of August 2014, but due to a change from a sole proprietorship to an LLC, Applicant then applied for a new funeral establishment license based upon a change of ownership, which was approved at the April 5, 2018 Board meeting. If this application for preneed license is approved, Applicant will sell trust-funded preneed through Funeral Services Inc. (Live Oak Banking Company), and utilize its approved pre-arranged funeral agreement form(s). The Division recommends approval without conditions.

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

15. Application(s) for Preneed Branch License

- A. Recommended for Approval without Conditions – Addendum J**

Ms. Simon – The applications were complete without reportable criminal or disciplinary history. It appears that the applicants qualify for branch licensure and the Division recommends approval of the preneed branch licenses.

MOTION: Mr. Knopke moved to approve the applications. Mr. Jones seconded the motion, which passed unanimously.

16. Application(s) Removal Facility

- A. Recommended for Approval with Conditions**
 - (1) Brasota Mortuary Transfer Inc. (Sarasota)**

Ms. Simon – An application for a Removal Service was received on April 6, 2018. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The Division is recommending approval with the condition that the removal facility passes an onsite inspection by a member of Division Staff.

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

- (2) Florida Mortuary and Transportation Service LLC (Winter Springs)**

Ms. Simon – An application for a Removal Service was received on March 7, 2018. The application was incomplete when submitted. All deficient items were returned on April 3, 2018. A background check of the principals revealed no relevant criminal history. The Division is recommending approval with the condition that the removal facility passes an onsite inspection by a member of Division Staff.

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

(3) *Floyd Transport Services LLC (Jacksonville)*

Ms. Simon – An application for a Removal Service was received on February 19, 2018. The application was incomplete when submitted. All deficient items were returned on March 29, 2018. A background check of the principals revealed no relevant criminal history. The Division is recommending approval with the condition that the removal facility passes an onsite inspection by a member of Division Staff.

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

(4) *Miami-Dade Body Removal Services LLC (Homestead)*

Ms. Simon – An application for a Removal Service was received on April 2, 2018. The application was incomplete when submitted. All deficient items were returned on April 19, 2018. A background check of the principals revealed no relevant criminal history. The Division is recommending approval with the condition that the removal facility passes an onsite inspection by a member of Division Staff.

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

(5) *Tri-County Removal Service LLC (Lauderhill)*

Ms. Simon – An application for a Removal Service was received on April 4, 2018. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The Division is recommending approval with the condition that the removal facility passes an onsite inspection by a member of Division Staff.

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

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

Ms. Simon – At this point, I will turn it over to the Executive Director, Ms. Mary Schwantes.

Ms. Mary Schwantes – Thank you. I just have a few brief updates for the Board today. I know that Board members and industry members have been very familiar with a lot of our staff. A lot of Division staff have been here for a long time. We had some recent changes in staffing and responsibilities that I want to bring to your attention, mostly for your information. Christine Moore, who primarily handled preneed reconciliation and Consumer Protection Trust Fund claims, left the Division in February. As a result, we did some reshuffling of responsibilities among Division positions here in Tallahassee.

Lashonda Morris, a Financial Specialist with our Division, is now responsible for processing the preneed sales agent applications; handling preneed remittance issues; and reviewing contracts, bonds, and trust agreements for compliance with statutory requirements. She has been instrumental in the development of the online preneed remittance system, which we currently plan to roll out later this summer.

Jasmin Richardson, who for many years has primarily handled individual licensing issues (such as funeral directors, funeral establishments, etc.), has been promoted to a Financial Specialist and is now responsible for processing the Consumer

Protection Trust Fund claims and for processing monument, cemetery, broker burial rights, preneed main and preneed branch licenses.

I want to again congratulate both LaShonda and Jasmin on their new positions and responsibilities. The position which Jasmin Richardson held, as a Financial Examiner Analyst II, is in the process of being advertised, along with 2 currently vacant examiner positions. We hope to be able to introduce you to new employees over the next few months. In the interim, LaShonda and Jasmin will continue to perform the licensing responsibilities of all 3 positions here in Tallahassee. Again, I want to congratulate them and thank them for their hard work.

Rule issues:

We have provided supplemental materials on projected rulemaking over the next year and a half. I don't want to go into great detail on these matters. It's all set out in the materials, which are pretty self-explanatory. The new Military and Veterans' Affairs Law, which becomes effective July 1, 2018, will necessitate changes to approximately 34 rules or forms. These rules will be presented to the Board at the June meeting to be opened for the rulemaking process. You will see from the supplemental materials that there are a number of rules (at least 68 in all) and forms that will require changes over the next year, and may require review/input from the Board's Rules Committee and Continuing Education Committee. At this point, we just wanted to bring the projected rulemaking to the Board's attention and consideration, particularly as to the anticipated need for Committee involvement. Are there any questions about the projected rulemaking or the supplemental material?

Disciplinary Guidelines – brief update:

The proposed changes to the Disciplinary Guidelines, as approved by the Board at its April meeting, have been provided to OFARR. The next step will be providing them to JAPC. As always, if there are any questions regarding these or any rulemaking issues, please contact Ellen Simon, Tom Barnhart, or me.

Updated on funding for necessary replacement/upgrades of Division IT systems:

As mentioned before, the \$1.2 million appropriation requires a lot of work on the Department's part before the funds will actually be paid for our use. We are continuing to work on completing the required preliminary reports just to obtain the funds. A lot of staffing time, both from our Division and from the Office of Information Technology, is being spent on these issues. So, more information to follow over the next several months.

The next Board meeting will be in person in conjunction with the IFDF Conference at the Saddlebrook Resort on Thursday, June 7th. I want to remind everyone that this meeting will take place in the afternoon on that day, which is of course a different meeting time than most are used to for the Board meetings. That ends the Operation Report. Thank you, Mr. Chair.

Chair – Thank you. Ms. Simon, is there action needed from the Board on anything that was just discussed?

Ms. Simon – That was just discussed? No. However, the next item on the agenda is the Rulemaking Cleanup Project. May I continue with that, Mr. Chairman?

Chair – Yes.

B. Rulemaking Cleanup Project (Action)

- (1) 69K-5.0016***
- (2) 69K-7.009***
- (3) 69K-7.010***
- (4) 69K-7.011***
- (5) 69K-7.012***
- (6) 69K-7.013***
- (7) 69K-10.003***
- (8) Form DFS-C-1***
- (9) Form DFS-C-3***
- (10) Form DFS-N1-2179***
- (11) 69K-7.0095***

Ms. Simon – Board members, as you know, the Department has taken the opportunity, over the last several years, to review various rule chapters. After digesting the fact that s. 497.461, F.S. was repealed, further review of Rule Chapter 69K, F.A.C. was required to determine what, if any impact this repeal had on our rules. As a result, in your Board package, you have several rules that require amendments, including one for repeal. This set of rules includes the ones initially placed on the agenda, as well as additional rules forwarded to you in a supplement. The basis for the proposed amendments is included within your Board memo. Generally speaking, references to a letter of credit, as well as references to s. 497.461, F.S., were removed. Additionally, archaic language no longer in effect was removed, such as the requirement that \$5 be remitted to the Consumer Protection Trust Fund every time a contract is sold that is funded by a surety bond.

The changes to s. 497.458(1)(k), F.S., required the Division to institute rulemaking in order to implement the required provisions. Toward that end, both proposed Rule 69K-7.0095 and proposed Form DFS-N1-2179 serve to implement this statute.

I have received many calls over the last several months asking how to report the new required data in s. 497.458(1)(k), F.S. The calls have been both questioning the format and the data that was supposed to be provided by April 1st. These proposals are designed to respond to those requests for next year's process, and to streamline the process.

I'd like to remind those on the call that you should mute your phones so that we do not hear your conversations.

Chair – To the person who's having a conversation, we can hear your conversation. Please mute your phone. I'm sorry, Ms. Simon. Please go right ahead.

Ms. Simon – At this point it would be appropriate for the Board to entertain a motion to open Rules 69K-5.0016, 69K-7.009, 69K-7.010, 69K-7.011, 69K-7.012, 69K-7.013, and 69K-10.003; as well as Forms DFS-C-1 and DFS-C-3 for rule development.

Chair – Is there a motion to that effect?

MOTION: Mr. Knopke moved to open Rules 69K-5.0016, 69K-7.009, 69K-7.010, 69K-7.011, 69K-7.012, 69K-7.013, and 69K-10.003; as well as Forms DFS-C-1 and DFS-C-3 for rule development. Mr. Williams seconded the motion, which passed unanimously.

Ms. Simon – It is now time to determine if the Board is in support of the proposed language provided in your Board package, as well as that set forth in the supplement to the Board package. If discussion is desired, now would be the appropriate time. If no discussion is required, it would be appropriate at this time for the Board to entertain a motion to approve the proposed language in the aforementioned rules and forms, approve the repeal of Rule 69K-7.011, F.A.C., and permit rulemaking in accordance with Chapter 120, F.S.

Chair – Is there a motion to that effect?

MOTION: Mr. Hall moved to approve the proposed language in the aforementioned rules and forms, approve the repeal of Rule 69K-7.011, F.A.C., and permit rulemaking in accordance with Chapter 120, F.S. Mr. Helm seconded the motion, which passed unanimously.

Ms. Simon – As to proposed Rule 69K-7.0095, F.A.C. and proposed Form DFS-N1-2179...

Mr. Larry Harris – I'm sorry, Ms. Simon. This is Larry Harris, your Board counsel. Before you went on to that, did you want to address the SERC questions for the rules the Board has proposed language on already?

Ms. Simon – I thought we would address that at the end.

Mr. Harris – Okay.

Ms. Simon – Again, as to proposed Rule 69K-7.0095, F.A.C. and proposed Form DFS-N1-2179, now would be the appropriate time for discussion. If no discussion is necessary, it would be appropriate at this time for the Board to entertain a motion to approve opening up this matter up for rule development. In so doing, further rulemaking still must be conducted and notice to the public, and the industry, will be published. The industry would have further time to be heard during this process. To be more specific, it is Rule 69K-7.0095, F.A.C.

Chair – Any discussion? No discussion. Is there a motion?

MOTION: Mr. Knopke moved to approve opening up this matter up for rule development. Mr. Hall seconded the motion, which passed unanimously.

Ms. Simon – It would now be an appropriate time for the Board to entertain a motion to accept the proposed language that was provided within your Board package for Rule 69K-7.0095, F.A.C. and proposed Form DFS-N1-2179.

Mr. Harris – Mr. Chair, this is Larry Harris. I just want to tell you I have some concerns with some of the language. I'm not sure how strongly JAPC will object to it. I'd be more than happy to point that out if you care to, but there's two (2) sections in the rule that I think are going to potential draw comments from the JAPC staff attorney regarding the Board's proposed language.

Chair – Thank you. Mr. Harris, did you have a recommendation to change that language?

Mr. Harris – I've spoken a little bit with Ms. Simon about this. The first concern I have is, it's in the middle of the paragraph, the language says, "The trustee may submit the annual financial reporting in another format that will be acceptable to the Division..."

Ms. Simon – Mr. Harris, I believe that in the supplement that I sent out later that language had changed. Is that the supplement that you have in front of you?

Mr. Harris – The original language, and Ms. Simon and I talked about it, I thought it was more concerning. She has remedied part of the concern and it may be able to get through as it is. I think that the issue is, as a general rule, the Committee (JAPC) is concerned about, well they like to have guidelines and rules so that the licensees know what's subject to. And when you say "that will be acceptable to the Division" there's really no standard there for what that means. Ms. Simon and I, when we talked about it, we know what we mean by this. The staff are concerned. They want to create as much flexibility for the industry as they can. They don't want to lock the industry [inaudible]. They want to try to allow alternative submissions that will meet the needs of the statute without burdensome regulation. My just concern is that that little language right there, "that will be acceptable to the Division," could draw some concern from the Committee because there's no standard for what that means. That's the first concern that I have. I don't know how to fix that and I don't have language for you right now. The second concern is...

Chair – Let's take your first concern. Ms. Simon, is there alternative language or do you recommend we stay with the language?

Ms. Simon – Mr. Chairman, I've spoken with other counsel within the Department regarding this, and I would suggest that you remain with the language that is currently in front of you. As I said, this information will be open for rule development, and the public, as well as the industry, will have the opportunity to comment and if JAPC chooses to send it back, then we can review it at that time.

Chair – Thank you very much. Your next concern, Mr. Harris?

Mr. Harris – I think this is simple wording change. Towards the end, the last sentence says "Additionally, in lieu of providing disbursement information as set forth in 497.458, F.S., the preneed licensee and any entity which served as trustee for the preneed licensee's preneed trust in a calendar year, must retain for a period of five years a trustee report..." I think the intent there was to say instead of providing that disbursement information as part of the required report, they have to file the report every year, but they don't have to include that disbursement information as an attachment to it. I think that was the intent.

I'm certain that the staff isn't intending to say, because the report is required, they have to file this annual report, I'm thinking the intent here was to just say, you still have to file your annual report either according to the form or in a manner acceptable to the Department or the Division, but you don't have to attach all of the disbursement information to it, as long as you maintain that for five years. That would be fine, but I think we need to say that and include some language that basically says, "in lieu of providing disbursement information as part of the annual report, the preneed licensee may retain it" and I think that would fix that concern, because right now it appears to say they don't have to provide it at all and doesn't seem to comport with the statute. Ms. Simon, am I misunderstanding what we are trying to do here?

Ms. Simon – No, that would be a fine amendment to what the proposed language is to the Board.

Mr. Harris – So I'm just suggesting that in that sort of third sentence down, the language would say, Additionally, in lieu of providing disbursement information as set forth in 497.458, F.S., as part of the annual report, the preneed licensee and any entity..." So we would just be inserting that language, "as part of the annual report," following the statutory reference, and I think that solves that concern right there.

Chair – Thank you. For reference purposes, for the Board members, Mr. Harris can you give us the page on that from our electronic report, or Ms. Simon can you give us a page.

Ms. Simon – That was on Page 26 of the supplement, Board members.

Chair – Page 26 of 29?

Ms. Simon – Yes sir.

Chair – I do see Rule 69K-7.0095, F.A.C. Ms. Simon, are you comfortable with that change?

Ms. Simon – Yes, I'm comfortable with that change. Again, it would be a good time for the Board to entertain a motion, with that change, to accept the proposed language for Rule 69K-7.0095, F.A.C. and proposed Form DFS-N1-2179.

MOTION: The Chair moved to accept the proposed language for Rule 69K-7.0095, F.A.C. and proposed Form DFS-N1-2179, with the additional change. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you, Ms. Simon. Thank you, Mr. Harris.

Ms. Simon – Thank you, Mr. Chairman. At this point I will turn the matter over to Board Counsel. He will be asking you questions to determine if a Statement of Estimated Regulatory Costs is required.

Mr. Harris – Thank you, Board members. With your permission, Mr. Chairman, I'd like to do it in two parts since we talked about the rules in two parts. For the first group of rules, which are the amendment and cleanup and then the repeal 7.011, you're required to consider four questions. Two of them are interrelated. The first two questions are whether any of the language shown in your material that you proposed, would constitute an adverse impact on small business or would any of those amendments or repeals increase regulatory costs to any entity, including the government, in excess of \$200,000 within one year? If there's either an adverse impact or an increase in cost in excess of \$200,000, you're required to have a Statement of Estimated Regulatory Costs prepared before you can proceed.

Chair – My reply to question one and question two would be No.

Mr. Harris – Okay, Mr. Chair, and we'll need a vote on all of these questions from the full Board. The third question is whether there would be an increase in regulatory costs in excess of \$1 million within five years of the last portion of the rule to be implemented? If the answer to that question is yes, you're required to submit that rule to the Legislature for ratification.

Chair – I would again say no.

Mr. Harris – The final question is somewhat new. You’re required to consider whether a violation of any of the rules that you’re proposing to amend could be resolved through the issuance of a notice of noncompliance. That is whether you could designate violations as a minor violation, which instead of discipline could be resolved by the Division through the issuance of a notice of noncompliance. It doesn’t have to be the entire rule, it can be any part. I have looked through this, and I’ll let your staff speak, but I didn’t see anything that I thought was really disciplinary in these. If it is disciplinary, failure to submit a report, that would be a major violation, I think. That’s not some minor thing that they would get just to fix it, but that’s just my opinion. Your staff and you as Board members and certainly industry might have a different view of the importance of these rules.

Chair – My suggested response to that is also No. Now that you’ve given us all the issues on that, would it be appropriate for the Board to move and vote on this?

Mr. Harris – Yes sir.

Chair – Is there a motion?

Mr. Helm – What kind of motion do we need to make?

Mr. Harris – Mr. Chair, the motion I’d be looking for would be to find that none of the proposed rule amendments require the preparation of a SERC in that they do not have an adverse impact on small business; nor do they increase regulatory costs in excess of \$200k to any entity; that none of the proposed rule amendments will have an increase in cost in excess of \$1 million within five years and therefore legislative ratification is not needed; and finally that there’s no rule within those amendments that a violation of could be resolved through an issuance of a notice of noncompliance and therefore they would not be designated as minor violations.

MOTION: Mr. Helm moved to find that none of the proposed rule amendments require the preparation of a SERC. Mr. Hall seconded the motion, which passed unanimously.

Chair – Anything else, Mr. Harris?

Mr. Harris – The same questions for the new Rule 7.0095 and the incorporated new form. You’ve heard the questions

Chair – Can we waive the reading of that again and go directly to a motion?

Mr. Harris -Yes sir.

Chair – Okay. As before, is there a motion?

MOTION: Mr. Helm moved to find that none of the proposed rule amendments require the preparation of a SERC.

Ms. Simon – If I may, that would be a motion for the same language that your Board counsel mentioned on the previous rules, Mr. Helm?

Mr. Helm – Yes, ma’am.

Ms. Simon – Thank you.

Chair – Is there a second? I’ll second that motion from Mr. Helm. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? That motion carries.

Ms. Simon – Thank you, Board members. That ends the item associated with the Rulemaking Cleanup.

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

Ms. Simon – This item is informational only. Are there any questions?

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 May 3, 2018 Board Meeting
 Date of Report: April 19, 2018

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Marquis R. Turner	5-Apr-18	214752-17-FC	\$1,000	C	C	
Emmanuel Funeral Homes, Inc.	5-Apr-18	197151-16-FC; 219751-18-FC	\$5,500	C	C	
Fritz Duvigneaud	5-Apr-18	219770-18-FC	\$2,500	C	C	
Dianne McCloud	5-Apr-18	198420-16-FC	\$1,500	C	C	
Emmanuel Funeral Home	1-Feb-17	204697-17-FC	\$28,000	12-Mar-18	Paid in Full	
Marcel's Cremations Inc.	1-Feb-17	198424-16-FC	\$1,500	10-Mar-18	Paid in Full	
Donald Peter Koma	Dec-17	201961-17-FC; 169273-15-FC	\$1,500	3-Feb-18	Paid in Full	
Abbey Affordable Cremation & Funeral Services	Dec-17	203837-17-FC; 201957-17-FC	\$1,500	3-Feb-18	Paid in Full	
Jeannette Royal	Jun-16	164613-14-FC	\$5,000	12-Jan-16	Note A	Based upon a failure to pay the assessed administrative fine, an Emergency Order of Suspension was issued on March 9, 2018
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 – I just want to thank Board members for their attentiveness and thank you for your participation in this. I look forward to being with you on June 7th.

Ms. Simon – Thank you, Mr. Chairman.

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

A. Rules Report

Ms. Simon – The Rules Report has been submitted along with your Board package. Mr. Harris, do you have anything additional to add?

Mr. Harris – I don't. If you have any questions about the status of these rules, I'd be happy to answer them. Otherwise, the report shows you where they are in process.

**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES RULES REPORT
MAY 2018**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-30.001	Disciplinary Guidelines and Penalties for Funeral Directors and Establishments, Embalmers, Removal Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities	04/05/2018	03/24/2017 (RD)	04/14/2017 Vol. 43/73	04/16/2018 – Vol. 44/74	Anticipated 05/14/2018	
69K-30.0021	Minor Violations and Notice of Noncompliance for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities		03/24/2017 (RD)	04/14/2017			
69K-30.003	Citations for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities (30.003)		03/24/2017 (RD)	04/14/2017			
69K-21.003	Inspection Criteria (Funeral Establishments).	09/07/2017	05/13/2017 (RD) 09/18/2017 (RN)	05/23/2017	09/26/2017 – Vol. 43/186	11/7/2017	11/27/2017
69K-33.001	Requirements Regarding Handling and Storing of Human Remains	10/05/2017	09/07/2017 (RD)	09/19/2017	10/18/2017 – Vol. 43/202	11/16/2017	12/6/2017

20. Upcoming Meeting(s)

- A. June 7th (Saddlebrook Golf Resort – Wesley Chapel/Tampa)
- B. July 12th (Teleconference)
- C. August 2nd (Betty Easley Conference Center, 4075 Esplanade Way, Room 166 – Tallahassee)
- D. September 6th (Teleconference)
- E. October 4th (Miami-Dade College North Campus, Building 3 – Miami)
- F. November 1st (Teleconference)
- G. December 6th (Embassy Suites by Hilton Jacksonville Baymeadows – Jacksonville)

21. Adjournment

Chair – Thank you. I’d like to recognize that we miss Mr. Barnhart and I know that he’ll be back with us shortly. Mr. Harris, thank you for helping us today.

Mr. Harris – You’re more than welcome, sir.

Chair – Any comments from Board members?

The meeting was adjourned at 10:43 a.m.