

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
September 6, 2018 - 10:00 A.M.
(850) 413-1558 – Conference ID: 5858900
Department of Financial Services
111 W Madison St, Pepper Bldg. #320
Tallahassee FL 32399

THIS MEETING IS OPEN TO THE PUBLIC

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 September 6, 2018. I want to call this meeting to order, and Ms. Simon, will you please make your preliminary remarks and do the roll call?

Ms. Ellen Simon – Yes, Mr. Chairman. My name is Ellen Simon. I am Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, September 6, 2018 and it is approximately 10:00, a.m. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held, by teleconference, and notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to all interested persons. The call-in number was placed on the agenda. The Board 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’s Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. At this time, I will take 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
Tom Barnhart, Board Legal Advisor
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Nicole Singleton, Department Staff
Larry Holsey, Department Staff

Ms. Simon – With those present, Mr. Chairman, we have a quorum for the meeting.

Chair – Thank you.

2. Action on the Minutes

A. August 2, 2018

Chair –The first item on the agenda is action on the minutes of the August 2, 2018, meeting.

MOTION: Mr. Ken Jones moved to adopt the minutes of the meeting. Mr. Lew Hall 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 item is informational only. 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) *Elite CME, Inc. (113)*
(2) *Florida Cemetery, Cremation & Funeral Association (75)*
(3) *Funeral Service Academy (23408)*
(4) *Ged Lawyers, LLP (17408)*
(5) *International Cemetery, Cremation, and Funeral Association (22808)*
(6) *International Order of the Golden Rule (2201)*
(7) *National Funeral Directors Association (136)*
(8) *Selected Independent Funeral Homes (137)*

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. Hall moved to approve the applications. Ms. Jean Anderson seconded the motion, which passed unanimously.

5. Application(s) for Florida Law and Rules Examination
A. Informational Item (Licenses Issued without Conditions) – Addendum C
(1) *Direct Disposer*
(a) *Estes, Karen*
(b) *Jennings, Sally E*
(c) *Oglesby, Eugene*
(d) *Purcell, Mary E*
(2) *Funeral Director (Internship and Exam)*
(a) *Deneault, Tabitha*
(b) *Loyless, Brittini S*
(c) *Weimer, Daniel V*
(3) *Funeral Director and Embalmer (Endorsement)*
(a) *Corley, Martin R*
(4) *Funeral Director and Embalmer (Internship and Exam)*
(a) *Greene, Deborah S*
(b) *Stanton, Peyton M*

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

6. Application(s) for Internship
A. Informational Item (Licenses Issued without Conditions) – Addendum D
(1) *Funeral Director*
(a) *Centeno-Bermudez, Claudia F188653*
(b) *Weeks, Abigail F256861*
(2) *Funeral Director and Embalmer*
(a) *Brown, Yumma M F126272*

- (b) *Gralton, Tracy L F295679*
- (c) *Johnson, Alexandria M F301566*
- (d) *Leon, Janelle D F301031*
- (e) *White, Samuel J F295680*

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

- 7. **Application(s) for Embalmer Apprentice**
 - A. **Informational Item (Licenses Issued without Conditions) – Addendum E**
 - (1) *Bex, Wende L F079270*
 - (2) *Fisher, Benjamin R F298054*
 - (3) *Schmidt, Tricia K F066515*
 - (4) *Skinner, Akeem M.A. F298096*
 - (5) *Walters, Brady W F298075*
 - (6) *Zanders, Anthony L F301030*

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

- 8. **Application(s) for Registration as a Training Facility**
 - A. **Informational Item (Licenses Issued without Conditions) – Addendum F**
 - (1) *Gracefully Southern LLC d/b/a Roberts of Ocala Funerals and Cremations (F211908) (Ocala)*

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

- 9. **Notification(s) of Change in Location**
 - A. **Informational Item – Addendum G**
 - (1) *All Veterans – All Families Cremations LLC (F211224) (Englewood)*
 - (2) *Gallaher Services Inc. d/b/a Mortuary Services of Florida (F090427) (Port Charlotte)*

Ms. Simon – This item is informational only. Pursuant to ss. 497.380(12)(b), 497.604(7), 497.606(7), F. S., the establishments have applied for approval of a change of location of their businesses. The Board has requested to be notified of these changes in location. Accordingly, the addendum has been provided. No approval by the Board is necessary.

- 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. Keenan Knopke 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 Cinerator Facility**
 - A. **Recommended for Approval with Conditions**
 - (1) *Jones – Gallagher Funeral Home LLC (Starke)*

Ms. Simon – An application for a Cinerator Facility was received on July 31, 2018. The application was complete when submitted. The Funeral Director in Charge will be Joseph Gallagher (F042086). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

12. Application(s) for Funeral Establishment

A. Recommended for Approval *with* Conditions

(1) *JT Campbell Funeral Home and Cremation Services Macedonia Chapel LLC (Brooksville)*

Ms. Simon – An application for a Funeral Establishment was received on August 10, 2018. The application was complete when submitted. The Funeral Director in Charge will be Albert Morrison (F046635). A background check of the principals revealed no relevant criminal history. The Division recommends 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. Hall seconded the motion, which passed unanimously.

(2) *Shuler & Pender Funeral Service Inc. d/b/a Shuler's Memorial Chapel (West Palm Beach)*

Ms. Simon – An application for a Funeral Establishment license, due to a change of ownership, was received by the Division on August 1, 2018. The application was incomplete when received. All deficient information was received on August 10, 2018. The Funeral Director in Charge will be Evaughan Lane (F062031). A background check of the principals revealed no relevant criminal history. This funeral establishment is the qualifying entity for a preneed license. The preneed license number is F047891. In the August 9, 2018 letter submitted by the applicant, the new owner stated the new establishment will fulfill any preneed contracts that are outstanding by the current licensee.

The Division recommends 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 executed 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 the establishment passes an onsite inspection by a member of Division Staff.

Ms. Simon – I'm not sure if Mr. Pender is on the call? Excuse me, Mr. Chairman. I just wanted to check.

Chair – Thank you.

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

(3) *Stone's Memorial Parlor Corp (Tampa)*

Ms. Simon – An application for a Funeral Establishment was received on July 3, 2018. The application was incomplete when submitted. All deficient information was returned on July 19, 2018. The Funeral Director in Charge will be Tony Anderson (F046410). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

(4) TR Dallas Funeral and Cremation Services LLC (Clearwater)

Ms. Simon – An application for a Funeral Establishment license, due to a change of ownership, was received by the Division on July 1, 2018. The application was incomplete when received. All deficient information was received on July 24, 2018. The Funeral Director in Charge will be Theodore Dallas III (F045327). A background check of the principals revealed no relevant criminal history. This funeral establishment is not the qualifying entity for a preneed license.

The Division recommends 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 executed 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 the establishment passes an onsite inspection by a member of Division Staff.

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

B. Recommended for Approval without Conditions
(1) Phillip & Wiley Mortuary Inc. (Melrose)

Ms. Simon – An application for a Funeral Establishment was received on July 27, 2018. The application was complete when submitted. The Funeral Director in Charge will be Jane Roy (F079281). A background check of the principals revealed no relevant criminal history. The establishment passed its inspection on August 16, 2018. The Division is recommending approval without conditions.

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

13. Application(s) for Removal Facility
A. Recommended for Approval without Conditions
(1) Capital Transport Services LLC (Tallahassee)

Ms. Simon – An application for a Removal Service was received on July 27, 2018. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The removal service passed its inspection on August 20, 2018. The Division is recommending approval without conditions.

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

14. Contract(s) or Other Related Form(s)
A. Recommended for Approval with Conditions
(1) Request for Trust Transfer
(a) Boynton Memorial Chapel LTD (F019300) (Boynton Bch)

Ms. Simon – Boynton Memorial Chapel, Ltd (Boynton), through its Attorney, seeks approval of two (2) trust agreements and a request to transfer trust accounts, all as more specifically set forth in Attorney's correspondence dated July 10, 2018. Boynton seeks approval of the following:

Attachment 1 hereto is an alternative funeral trust agreement, entitled “*Boynton Memorial Chapel Trust Agreement*” and preneed trust agreement, entitled, “*Boynton Memorial Chapel Alternative Trust Agreement*”.

Attachment 2 hereto is a request for transfer by Boynton for transfer all its 70/30 and 90/10 preneed trust funds to the correct accounts currently held by SunTrust Bank, NA, as explained in Attorney’s letter dated July 10, 2018.

If approved, all the preneed accounts will operate under the above proposed trust agreements, also presented for approval at this Board meeting, entitled “*Boynton Memorial Chapel Trust Agreement*” and “*Boynton Memorial Chapel Alternative Trust Agreement*”. The Division recommends approval of the trust agreement documents and approval of Licensee’s request for trust transfer subject to the following conditions:

- 1) That the representations of Boynton, through its Attorney, as set forth in Attorney's correspondence dated July 10, 2018, be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting SunTrust provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.458 (1) (a), and s. 497.464 (2), to act as trustee of the trust to be transferred pursuant to Attorney’s letter dated July 10, 2018.
 - A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified under Exhibit C, **Attachment 2**, as referenced in Attorney’s letter dated July 10, 2018 (**Exhibit A, hereto**).
 - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified under Exhibit C, **Attachment 2**, as referenced in Attorney’s letter dated July 10, 2018 (**Exhibit A, hereto**).
- 3) That the Board's executive director, for good cause shown, may extend the compliance timeframe for the above specified conditions, an additional 90 days.
- 4) That fully executed copies of the trust documents as identified above be provided to the Division within 60 days of this Board meeting.

Ms. Wendy Wiener – Mr. Chairman, this is Wendy Wiener. I represent Boynton Memorial Chapel. I just wanted to provide a little bit of clarifying information regarding this request, if I might be heard.

Chair – Please, go right ahead.

Ms. Wiener – Thank you. This transfer came about as the result of trust examinations conducted by the Division over the last eighteen (18) months or so, I would say. As a result of those trust examinations, the licensee began to utilize the services of Funeral Services Inc. (FSI), primarily and originally to prepare a reconciliation of the trust accounts, to ensure that the trusts were properly funded, as to liabilities, and to determine if the trusts were underfunded or overfunded. That process has concluded or is nearing final conclusion and the reconciliation revealed that there were funds in accounts for which the wrong trust agreement was governing those accounts. Apparently the recordkeeping, from prior to Mr. Normet’s acquisition until sometime after his acquisition, had in some ways been insufficient and some of the trust agreements themselves didn’t really even specify whether they were 90/10 trusts or 70/30 trusts; and so FSI has reconciled all of the contracts pursuant to the contract language, the date on which the contracts were written and taking into account any of the requirements that have been imposed on the licensee to trust at 100%, in order to renew his preneed license, over the course of years, no funds will be withdrawn from trust, as a result of this reconciliation and transfer. Rather, the correct funds will now be in accounts governed by statutorily correct trust agreements. And I’m happy to answer any other questions that you have.

Chair – Any questions of Ms. Wiener?

Mr. Knopke – Mr. Chairman? Mr. Knopke.

Chair – Yes, Mr. Knopke?

Mr. Knopke – Ms. Wiener, you said no cash will be removed from the funds, even if it is determined to be excess cash?

Ms. Wiener – That is correct. Mr. Knopke, the way the process was undertaken by FSI, as I mentioned, FSI reviewed all of the different types of preneed contracts that were written by the licensee originally and also prior to licensee’s ownership of some of the accounts; determined the trust liability for those accounts based on the statutory type, the trust requirements at the time and then later on in years, based on the 100% trusting obligation. Then, it took into account all of the funds that were held in the eleven (11) various trust accounts. Corrected the trust liability on each of the contracts and then all remaining funds, which are likely the result of growth over the years, or perhaps inadequate record keeping over years, all of those funds will remain in trust, as earnings on the various accounts. They will be restricted. They will be pushed down to each individual account, each individual contract, so that no funds will be withdrawn from trust, except as contracts are fulfilled, canceled, or defaulted.

Mr. Knopke – Okay. Just a follow up. If there was a shortage, would the shortage be made up?

Ms. Wiener – It would have been. The reconciliation of the accounts showed that there was no shortage as to trust liability. I am told, by the lead programmer and lead IT person for FSI, that he communicated rather extensively with Chris McMurray, who tested the data and who did sampling of the data, and I believe that that is a conclusion that is at least between those people agreed upon at this time.

Mr. Knopke – Thank you. No other questions.

Chair – Thank you. Anyone else? Thank you, Ms. Wiener. Board?

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

15. Executive Director’s Report
A. Operational Report (Verbal)

Ms. Simon – At this point, I will turn the meeting over to our Division Director, Ms. Mary Schwantes, for the Operational Report.

Ms. Schwantes – Thank you very much. The first update I want to give you regards the public workshops. By now, I’m sure you all have received or otherwise seen the notice regarding the cancellation of the September 12th Public Workshop, which was scheduled in Tampa. The Workshop for that location has been rescheduled for Wednesday, November 28th, 10a.m. – 3p.m. Before that, there will be a Public Workshop in Miami, 1p.m. – 5p.m., on October 4th, following the Board meeting, which takes place that morning. All written comments, which were received from industry representatives, in preparation for the canceled September Workshop will be discussed at the Miami Workshop, in October. In order to allow industry representatives additional time to submit comments for possible discussion for the public workshop in Miami, we extended the deadline for submission of comments through close of business on Monday, September 17th. If anyone has any comments that they would like to submit, I ask that you submit them to my attention, and the email address and additional details are available on our website under “Recent Announcements and News.”

The second of the workshops followed the Board meeting on August 2nd, in Tallahassee. It was well attended and we appreciated hearing from those present on various issues including those involving direct disposer licensing, cremation, unlicensed activity, body donations, cemeteries, funeral director in charge, and statutory cleanup definitions. As of the initial deadline for the now canceled workshop, which was scheduled for September, we’ve received written comments on these and other issues from approximately fourteen (14) sources. With the deadline for comments extended, we expect to receive a few more prior to the October meeting and these comments will be summarized in a summary posted in advance of the October Workshop, along with the agenda for the meeting. In the meantime, if anyone has any questions regarding workshops, please contact the Division, or contact me directly.

A couple of other brief updates on ongoing projects. Regarding the replacement of our Microsoft Access database systems, we have no news on this issue. The paperwork necessary to obtain the \$1.2 million allocated for the replacement of these systems was submitted to legislative staff a few months ago. We do not have the funds yet and do not have any word on that, at this time.

I wanted to bring up something regarding the Board meetings and the calendar for the Board meetings. The proposed three-year calendar for Board meetings will be provided for Board review and action at the October meeting. We wanted to have specific approval for the meetings planned for the calendar year 2019, and tentative approval for the meetings planned for calendar years 2020 and 2021, and this is what we did last year as well. Since we're planning for the presentation of that three-year plan in October, I wanted to go ahead and get general discussion or some informal input from Board members on one of the items in particular. If we follow the meeting plan that was approved by the Board last year, then in 2021 we would again have a Board meeting in the Panhandle area. We recognize that this meeting involves longer travel than other meetings, and/or necessitates flights for some more expensive travel. The last meeting, which was held in February, in Panama City Beach, was not as well attended as hoped. The accommodations were great, but either it was new to the area and people didn't know about it or there's just a number of reasons. Since we're planning the three-year calendar, I wanted to open up and see what general discussion or input from members as to whether the Panhandle meeting should be held in the Panama City area again or a different location for 2021. Or maybe push it back even so that you only have a Panhandle meeting every three (3) years. Would the Board prefer to see that every five (5) years, six (6) years or whatever? I think that was the lowest of any Board attendance that we've seen and so any comments?

Mr. Hall – Mr. Chair?

Chair – Yes? Go right ahead.

Mr. Hall – I would just comment that whether it's an association meeting or a Board meeting, for whatever reason, they're never attended well in the Panhandle. I don't know if it's the distance the members have to come to the meeting or what, but whether it's been our state association meetings or this meeting, they're never attended well in the Panhandle.

Ms. Schwantes – It was one of the comments that we received from a number of industry representatives at different locations, and different times, back a year ago, before we brought this up, that we needed to have at least one meeting in the Panhandle, so we proposed once every three (3) years. But that may not be the correct way of handling that at all. Maybe we want to do that once every six (6) years. I don't think there's been a Board meeting in the Panhandle for what, ten (10) years?

Ms. Wiener – Ever.

Ms. Schwantes – It's been a long time. Ever maybe.

Mr. Bill Williams – One time in eighteen (18) years that I know of.

Ms. Wiener – Really?

Mr. Williams – It was the last one.

Chair – Are there any of the associations that are planning their annual conference or convention in the Panhandle, that we know of, in the next two (2) or three (3) years?

Ms. Schwantes – No sir, not that I know of. We are looking at that, because our June meeting next year will be in conjunction with the FMA Annual Conference, and then the following year with the FCCFA and it would rotate back around again. As far as we are aware of, there are no more in the Panhandle. FMA did have it in Destin last year, and I don't know that it was any less attended than the one that they had this year in the St. Pete area. Any ideas on other locations? I mean really and truly, the largest cities are Panama City and Pensacola, which is even further away. There's really nothing along I-10.

Chair – I think a meeting would be very well attended in Key West.

Mr. Williams – The last one was.

Ms. Wiener – Every meeting in Key West is really well attended.

Ms. Schwantes – I will just leave it open, but if any of you all want to contact me about it later or have any suggestions, that would be great. Otherwise, we'll come up with something and propose it at the October meeting as planned.

The next Board meeting, as we've discussed, takes place in Miami on October 4th. We do expect a decent crowd, to put it mildly, due to the fact that it's held at the college and will include the public workshop afterwards. We look forward to seeing you all there in person. That ends the Operational Report. Thank you, Mr. Chair.

Chair – Thank you.

B. 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
 September 6, 2018 Board Meeting
 Date of Report: August 28, 2018

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Signature Memorial Funeral & Cremation Services, LLC.	1-Aug-18	195915-16-FC; 198401-16-FC; 204671-17-FC	\$3,500	24-Sep-18	D	
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.						

16. Chairman's Report (Verbal)

Chair – No report.

17. Public Comments (Verbal)

Ms. Simon – Are there any public comments to be submitted during this Board meeting?

18. Office of Attorney General's Report

A. Rules Report

Ms. Simon – Mr. Barnhart? The Rules Report is first up.

Mr. Tom Barnhart – Okay. Board members, as you see, we have a pretty lengthy Rules Report, but a lot of what's been opened up recently concerns the House Bill 29, which is the exemption from certain fees by certain licensees and those licensees that are affected are mostly burial rights brokers, direct disposers, embalmers, funeral directors, monument establishment sales agents, and preneed licensees. HB 29 is pretty involved. I just recently understood how widespread it is, but most of what you see, that we've opened up on the Rules Report, has to do with those changes by the Legislature. Of course, that means we'll be revising some of our forms, which the Department will be involved with, as well.

As we talked about before, the four (4) rules you see withdrawn are being picked up by the Department and they're going to get those going. Are there any questions about the Rules Report, as it stands, at the present time?

Chair – Mr. Barnhart, can you give us a synopsis of HB 29 that you referenced that was so widespread affecting us?

Mr. Barnhart – Most of HB 29 talks about exemptions from certain fees by members of the US Armed Forces, the members' spouses, and veterans that have been separated from service within the last two (2) years. The military record must show that

the member is currently in good standing, or that the veteran was honorably discharged. There are quite a few exemptions throughout the bill. Most of the exemptions refer to application fees for initial licensure, and the unlicensed activity fee that's associated with those licenses. Preneed application fees when the person applying is an individual. For embalmers and funeral directors, there's also exemptions from the initial provisional licensure fees, licensure by endorsement, and funeral director and embalmer interns. There's a number of rules which will be affected, besides the basic fees rule. There are fees listed throughout our rules that should be dealt with in rulemaking. They've been listed in the Rules Report, and that's the primary reason that they're listed. There's also, in that bill, certification of funeral directors, embalmers, and direct disposers, regarding military experience. Those two (2) sections are listed in the top of the Regulatory Plan, which is next. SS. 497.393 and 497.602(4), F.S., are the two (2) sections of the Florida Statutes, which makes rulemaking mandatory for those areas. I'll be in touch with the Executive Director, the Assistant Director, and the rules attorneys for DFS in coming up with proposals for you to consider later.

Chair – Do you have an estimate of the impact of this on the Division?

Ms. Schwantes – Mr. Chair, this is Mary Schwantes. May I address that?

Chair – Please do.

Ms. Schwantes – We do not have an estimate of the impact. If you'll recall, we've given you heads up on this, on the Military and Veterans Affairs Act, and this is really what this is. As part of the analysis that was submitted when the bill was considered, before it was passed, we were required to prepare that information, well at least try to review it. The problem is that our systems do not capture who is a veteran and who is not. It is one of the updates that must be made when we update our systems, as a result of this bill. We have no way of determining what the impact would be. The only thing that we were able to do, was to look at Agents and Agency Services to see how many veteran agents there were out there, as a comparison, to try to find some rough number, but we truly do not have any idea what the impact would be.

Ms. Simon – And that number, if you extrapolate it from A&A's Division, it was less than .5% of the population would be considered veterans. Less than .5% of our licensees.

Ms. Schwantes – Again, that's just a guesstimate at this time because our systems do not capture that information.

Chair – Thank you.

Mr. Jones – Mr. Chair, if I may ask a question? This is Ken Jones.

Chair – Mr. Jones?

Mr. Jones – Thank you. Mary, when is this bill effective? Is it already effective as of July 1 or is there a later effective date?

Ms. Schwantes – It is. It became effective July 1st, and we've actually already had at least one (1) inquiry on this that just came in yesterday actually, so we've not yet responded on it.

Mr. Jones – That's my question. You're going to do rules and other stuff, but people can apply now, and it's effective to where you go ahead and implement the bill or are you all just holding on it, just so that we know?

Ms. Schwantes – No, we have to implement it. We have no choice on it. As questions come up on this, we are having to address them and implement the bill. Again, this is part of the Executive Director's Report that I've given a couple of times before. There are thirty-four (34) rules and forms that need to be changed as a result of this legislative enactment. This is one of the main reasons why we suggested that there be a Rules Committee meeting probably before October. I know that Ms. Simon and Mr. Barnhart have been working closely with DFS counsel that handle rulemaking issues, and there were some steps that needed to be taken beforehand and that's where we are right with what Mr. Barnhart is talking about.

Ms. Simon – And Mr. Jones, in case you get questions regarding this, the bill applies to military personnel, their spouses and any veterans that have been separated from the military within the previous twenty-four (24) months of application.

Mr. Jones – Thank you. I pulled the bill up and was looking at it, so thank you for the reply.

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

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-1.003	Miscellaneous Fees; Name Changes and Duplicate Licenses		6/11/2018	6/19/2018 Vol. 44/119			
69K-1.004	Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions		6/11/2018	6/19/2018 Vol. 44/119			
69K-1.005	Licensure Application Procedures		6/11/2018	6/19/2018 Vol. 44/119			
69K-5.002	Application for Preneed License		6/11/2018	6/19/2018 Vol. 44/119			
69K-5.0021	Application for Preneed Branch Office License		6/11/2018	6/19/2018 Vol. 44/119			
69K-5.003	Application for Preneed Sales Agent License and Appointment		6/11/2018	6/19/2018 Vol. 44/119			
69K-5.012	Application and Renewal Procedures for Broker of Burial Rights License		6/11/2018	6/19/2018 Vol. 44/119			
69K-5.0016	Preneed License; Financial Requirements	05/03/2018	5/14/2018 7/10/2018 (Notice of Change)	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/20/2018 JAPC letter rec'd 7/10/2018 JAPC response 7/11/2018 Notice of Correction-Vol. 44/134 7/18/2018 Notice of Change – Vol. 44/139	8/16/2018	9/05/2018
69K-7.009	Reporting Requirements for Preneed Licensees Filing an Initial Application to Utilize a Letter of Credit or Surety Bond in Lieu of Maintaining a Trust Fund	05/03/2018	5/15/2018 8/2/2018 (Notice of Withdrawal)	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/21/2018 JAPC letter rec'd 7/16/2018 JAPC response 8/10/2018 Notice of Withdrawal – Vol. 44/156	Rule Withdrawn	
69K-7.0095	Preneed Trust fund; financial reports	05/03/2018	5/14/2018 8/2/2018 (Notice of Withdrawal)	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/20/2018 JAPC letter rec'd 7/16/2018 JAPC response 8/10/2018 Notice of Withdrawal – Vol. 44/156	Rule Withdrawn	
Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-7.010	Reporting Requirements for Preneed Licensees Utilizing a Surety Bond or Letter of Credit in Lieu of Maintaining a Trust Fund	05/03/2018	5/15/2018	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/21/2018 JAPC letter rec'd 7/16/2018 JAPC response 8/14/2018 Notice of Correction – Vol. 44/158	8/20/2018	9/9/2018
69K-7.011	Criteria for Filing a Letter of Credit in Lieu of Maintaining a Trust Fund	05/03/2018 (voted to repeal)	5/14/2018		05/22/2018 - Vol. 44/100 6/6/2018 JAPC letter rec'd 6/11/2018 JAPC response 6/12/2018 Notice of Correction-Vol. 44/114	6/27/18	7/17/2018
69K-7.012	Criteria for Filing a Surety Bond in Lieu of Maintaining a Trust Fund	05/03/2018	5/15/2018 8/2/2018 (Notice of Withdrawal)	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/21/2018 JAPC letter rec'd 7/16/2018 JAPC response 8/10/2018 Notice of Withdrawal – Vol. 44/156	Rule Withdrawn	
69K-7.0125	Alternative Form of Security for Permanent Outer Burial Receptacle Manufacturers	05/03/2018	5/15/2018 8/2/2018 (Notice of Withdrawal)	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/21/2018 JAPC letter rec'd 7/16/2018 JAPC response 8/10/2018 Notice of Withdrawal – Vol. 44/156	Rule Withdrawn	
69K-7.017	Trust Fund Deposits; Funeral and Burial Services and Merchandise Preneed Contract Payments	05/03/2018	5/15/2018	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/21/2018 JAPC letter rec'd 7/16/2018 JAPC response 8/14/2018 Notice of Correction – Vol. 44/158	8/20/2018	9/9/2018

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-10.003	Remittances to the Preeed Funeral Contract Consumer Protection Trust Fund	05/03/2018	5/14/2018 7/27/2018 (Notice of Change) 8/2/2018 (Notice of Change)	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/20/2018 JAPC letter rec'd 7/16/2018 JAPC response 7/24/2018 Notice of Correction-Vol. 44/143 8/3/2018 Notice of Change-Vol. 44/151	Anticipated 8/31/2018	Anticipated 9/20/2018
69K-17.002	Application Fees; Licensure by Endorsement for Embalmers and Funeral Directors		6/11/2018	6/19/2018 Vol. 44/119			
69K-17.003	Fees		6/11/2018	6/19/2018 Vol. 44/119			
69K-17.0030	Direct Disposer/Establishment; Fees		6/11/2018	6/19/2018 Vol. 44/119			
69K-18.001	Embalmer Intern Training Program		6/11/2018	6/19/2018 Vol. 44/119			
69K-18.002	Funeral Director Intern Training Program		6/11/2018	6/19/2018 Vol. 44/119			
69K-18.003	Concurrent Internships		6/11/2018	6/19/2018 Vol. 44/119			
69K-25.001	Licensure by Endorsement; Embalmers		6/11/2018	6/19/2018 Vol. 44/119			
69K-25.002	Licensure by Endorsement; Funeral Directors		6/11/2018	6/19/2018 Vol. 44/119			
69K-25.003	Licensure as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration		6/11/2018	6/19/2018 Vol. 44/119			
69K-27.001	Embalmer Apprentice Program		6/11/2018	6/19/2018 Vol. 44/119			

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) 04/06/2018 (RN) 07/05/2018 (Notice of Change) 08/02/2018 (Notice of Change)	04/14/2017 Vol. 43/73	4/16/2018 – Vol. 44/74 5/4/2018 JAPC letter rec'd 5/16/2018 JAPC response 05/25/2018 Notice of Correction – Vol. 44/102 7/3/2018 JAPC response 7/10/2018 JAPC letter rec'd 7/12/2018 Notice of Correction – Vol. 44/135 7/12/2018 Notice of Change – Vol. 44/135 7/12/2018 JAPC response 8/13/2018 Notice of Change – Vol. 44/157	Anticipated 9/10/2018	Anticipated 9/30/2018
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			

B. Annual Regulatory Plan

**Board of Funeral, Cemetery and Consumer Services
2018-2019 Annual Regulatory Plan**

Section 1

Laws Enacted or Amended within the previous 12 months which create or modify the duties or authority of the Board.

Law	Mandatory rulemaking? Yes/No	Is rulemaking necessary? Yes/No	Notice of Development Published?	Expected publication date for NPRM	If rulemaking is not necessary? Explain
Ch. 2018-7, Laws of Florida; § 15-30 (HB 29)	Yes	Yes	Yes		

Section 2

Laws not listed above that the agency expects to implement by rulemaking by the following July 1.

Law	Is rulemaking intended to:	Simplify	Clarify	Increase efficiency	Improve coordination with other	Reduce regulatory costs	Delete obsolete, unnecessary or redundant rules
497.103(5), 497.140		x	x	x	x	x	
497.168		x		x		x	
497.452, 497.453, 497.466			x	x	x		
497.281, 497.368, 497.369, 497.374			x	x			
497.602, 497.603, 497.604			x	x		x	
497.370, 497.371, 497.375, 497.377			x	x			

**Section 3: Updates to the prior year's regulatory plan.
(120.74(1)(c), Florida Statutes)**

There are no updates to the prior year's regulatory plan.

Section 4: Certification.

Pursuant to Section 120.74(1)(d), Florida Statutes, I hereby certify that I have reviewed this Annual Regulatory Plan and that the Board regularly reviews all of its rules to determine if the rules remain consistent with the Board's rulemaking authority and the laws being implemented, with the most recent comprehensive review having been completed August, 2018

J.A. Brandenburg, Chair
Board of Funeral, Cemetery and Consumer Services

Date

Tom Barnhart, Special Counsel, Office of Attorney General
Board of Funeral, Cemetery and Consumer Services

Date

Ms. Simon – Mr. Barnhart, do you need a vote regarding the Annual Regulatory Plan?

Mr. Barnhart – Yes. That would be the next thing I was going to discuss.

Chair – Please do.

Mr. Barnhart – Board members, what you see on the Annual Regulatory Plan has been proposed. Section 2 is where I went through and tried to capture all the laws implemented that the rules, which we've opened for development, would be implementing. So that's why you see so many steps towards revision on Section 2. Section 1, I just mentioned about the mandatory rulemaking regarding HB 29 is in those two (2) sections. This, of course, is required now by the Legislature that we file an Annual Regulatory Plan by October 1st of each year. What it amounts to is sort of a blueprint of what your best estimate would be between now and June 30th, for your rulemaking activity. This is what I propose that we file as our Annual Regulatory Plan. It would be put on the Agency's website, then my Office would send it to the Administrative Procedures Committee and get it published in the Florida Administrative Register, which is required by the s. 120.74, F.S. What I'd like the Board to do, unless there are questions we need to discuss first, is that the Board authorize the Chair, Mr. Brandenburg, to sign this plan. I would sign it and then we'd get it filed according to the requirements.

MOTION: Mr. Jones moved to authorize Mr. Brandenburg to sign the plan. Mr. Helm seconded the motion, which passed unanimously.

Chair – Is there anyone or any comments or any type of exposure that you're aware of for me signing this certification? Please mention it now if there is any reason that I should not move forward with this certification. Hearing none. Mr. Barnhart?

Mr. Barnhart – Yes sir?

Chair – Anything else to report today?

Mr. Barnhart – I think that's it. We've been real busy with rulemaking and this is going to add to our plate, but we'll get through it and get it done.

Chair – Thank you. We appreciate your efforts on it.

19. Upcoming Meeting(s)

- A. October 4th (Miami-Dade College North Campus, Building 3 – Miami)*
- B. November 1st (Teleconference)*
- C. December 6th (Embassy Suites by Hilton Jacksonville Baymeadows – Jacksonville)*

20. Adjournment

Chair – Board members? Anything questions, comments, good of the cause? None? Thank you.

The meeting was adjourned at 10:42 a.m.