

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
March 5, 2020 - 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 Teleconference meeting. It's March 5, 2020. Ellen Simon, would you please make your preliminary remarks and do the roll call?

Ms. Ellen Simon – Yes, sir. My name is Ellen Simon. I am Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, March 5, 2020, 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, which is made available to the public. 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. Please keep in mind that we have established a new phone system that been in operation for previous meetings, other meetings that took place. Please keep your phones on mute when you are not speaking to allow for the best conversation to take place. 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, Mr. Chairman, I will take the roll:

Joseph "Jody" Brandenburg, Chair
Keenan Knopke, Vice Chair
Jean Anderson
Andrew Clark
Lewis "Lew" Hall
Powell Helm
Ken Jones
Darrin Williams {**ABSENT**}

Also noted as present:

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

Ms. Simon – There is still a quorum for the business of the Board, and I'd like to remind everybody on the call, if you are not speaking, please place your phone on mute. Mr. Brandenburg?

Chair – Yes.

Ms. Simon – May I continue with the rest of the agenda, sir?

Chair – Please do.

2. 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.

3. **Application(s) for Continuing Education Course Approval**
 - A. **Recommended for Approval without Conditions – Addendum B**
 - (1) *American Academy McAllister Institute of Funeral Service (9808)*
 - (2) *Elite Professional Education, LLC (113)*
 - (3) *Funeral Service Academy (23408)*
 - (4) *International Order of The Golden Rule (2201)*
 - (5) *Kates-Boylston Publications (29810)*
 - (6) *M.K. Jones & Associates, Inc. (9605)*
 - (7) *National Funeral Directors Association (136)*
 - (8) *University of Florida (33408)*
 - (9) *WebCE (43)*

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: Lew Hall moved to approve the applications. Ken Jones seconded the motion, which passed unanimously.

4. **Application(s) for Approval as a Continuing Education Provider**
 - A. **Recommended for Approval without Conditions – Addendum C**
 - (a) *CRaKN, LLC (37808)*

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

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

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

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

6. **Application(s) for Florida Law and Rules Examination**
 - A. **Informational Item (Licenses Issued without Conditions) – Addendum E**
 - (1) **Funeral Director (Internship and Exam)**
 - (a) *Bennett, Amanda*
 - (b) *Palmer, Amy*
 - (2) **Funeral Director and Embalmer (Endorsement)**
 - (a) *Cherubini, Robert M*
 - (b) *Lewis, Clint M*
 - (c) *Strycula, Thomas*
 - (3) **Funeral Director and Embalmer (Internship and Exam)**
 - (a) *Azpeitia, Dannette A*
 - (b) *Bethel, Chastity G*
 - (c) *Lucena Meyer, Victor A*
 - (d) *McCutchen, Beth A*
 - (e) *Sellers, Sywania N*
 - (f) *Stinsman Jr., Ronald W*
 - (g) *Walden, Mykal A*

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 Internship

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

- (1) *Funeral Director*
 - (a) *Segarra, Khristina A F419650*
- (2) *Funeral Director and Embalmer*
 - (a) *Brown, Abigail F418959*
 - (b) *Freeman, Michelle F422003*
 - (c) *Jacobs, Bennett R F420227*
 - (d) *Little, Christin R F423298*
 - (e) *Moye, Kelly G F418261*
 - (f) *Waldron, Sera A F418631*

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 Embalmer Apprentice

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

- (1) *Eliacin, Alynda F421281*
- (2) *Mikler, Mckenzie J F423207*

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

9. Application(s) for Registration as a Training Facility

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

- (1) *Knauff Funeral Homes LLC (Williston)*
- (2) *Phillip & Whiley Mortuary Inc (Melrose)*

Ms. Simon – This is an informational item. The Division has reviewed that applications listed and found them to be complete and that the applicants have met the requirements to be a training agency. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved this application.

10. Application(s) for Monument Sales Agent

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

- (1) *Dodson, John F421736*

Ms. Simon – This item is informational only. Pursuant to s. 497.554, F.S., the Division has previously approved this application.

B. Recommended for Approval without Conditions

- (1) *Mosley, James D (Defuniak Springs)*

Ms. Simon – Mr. Mosely submitted an application for Monument Establishment Sales Agent license on February 18, 2020. The application was complete when submitted. The applicant does not have any criminal history but his establishment license, Mosely Monuments and Vaults LLC (F229022) was disciplined at the February 6, 2020 Board meeting. The establishment was issued a \$500 fine and ordered to have a licensed Monument Sales Agent employed at or for James Mosely be issued a Monument Sales Agent license within sixty (60) days. The Division is recommending approval without conditions.

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

11. **Application(s) for Change of Ownership**

A. **Recommended for Approval *with* Conditions**

(1) **Application(s) for Funeral Establishment**

(a) **Callahan Property Holdings LLC d/b/a Nassau Funeral Home (Callahan)**

Ms. Simon – An application for a funeral establishment license due to a change of ownership was received by the Division on January 13, 2020. The application was incomplete when received and complete on January 31, 2020. The Funeral Director in Charge will be Daniel Wheeler (F083458). A background check of the principals revealed no relevant criminal history. This funeral establishment is not the qualifying entity for a preneed. Principal Vincent Todd Ferreira was previously disciplined on August 27, 2019 for operating on an expired establishment license. The Division is recommended for approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be 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 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.

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

(2) **Faithful Heritage Holdings Inc. (Coral Gables)**

(a) **Faithful Heritage Holdings Inc. (Coral Gables) (Collective Coversheet)**

- **Application(s) to Acquire Control of an Existing Cemetery Company**
- **Application(s) for Cinerator Facility**
- **Application(s) for Direct Disposal Establishment**
- **Application(s) for Funeral Establishment**
- **Application(s) for Transfer of Preneed**

Ms. Simon – Faithful Heritage Holdings, Inc. (FHHI), a corporation, seeks approval of the following applications for a change of ownership: three (3) applications to acquire control of a cemetery company, two (2) funeral establishments, a direct disposal establishment, a cinerator facility, and an application for transfer of a preneed main license at the below listed locations.

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

- 1) Forest Meadows Funeral Home & Cemeteries Inc d/b/a/ Forest Meadows Cemeteries - Central, a licensed cemetery company, license # F039575, physical address: 4100 NW 39th Ave, Gainesville
- 2) Forest Meadows Funeral Home & Cemeteries Inc d/b/a/ Forest Meadows Cemeteries - East, a licensed cemetery company, license # F039576, physical address: 3700 SE Hawthorne Rd, Gainesville
- 3) Forest Meadows Funeral Home & Cemeteries Inc d/b/a/ Forest Meadows Cemeteries - West, a licensed cemetery company, license # F039577, physical address: 700 NW 143rd St, Newberry
- 4) Forest Meadows Funeral Home & Cemeteries Inc d/b/a/ Evans-Carter Funeral Home, a licensed funeral establishment, license # F050430, physical address: 18724 N Main St, High Springs
- 5) Forest Meadows Funeral Home & Cemeteries Inc d/b/a/ Forest Meadows Funeral Home, a licensed funeral establishment, license # F041788, physical address: 725 NW 23rd Ave, Gainesville
- 6) Northeast Florida Cremations LLC d/b/a/ A Direct Cremations, a licensed direct disposal establishment, license # F052855, physical address: 3131 NW 13th St, Suites 1 & 2, Gainesville

- 7) Forest Meadows Funeral Home & Cemeteries Inc, a licensed cinerator facility, license # F040410, physical address 725 NW 23rd Ave, Gainesville
- 8) Forest Meadows Funeral Home & Cemeteries Inc, a preneed main, license # F019269, physical address 725 NW 23rd Ave, Gainesville

Included within your Board package is information on all of the aforementioned entities. The change of ownership is the result of an asset purchase where FHFI is acquiring the assets and liabilities as specified in the included Asset Purchase Agreement for the above-named entities. The principals of the corporation will be Quintin Graciano and Ruth A. Thornquest, and fingerprints for the principals were returned without criminal history.

Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by the new owners. If approved, Applicant will continue to sell trust-funded preneed contracts through First Florida Trust (Argent Trust Company), administered by Funeral Services, Inc (FSI), and utilize their approved prearranged funeral contract forms. The Division recommends for approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be 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, (if any), of the location(s) being acquired.

Mr. Knopke – Mr. Chairman, Mr. Knopke here. I've got a couple of questions.

Chair – Go ahead, Mr. Knopke.

Mr. Knopke – Is Ms. Wiener on the phone?

Wendy Wiener – I am.

Mr. Knopke – A couple of questions. Help me along, if you can. I see that the applicant lives in Greenville SC.

Ms. Wiener – The applicants are a mother-son business owner. They have established some entities. They are currently in process of acquiring some various death-care interest around the country. They currently own and operate cemeteries in SC. One of them, perhaps both of them, anticipates relocating to Gainesville. We anticipate that these Forest Meadows properties will be their flagship property.

Mr. Knopke – Ok. So, they will be moving at least to Florida.

Ms. Wiener – At least one of them, immediately, and I believe they both intend to have their headquarters here, though they will travel around the country for their various {inaudible}.

Mr. Knopke – Ok. Thank you. The second question I've got, I will say it in such a way so that everybody's clear. I've never claimed to be a financial wizard about anything, but, that being said, on the financial statements for both of them, down below the total liabilities and net worth, page 141 of the electronic version, which is for Ruth Thornquest. There's a disclosure there "In addition to the debts and liabilities listed above, I have endorsed, guaranteed, or am otherwise indirectly or contingently liable for the debts of others amounting to \$3,000,000.00." In his case, two (2) or three (3) pages later, \$2.8 million. Shouldn't that be up in the current assets and liabilities and not just a footnote at the bottom?

Ms. Wiener – The way that the form is set up, the Department form is set up, there's not really a spot for that. Those are not obligations directly of the individual. Those are the {inaudible}, they just reported it slightly differently I presume. They are guarantors on the debt associated with their eight (8) cemeteries in South Carolina.

Mr. Knopke – Ok. So, they've personally guaranteed that purchase?

Ms. Wiener – I don't have the documents associated with that, but they have provided those guarantees, yes. And of course, that's not the net worth of the entity that is the actual applicant. These are their personal financial statements, which have to be submitted in support of the application, but the applicant itself has well more than the required net worth to acquire the group of cemeteries and the preneed required net worth.

Mr. Knopke – Thank you. That's all, Mr. Chair.

Chair – Thank you. So, where would you suggest the \$3 million be accounted for in the financial statement of Ruth Thornquest? That liability.

Ms. Wiener – I don't have a specific suggestion for that. The form that is provided by the State is not an ideal form. Perhaps that's something that the Board should have a Rules Committee give a review of so that that form could better capture those kinds of things.

Chair – It would not be a long-term liability or a current liability?

Ms. Wiener – You're beyond my capacity to assist at this point. I'm sorry. Like Mr. Knopke said, I absolutely do not claim to be any sort of an expert at all on the liability. I know that when they were preparing these, they interacted with their local accountant there and they suggested that those be disclosed in that way. And I'm not so sure that that {inaudible} is not on the form anyway, but I don't know. I couldn't say for certain.

Chair – It seems to me, if there's an endorsement, a guarantee, or a liability that it would have to be somewhere. Either current liabilities or long-term liabilities.

Ms. Wiener – You may very well be correct. However, I suggest that the premise for purposes of approving these applications is not the net worth of the individuals. It is the net worth of the entity that is acquiring and here that entity has the net worth of \$781k.

Chair – Thank you. If you go back to page 1, actually page 2, the Division's recommendations. Do you see any challenges in meeting those timelines?

Ms. Wiener – No, I don't. In fact, they're anxious to close. One thing to keep in mind. The endorsement of the loan, the guarantee of the loan, that contemplates real property and other assets that are significant, but they have not included those components on their financials. So, if they were to include that debt, they would also include those offsetting ownership interests in those assets. So, it might be that that's why that is simply at the bottom of the form instead of included otherwise. I don't see any problem with them meeting those timelines whatsoever.

Chair – Thank you.

Mr. Hall – Question, Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – Unlike some of the others, I still have a concern on how that doesn't affect the net worth drastically. I'm trying to scroll up through and maybe someone can help me. For the financials on the business, where are those liabilities listed under their financials?

Ms. Wiener – There are no liabilities associated with [inaudible]. I'm going to ask Bill Williams with FSI, who's much more well versed on reading financials than I am, to help here.

Mr. Hall – Okay.

Bill Williams – Mr. Chairman, Bill Williams. May I be recognized?

Ms. Simon – Mr. Williams, if you could please raise your right hand and be sworn in.

Mr. B. Williams – I will.

Ms. Simon – Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. B. Williams – I do.

Ms. Simon – Please state your name again for the record.

Mr. B. Williams – Bill Williams, President, FSI.

Ms. Simon – Thank you.

Chair – Go ahead, Mr. Williams.

Mr. B. Williams – Thank you, Mr. Chair. Basically, what you're looking at here is the owners are disclosing that they are guaranteeing debt. You're not looking at the owners' financial statements, which are completely different than the legal entity's financial statements. You're just seeing only their debt. We have no idea what the assets of these individuals are, or their net worth. They've just shown the debt only that they are guaranteeing for some other acquisitions that they have made. I think that Ms. Wiener is correct that the legal entity itself has more than enough net worth than is required to be licensed. That \$3 million is important, but it does not affect the legal entity. If we had all the assets for these individuals, they may have a net worth of millions of dollars. We have no idea. This is just their debt only that they're guaranteeing, which has nothing to do with the legal entity that is acquiring these cemeteries.

Mr. Hall – Mr. Chair?

Chair – Go right ahead, Mr. Hall.

Mr. Hall – Is it listed, Bill, somewhere? I'm trying to scroll through and find it. Is that debt listed on the business side? If so, what's it under?

Mr. B. Williams – It would not be listed.

Chair – I believe it would be page 127, the balance sheet of Faithful Heritage Holdings.

Mr. B. Williams – Again, it would not be listed on the balance sheet of the legal entity because it is not the legal entity's debt. It is the debt of the stockholders of the legal entity. Two (2) completely separate things.

Mr. Hall – But, if I understood correctly, this was debt that was the company's, but the stockholders were just guaranteeing those. They were signing a personal guarantee. Am I incorrect on that?

Mr. B. Williams – I don't know if you are or not. Let's just say that you are for a moment. That's debt for other legal entities that they guarantee. Not this legal entity. It may be a portion of this legal entity but it's not there. It's debt that the individuals have themselves that they're guaranteeing.

Mr. Hall – This holding company holds all their assets? This one company?

Mr. B. Williams – You'll have to ask Ms. Wiener that, but from the appearance of the financial statements, I would say no.

Ms. Wiener – Bill, can you turn to page 127 in the Board packet? I think that you would be better served to answer the question that Lew is currently asking.

Mr. B. Williams – Okay. I'm there, Mr. Hall.

Mr. Hall – What I'm just trying to figure in my mind is if I look at the debt, where's this \$3 million at? If one holding company is holding all their assets for all these locations, where's it at. But, again, going back to the personal financials, if they're signing it and guaranteeing it, somebody's got to be holding the debt. Either it's the holding company, and they're signing personal guarantees to back it up if the company goes down. They're personally guaranteeing that? That's why I'm having trouble getting clarity on where it's at.

Mr. B. Williams – Mr. Hall, this would be no different. Let's just say the firms that you may own that you would be looking at the legal entities' financial statements of your firms and your personal debt and/or assets don't show up on those legal entities at all. Even though you may personally have guaranteed some of the debt for that firm, it will not show up your firm's financial statements, and that's what we have here. It's the exact same thing.

Mr. Hall – {inaudible}

Mr. B. Williams – No, they'd be on your personal financial records, not on the corporate or legal entity's financial records.

Mr. Hall – We don't have that other than, as Keenan said, asterisks at the bottom or notes. Here, it's showing current liabilities only being \$159k, at the bottom of that page. So, the \$300 million, does it have to show up here or it's got to show up on their personal? That's what confusing me.

Mr. B. Williams – You're exactly correct. It would show up on their personal financial statements and the only thing that they were requested to put on the State's form was any debt that they may have. You're not looking at the total picture, you don't have the total picture. It doesn't show what their assets are. So, you take their assets, whatever they may be, minus that \$3 million guaranteed and that would be their net worth, but we don't have that information here. It's not been requested. The legal entity itself again has sufficient net worth, as required by statute, to be licensed.

Tom Barnhart – Excuse me, Mr. Chair, this is Tom Barnhart. May I speak?

Chair – Mr. Barnhart, go right ahead.

Mr. Barnhart – Is there any questions about the assets and liabilities that are listed on page 127 for the corporation?

Unidentified person – Ms. Wiener?

Ms. Wiener – I don't believe this question was directed to me.

Mr. Barnhart – I was directing it more to the Department. Is there any question from the Department's perspective that the assets listed on page 127 are incorrect or overstated or anything wrong about the one's they listed, because I don't see any assets of individuals being listed as part of their assets?

Ms. Simon – I don't see any concern with the documentation on page 127. In light of this conversation, the only concern I would have is the financial statements on page 141 and 143, in that the assets are not included. So, it might show on the

bottom that there is a \$2.8 or \$3 million debt, but it does not show their assets. Real estate isn't listed. That would combat that \$3 million debt. But, regardless, I agree with what has been stated that this is not a corporate debt. This is an individual debt, and the corporate financial statement as provided on page 127 is correct, to the best of my knowledge.

Mr. Barnhart – This Tom Barnhart again. Is there any indication that any of the corporate assets have been pledged or subordinated to any other debt or obligation?

Ms. Simon – No. We ascertained that, as well, the monies have not been pledged.

Mr. Barnhart – Mr. Chair, based upon that, unless there's a requirement of some kind that the personal financials have to meet, I don't think it's that related to the corporate financial statement.

Chair – Thank you, Mr. Barnhart. Board, are there any more questions or comments? What is your pleasure?

Mr. Knopke – Mr. Chair, this is Mr. Knopke.

Chair – Mr. Knopke?

Mr. Knopke – In light of what the discussion has been and my understanding of what Mr. Barnhart just said, I'll make the motion.

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

(b) Proposed Purchase of Real Property from Trust



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February 24, 2020

February 25, 2020

VIA E-MAIL

Ellen Simon, Esq.
Assistant Division Director
Division of Funeral, Cemetery and Consumer Services

RE: Removal of Real Property Asset from Trust

Dear Ellie:

As you are aware and as we further discussed last week, the real property occupied by Forest Meadows Funeral Home is owned by two of the care and maintenance trusts associated with Forest Meadows Cemeteries. Ownership of the real property is split between the care and maintenance trust for Forest Meadows Cemetery – Central and Forest Meadows Cemetery – East.

The corpus, also referred to as cost basis, required to be maintained in the two trusts has been verified by Sabal Trust Company. See attached letter from Charles Kard, Sabal Trust Company. The amounts are:

Forest Meadows Cemetery – Central	\$605,404.00
Forest Meadows Cemetery – East	\$210,066.00
Total Required Corpus	\$815,470.00

As the Division and Board are aware, a care and maintenance trust must retain only corpus and never more than corpus. Typically, all earnings/income amounts are withdrawn from trust on a monthly or periodic basis.

Faithful Heritage Holdings, Inc., proposed acquirer of the Forest Meadows real property and operations, desires to purchase the real property occupied by the funeral home from the trusts. It will remit to the trusts the sum equivalent to the total required corpus of the two trusts, as set forth above. Total consideration paid to the two trusts will be \$815,470.00.

While neither the Board nor the Division typically address specific investments held or disposed of by a trustee of a Chapter 497, Florida Statutes trust, you requested that I submit this request for consideration of the proposal to you for presentation to the Board alongside the Change of Ownership applications.

Please include this request with such applications. Of course, do not hesitate to contact me with questions regarding this matter.

Sincerely,

Wendy Russell Wiener

Ellen Simon, Esq.
Assistant Division Director
Division of Funeral, Cemetery and Consumer Services

RE: Forest Meadow Central Care and Maintenance
Forest Meadows East Care and Maintenance

Dear Ms. Simon:

Per my conversation with Prakash Mohan of FSI, the recordkeeper for the Forest Meadows accounts, I confirm that when we remove the cost basis of the Funeral Home, in its proportionate share from the above captioned accounts, we will maintain the current trusted amount of:

\$605,404.00 for Central Care & Maintenance
\$210,066 for East Care & Maintenance

Please let us know if there is anything additional you need.

Best Regards,

Charles H. Kard, CFA, CFP®
Principal
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Ms. Simon – This letter that was submitted by Ms. Wiener was merely informative in nature to let the Board know what was going on. It was informative in nature, so unless there are any questions on that, we can go on.

Chair – Thank you.

Mr. Knopke – Mr. Chair?

Chair – Is there a question?

Mr. Knopke – Mr. Knopke with a question.

Chair – I'm sorry? Who is this?

Mr. Knopke – Mr. Knopke.

Chair – Go right ahead, Mr. Knopke.

Mr. Knopke – The question here, as I understand it is, if there's a trust asset, which is land that the building or cemetery are on, and we're selling that, would it be correct to understand that all the proceeds from the sale will go back into the trust, since the assets that represent that's being sold?

Ms. Wiener – Mr. Knopke, can you repeat your question? I didn't quite understand what you were saying.

Mr. Knopke – I was kind of rambling, Wendy, so bear with me. The real property, I guess it's in the trust fund, the Perpetual Care Trust Fund for Forest Meadows. Is it really cash? {inaudible}

Ms. Wiener – That is correct. Someone on the phone does not have their phone on mute, I don't think. I'm hearing a lot of feedback. How about you guys?

Mr. Knopke – I'm hearing the same thing.

Ms. Simon – Please mute your phones if you are not speaking.

Mr. Knopke – So, we're going to sell the land, I presume, or that's what's being proposed or is going to happen. We're going to sell the land for \$815,470 and the money from the sale of the land is going to go in to cover the PC trust of \$815,470. Is that right?

Ms. Simon – That's exactly correct.

Mr. Knopke – What happens if the land doesn't sell for that?

Ms. Simon – The land will sell for that. It's part of the transaction. If you would indulge me for just a moment to bring the Board back on the history of this, because I think that this is going to be a really good situation. The real property associated with the funeral home on Forest Meadows has been in trust for some time and that asset has been in there for many, many years. It's actually originally is a preneed trust but then the Board, in some of its early iterations required that it be moved to the Perpetual Care Trust. So, it is possible that as a part of this transaction, the acquisition, that the new owners will replace the assets in trust with cash. So, there will be cash and not real property. If in fact that occurs at closing, then it will simply be dollar for dollar and the cash will go into the trust. There will not be any question that that trust purpose liability would not be covered.

Mr. Knopke – A follow-up question, if I may, Mr. Chair?

Chair – Please.

Mr. Knopke – Thank you. If the land sells for more?

Ms. Wiener – It won't. It will not sell for me. It will literally be dollar for dollar for the trust liability. It won't sell for a penny more or a penny less. It will be the replacement of the corpus liability with cash in the trust. There will not be any additional. That's not the kind of transaction that we're contemplating here.

Chair – I believe that may be addressed in the purchase agreement, Ms. Wiener. Is that correct?

Ms. Wiener – It could be.

Chair – Alright. Any other questions? Next item?

(3) *Heinz Funeral Home & Cremation, Inc. (Inverness) (Collective Coversheet)*

- *Application(s) for Funeral Establishment*
- *Application(s) for Transfer of Preneed*

Ms. Simon – Heinz Funeral Home & Cremation Inc, an incorporated entity, seeks approval of the following applications for a change of ownership: a funeral establishment and a transfer of a preneed license. The applications are being submitted due to a change of ownership wherein Heinz Funeral Home & Cremation Inc, is acquiring two (2) properties. A completed background check of the principal(s) for the business revealed no relevant criminal history. More specifically, the entities that are being acquired is as follows:

- 1) Heinz Funeral Home & Cremations, a funeral establishment, license #F041204, physical address: 2507 Highway 44 West, Inverness, FL 34453
- 2) Heinz Funeral Home & Cremation Inc, a preneed license, license #F019430, physical address: 2507 Highway 44 West, Inverness, FL 34453

Enclosed in your packets are the separate applications for each of the aforementioned properties. If approved, Applicant is assuming responsibility for any outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced locations. Please keep in mind that the while the Historical Sketch for Theodore Kaduk does not appear to be signed, on page 32 of your packet, subsequent to the Board packet going out, the applicant submitted a signed version of the same page. As a result, the Division is recommending approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be 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 all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

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

12. *Application(s) for Cinerator Facility*
(1) *Recommended for Approval with Conditions*

(a) Graceland Funeral Home & Cremation Services LLC (Dade)

Ms. Simon – An application for a Cinerator Facility was received by the Division on January 14, 2020. The application was incomplete when submitted and completed on January 27, 2020. The Funeral Director in Charge will be Felipe Caballero (F045127). A background check of the principals revealed no relevant criminal history. The facility is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Mr. Caballero, are you on the phone?

Felipe Caballero – Yes, I am. Good morning.

Chair – Good morning.

Mr. Caballero – We’ve already had our onsite inspection. I don’t know if that’s what you’re referring to, but we’ve already had one. We had one, I believe it was, it must have been February 20th.

Ms. Simon – Thank you, Mr. Caballero. I believe that the Board is going to be discussing this amongst themselves.

Mr. Caballero – Okay.

Chair – Thank you. Is there a motion?

MOTION: Mr. Jones 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.

13. Application(s) for Monument Establishment (Retailer)

A. Recommended for Approval *without* Conditions

(1) JD Performance Auto LLC d/b/a Pensacola Monuments & Headstones (Pensacola)

Ms. Simon – An application for monument retailer establishment licensure was submitted on February 13, 2020. A completed background check revealed no criminal history for its listed principal. If approved, Applicant will operate as a monument establishment retailer at the location listed on your Board coversheet and utilize the monument retail sales agreement that has been approved at the February 6, 2020 Board meeting. The application is recommended for approval without conditions.

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

Chair – I’m sorry. I was unexpectedly dropped from the call. So, where are we, Ms. Simon?

Ms. Simon – We are on the application for monument establishment licensure, under item number 13. A. (1). This application was submitted by JD Performance Auto LLC d/b/a Pensacola Monuments & Headstones. Mr. Helm had just stated that he had a question and was requesting permission to speak.

Chair – I’m sorry? Who was that who is requesting?

Ms. Simon – Mr. Helm.

Chair – Mr. Helm, go right ahead.

Mr. Helm – This is a question for the Division. I should have called yesterday and asked but I didn’t feel like it. Did we pass these guys at the February meeting?

Ms. Simon – We passed a builder license that they submitted for a different location.

Mr. Helm – Different location, same company?

Ms. Simon – Yes.

Mr. Helm – Okay.

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

(2) The Jackson Monuments and Custom Finishings LLC (Bartow)

Ms. Simon – An application for monument retailer establishment licensure was submitted on December 9, 2019. The application was incomplete when received and was deemed complete on January 13, 2020. A completed background check revealed no criminal history for its listed principal. If approved, Applicant will operate as a monument establishment builder at the above specified location and utilize the monument retail sales agreement that has been submitted for approval. The application is recommended for approval without conditions.

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

14. Application(s) for Preneed Main License

A. Recommended for Approval without Conditions

(1) Queen of Angels Catholic Cemetery Inc (Winter Park)

Ms. Simon – The Division received the application on February 14, 2020, which was complete at the time of submission. A completed background check of all principals was returned without criminal history. If approved, Applicant will sell trust-funded preneed contracts through FSI and I'm not sure if it stated it on the coversheet, but the trust will be held by Argent. The Division is recommending approval without conditions.

Mr. Clark – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Clark – This is Andrew Clark. Sorry.

Chair – I'm sorry.

Mr. Clark – I just wanted to state my affiliation with Larry Maziarz. That affiliation will not prevent me from rendering a fair and impartial decision in this matter.

Chair – Thank you, so much.

Ms. Wiener – Mr. Chairman, this is Wendy Wiener. Can I ask a quick question?

Chair – Please do, Ms. Wiener.

Ms. Wiener – The preneed contract and the trust agreement are all ultimately to be approved and I don't know if that is in the Board's cover page. Yes, I just noticed for the first time right now that that is not in the Board's cover page, although it is in my letter. If you look at page 57 of the package.

Chair – Is a copy of it included in the Board package?

Ms. Wiener – You know, the trust agreement certainly is. It starts at page 43 and the contract starts at page 40. Perhaps the Board cover page was in error.

Chair – Thank you. So, this is unusual that it's not stated in the information to the Board. Board, what is your pleasure on approving the contract with the other information that we have?

Ms. Simon – Excuse me, Mr. Chairman? Are you asking whether the Board will approve the pages indicated on pages 40-42?

Chair – Yes.

Ms. Simon – Thank you.

Chair – Actually, 43, 44, etc.

Ms. Wiener – Through 56. Pages 40 through 56.

Chair – Thank you.

Ms. Simon – That does not appear to be a contract.

Ms. Wiener – Page 40?

Ms. Simon – Yes, page 40 does, but the contract appears to be on page 40, 41, and 42. The other is trust forms.

Ms. Wiener – Correct.

Chair – Thank you.

Mr. Knopke – Mr. Chair, a question for Ms. Simon?

Chair – Yes, Mr. Knopke?

Mr. Knopke – Have you all had a chance to review the proposed contract?

Ms. Simon – I'm sure that it was reviewed when we initially got the package. I have not seen it, but I'm looking at the documentation now and it appears to be pretty boilerplate. It is three (3) pages. I'm not sure I understand the first page. As a contract, it really doesn't look like one, but page two (2) and page three (3) appear to be standard. This contract, Ms. Wiener, I have to tell you on page 41 and 42, it's a contract that's already filled out. There's something on this.

Ms. Wiener – It's just a sample. That's just a sample to show. They're using a company called CemSites, a cemetery software company, that will be generating their contracts. I worked with CemSites on the preparation of this contract and ensured that it meets all of the qualifications of Chapter 497, F.S., and the associated rules. For instance, you'll notice that on the signature page, the purchase price is identified there. The amount to be allocated to trust is there. The amount to be trusted is there. The cancellation provisions are there. The Board required contact information is there. The FTC cooling off period disclosure is there, and so on and so forth. We submitted these altogether for approval, and I apologize for not picking up on this until now that there was no reference in the cover page, but they did all come in together. The preneed main license application in addition to the contract and the trust agreement itself.

Chair – How would the Board feel about a compromise of approving contingent upon review by the Division and the contract is to their satisfaction?

Mr. Jones – I'll make that motion.

Chair – Along with approval with conditions?

Mr. Jones – Yes sir.

Mr. Knopke – Mr. Chair, may I ask one more question before we go too much further?

Chair – Mr. Knopke?

Mr. Knopke – Ms. Wiener, the sample contract is simply a sample. They're not selling as we speak?

Ms. Wiener – That is correct. They were, because it's going to {inaudible}, all we did there was to be able to put numbers in to show how the contracts would actually work. The way that this works, we couldn't generate a sample of the contract that would show all of the completion without them some putting some dummy numbers in. No, they are not selling anything at this time.

Mr. Knopke – Thank you very much.

Ms. Simon – If I may ask, Mr. Jones, can you please repeat your motion? I want to make sure that it has both items.

Mr. Jones – I would ask Mr. Brandenburg to repeat his recommendation because I accepted that as my motion.

Chair – The motion would be to approve subject to the Board's review of the submitted contract.

Ms. Simon – The Division's review, Mr. Chairman?

Chair – The Division's review and supplying a print-ready copy within sixty (60) days after the Division's approval.

Mr. Jones – Thank you, and that's what I remember it being as.

Ms. Simon – And, Mr. Brandenburg, included in your motion is that also the approval of the preneed main licensure?

Chair – Yes.

Ms. Simon – Thank you.

Chair – And is there a second?

Mr. Knopke – Second, Knopke.

Chair – And all those in favor, aye?

Board members – Aye.

Chair – And any opposed? And the motion carries.

15. Application(s) for Preneed Branch License

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

(1) Legacy Options LLC d/b/a Legacy Options Bonita Springs LLC (F073095) (Bonita Springs)

Ms. Simon – Pursuant to s. 497.453, F. S., the applicant listed has applied for a preneed branch license. The application was complete without reportable criminal or disciplinary history. The Division is recommending approval.

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

16. Application(s) for Removal Facility

(1) Recommended for Approval *with* Conditions

(a) East Coast First Call LLC (Palm Bay)

Ms. Simon – An application for a Removal Service was received by the Division on December 9, 2019 due to a change in location. The application was incomplete when submitted and completed on February 7, 2020. Fingerprints for all principals have been returned with no criminal history. The facility is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Ms. Simon - Board members?

Chair – So, this is a change in location. The recommendation is to approve subject to passing an onsite inspection. Is there a motion?

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

(b) Primary Care Removal Services LLC (Jacksonville)

Ms. Simon – An application for a Removal Service was received by the Division on December 30, 2019. The application was incomplete when submitted and completed on January 29, 2020. A background check of the principals revealed no relevant criminal history. The facility is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

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

A. Recommended for Approval with Conditions

(1) Monument Retail Sales Agreement(s)

(a) The Jackson Monuments and Custom Finishings LLC (Bartow)

Ms. Simon – The Jackson Monuments and Custom Finishings LLC submits a monument retail sales agreement for approval. If the Board will recall, you approved their licensure earlier in today’s meeting. If this form is approved, it is to be used for the sale of monuments through that monument retailer establishment. The Division recommends approval subject to the condition that two (2) full sized print-ready copies are received by the Department within 60 days of this Board meeting.

MOTION: Mr. Helm moved to approve the agreement subject to the condition that two (2) full sized print-ready copies are received by the Department within 60 days of this Board meeting. Mr. Knopke seconded the motion, which passed unanimously.

Chair – Just a comment. I like the Division’s checklist that they go through to assure that the sales agreement contains all the necessary component parts.

(2) Trust Transfer Request(s)

(a) FPG Florida LLC/Foundation Partners of Florida, LLC d/b/a Ammen Family Cremation and Funeral Care (F060727) (Bellevue)

Ms. Simon – On December 5, 2019, the Board approved acquisitions by FPG of four (4) funeral establishments, a direct disposal establishment, and cinerator facility location related to South Brevard Funeral Home, East Coast Cremation and Space Coast Crematory, as well as the licensing of these locations as preneed branches under FPG’s preneed main license (F060727). FPG acquired all the assets and liabilities for both the funeral and preneed for these locations.

FPG seeks approval of the transfer of the following: The 1978 FSI Master Trust, The 1988 FSI Master Trust, the Security Trust Master Fund Agreement of 1988, the Security Trust Master Fund Agreement of 1994 to the FPG Florida, LLC Preneed Funeral and Cemetery Merchandise and Services Trust under Regions Bank, and the First Florida Trust Agreement to the FSI First Florida Trust – FPG Preneed Assets under Regions Bank. If approved, Regions is or will be trustee, as provided in your Board package. The Division recommends approval of the proposed trust transfers as identified above; and

- 1) That the representations of FPG, as set forth in Attorney’s letter dated January 16, 2020 be deemed material to the Board’s decisions herein.
- 2) That within 90 days of this Board Meeting Regions 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. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trust to be transferred pursuant to Attorney's letter dated January 16, 2020.
 - A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in Attorney's attached letter dated January 16, 2020.
 - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Attorney's attached letter dated January 16, 2020.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

Chair – Mr. Clark?

Mr. Clark – Thank you, Mr. Chairman. I'd like to state my affiliation with Foundation Partners Group of Florida, and I will recuse myself from this matter, as well as 17. A. (2) (b), which is the next item before the Board. Thank you, Mr. Chairman.

Chair – Thank you, Mr. Clark.

Mr. Barnhart – Mr. Chair, this is Tom Barnhart. What number of Board members do we have on the line, excluding Mr. Clark?

Chair – I believe Ms. Simon indicated that there were seven (7) present.

Ms. Simon – If I may, Mr. Chairman? Has Mr. Williams joined the call? Without Mr. Williams on the call...

Mr. Barnhart – I think that just leaves five (5) if Mr. Williams is not on. Doesn't it?

Ms. Simon – No, actually, Mr. Brandenburg, Mr. Knopke, Ms. Anderson, Mr. Hall, Mr. Helm, and Mr. Jones. I believe that's six (6).

Mr. Barnhart – Okay. Thank you.

Mr. Knopke – Mr. Chair?

Chair – Yes, Mr. Knopke?

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

(b) FPG Florida LLC/Foundation Partners of Florida, LLC d/b/a Beach Funeral Homes & Cremation Services (F060727) (Bellevue)

Ms. Simon – On December 5, 2019, the Board approved acquisitions by FPG of two (2) funeral establishment and cinerator facility locations related to Veira Funeral Homes, as well as the licensing of these locations as preneed branches under FPG's preneed main license (F060727). FPG acquired all the assets and liabilities for both the funeral and preneed for these locations.

FPG seeks approval of the transfer of the following: The 1988 FSI Master Trust to the FPG Florida, LLC Preneed Funeral and Cemetery Merchandise and Services Trust under Regions Bank, The 1993 FSI Master Trust to the FPG Florida, LLC Preneed Funeral and Cemetery Merchandise and Services Trust under Regions Bank and the First Florida Trust Agreement to the FSI First Florida Trust – FPG Preneed Assets under Regions Bank. If approved, Regions is or will be trustee, as more specifically laid out in your Board package. The Division recommends approval of the proposed trust transfers as identified above; and

- 1) That the representations of FPG, as set forth in Attorney's letter dated January 16, 2020 be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Regions 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. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trust to be transferred pursuant to Attorney's letter dated January 16, 2020.
 - A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in Attorney's attached letter dated January 16, 2020.
 - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Attorney's attached letter dated January 16, 2020.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

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

18. Executive Director's Report
A. Operational Report (Verbal)

Mary Schwantes – Moving on to the next item. This is Mary Schwantes. The next item on the Agenda is the Executive Director's Report. With permission, Mr. Brandenburg?

Chair – Please.

Ms. Schwantes – I'd like to give you an update on the legislative session. We are approaching the end of the 2020 Legislative Session. The last week for committee meetings is actually this week. I actually think the last day was March 3rd, for the official meetings. The last day of the regular session is March 13th, which is next Friday. So, an update on some of the bills I've already talked to you about, the Department bills, HB1077 and SB1404. These are the bills that contained provisions effecting Chapter 497, F.S. The latest status on these bills, HB1077 has passed through three (3) of the three (3) required committees, and as of February 19th, it was placed on the House calendar on the 2nd reading. The Senate bill, however, has passed through all three (3) of the three (3) required committees, as of March 3rd. It will next go to the Senate floor. My understand is that a compromise is being worked out between the two (2) bills. We do, of course, expect this bill to go forward, in some fashion, in both houses and hopefully pass.

We were following a couple of additional bills that I'll give you an update on. First, on abandoned cemeteries. This was the one that arose, HB121 and SB220, in part as a result of the issues arising from the former Zion Cemetery and Ridgewood Cemetery in the Tampa area, and create a seven (7) member task force on abandoned African American cemeteries. The status on these bills is HB121 is in the first of its three (3) committees with no date set. However, SB220 passed three (3) of its three (3) committees and is placed on special order calendar before the Senate for March 6th.

Regarding animal cremation, SB1282. There was no corresponding House Bill. There was no change from the prior report. The bill passed the first of its three (3) required committees, and it's now before the Senate Committee on Commerce and Tourism, with no date set. There is no house bill. This is unlikely to go further and probably is going to die in Committee.

Regarding monuments and memorials, HB31 (no Senate Bill) designated act "Soldiers' and Heroes' Monuments and Memorials Protection Act". There is no change from the prior report. It's in the first (Criminal Justice Committee) of the three (3) required committees, with no date set. There is no Senate Bill. Again, this is likely to die in Committee.

However, we get to the Deregulation bills. And if you will remember, we talked about the Sunrise Bill and the Sunset Bill. The Sunrise Bill, which is HB1155/SB1614, basically makes it more difficult to adopt regulation of previously unregulated functions and/or to significantly expand the regulation of currently regulated occupations. The House Bill passed on ¾ (98 yeas; 13 nays) and is now in messages to the Senate. The Senate Bill did not go to any of the three (3) required committees. However, this bill may ultimately pass. We will continue to closely monitor the bill.

HB0707/SB1124 are the Sunset Act portions of the bills that we've talked about. If you will recall, this bill absolutely impacts portions of Chapter 497, F.S. It establishes a schedule for the systematic review and possible deregulation of occupational regulatory programs, including our industry's individual licenses, such as funeral director, embalmer, etc. Other occupations

licensed by the Department are also included in the bill, so the Department is very closely monitoring this. The bill passed the House on February 26th, with (85 yeas; 29 nays) and is now in messages to the Senate. The Senate Bill passed one (1) of its three (3) required committees and is now in appropriations with no date set on that, but like I said, this is the last week of Committee meetings. However, as with the Sunrise portion of these two (2) bills, this may still ultimately pass and we will continue to monitor. If any of you have questions on any of the bills mentioned, please let us know.

I want to talk to you briefly about Coronavirus issues. We actually are already receiving calls from our licensees and others as to the appropriate measures that licensees should take when handling individuals who have died or are suspected to have died from the Coronavirus (COVID-19). These postmortem care inquiries, again because they're more healthcare related, are best addressed by the CDC and by the State Health Department, not this Division. That is the information that we have provided our staff. We've also provided our staff to respond to such inquiries by referring these inquiries to the CDC's Postmortem Guidance at [HTTPS://WWW.CDC.GOV/CORONAVIRUS/2019-NCOV/HCP/GUIDANCE-POSTMORTEM-SPECIMENS.HTML](https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-postmortem-specimens.html) and/or to the CDC's Emergency Operations Center at 770-488-7100 if urgent consultation is needed on these issues. The guidance that is on there, although it primarily pertains to autopsies, there are portions within the guidance that I understand are of interest, at least, or can be of interest to those who are performing embalming activities, in particular.

The funeral industry associations are also closely following this situation and we have found some of the information available through the associations to be particularly helpful. The NFDPA has posted articles and other information at: [HTTPS://WWW.NFDPA.ORG/NEWS/IN-THE-NEWS/NFDPA-NEWS/ID/4841](https://www.nfdpa.org/news/in-the-news/nfdpa-news/id/4841). It has additionally provided guidance as to which portions of the CDC Postmortem Guidelines that I previously referred to best apply to funeral directors, embalmers, etc. The ICCFA has also posted information regarding the Coronavirus on its website. Although, at this time, it primarily discusses the potential impact of the virus on its upcoming convention but also provides links to other information regarding the virus at: <https://icfca.com/coronavirus/>.

I did speak with Mr. Jones earlier in the week. Mr. Jones, did you have any updates regarding the Department of Health?

Mr. Jones – No, other than what you've already said. If there's any questions contact your local county health department and they will be able to assist.

Ms. Schwantes – Thank you, Mr. Jones. Brief update on ongoing projects. I have nothing new to report on the Board appointment process. I'm sorry I can't give you better news than that, but that's where we are on that. The next in-person Board meeting will take place in Tampa, FL, on April 2, 2020. This ends the Operation Report. Thank you, Mr. Chair.


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
 March 5, 2020 Board Meeting
 Date of Report: February 26, 2020

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Infinity Transportation Services	6-Feb-20	App for Removal	\$1,750		Yes	
Infinity Transportation Services	6-Feb-20	Refrigeration	\$1,750		Yes	
Tri-County Mortuary Transfer Services	6-Feb-20	250581-19-FC	\$2,000			
Camel Funeral Home	6-Feb-20	247860-19-FC	\$300			
Heritage Memorial Company d/b/a Lewis W. Mohn Funeral Home & Cremation	6-Feb-20	254946-19-FC	\$300			
Mosley Monuments and Vaults, LLC	6-Feb-20	243762-19-FC	\$500			
Stone Removal Services, LLC	6-Feb-20	243150-19-FC	\$300			
Everglades Crematorium	5-Dec-19	231985-18-FC	\$2,000	3-Feb-20	Yes	
Geronimo Menz	5-Dec-19	231982-18-FC	\$2,000	3-Feb-20	Yes	
Affordable Cremation Solutions, Inc.	5-Dec-19	241091-19-FC	\$15,300	6-Feb-20	Yes	
Darice Concepcion	5-Dec-19	233390-18-FC	\$2,500	6-Feb-20		A
D & L Real Estate Investments LLC d/b/a Faith Mem	5-Dec-19	227930-18-FC	\$1,500	6-Feb-20	Yes	
Albert McWhite	5-Dec-19	245288-19	\$3,000	6-Feb-20		A
McWhite's Funeral Home	5-Dec-19	245292-19-FC	\$3,000	6-Feb-20		A
Davis & Davis Funeral Services LLC	5-Dec-19	230411-18-FC	\$3,000	6-Feb-20	Yes	

A. When payment in full becomes past due, the FCCS Division works with the DFS Office of the General Counsel 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.


2-26-2020

C. Letter to the Board (Informational)

Ms. Simon – This is informational only, as it was written to the Board’s attention. Assuming we have no comments.

Chair – Board, do you want to respond back with some type of a response as the Board does not create statute but is required to follow statute. Changes in statute can be implemented through the Legislature or what do you want to do?

Mr. Helm – Mr. Chair, this is Powell.

Chair – Mr. Helm?

Mr. Helm – Can somebody give me a brief history about what this letter is about?

Chair – Did you get an opportunity to read it?

Mr. Helm – I did. Maybe I didn’t understand what he wrote.

Ms. Simon – Mr. Chairman, may I respond to that?

Chair – Please do.

Ms. Simon – Previous to 2010, the direct disposer in charge of a direct disposal facility could be a licensed direct disposer. In 2010, the law changed to make it that only a funeral director could be a direct disposer in charge of a direct disposal establishment. However, those individuals that were with a direct disposal establishment that were licensed as direct disposers as of 2010, were grandfathered in. So, they can maintain being a direct disposer in charge, if they have maintained their licensure all along. Those that have not, direct disposers cannot be in charge of a direct disposal establishment. I hope that satisfies your query, Mr. Helm.

Mr. Helm – Was this guy licensed before?

Ms. Simon – To be honest, we didn’t look it up, but I anticipate he had not been grandfathered in or he would currently be licensed. Only those limited people that were licensed as a direct disposer and were in charge of a direct disposal establishment in 2010 can maintain that status for that specific direct disposal establishment.

Mr. Hall – And this individual let his license lapse some time during that period? Is that what I’m hearing?

Ms. Simon – I believe so, but I'm not sure. I don't think that it says. I assume, without looking it up, that he may have been direct disposer in charge of a facility in 2010, but he was not the direct disposer for a long period. He's not a direct disposer in charge of that facility now. As soon as you let that lapse, it needs to be a funeral director that's in charge.

Mr. Knopke – Mr. Chairman?

Chair – Yes, Mr. Knopke?

Mr. Knopke – Some history about the statute change. It was changed to put someone more in charge of the direct disposal facility. The old Board had many problems with direct disposal facilities selling a lot of preneed at low prices and they went out of business. The idea behind the change was in hopes that we'd get more qualified individuals to supervise that business going forward. This goes way back to a lot of issues in the '90s and the early part of the 2000s. I take exception a little bit to the writer of the letter attacking Senator Baxley and questioning his integrity, in a brief reading of the letter. Thank you.

Chair – Thank you, Mr. Knopke.

Mr. Knopke – Mr. Chair, you had asked for a response. I would suggest to the Department that they write back to the individual and thank them for their letter and that they might want to talk to their legislator about changes to the statute.

Chair – Thank you.

Ms. Simon – If I may, Mr. Chairman?

Chair – Yes?

Ms. Simon – We can do that as a Department. The questions were directed to the Board. If you would prefer that the Division responds to the letter, we will with what you've discussed today, but I just wanted to make that known in case there's any optional choice.

Chair – Yes, the Division to respond, but before you send it out please send me a draft so that I can review it.

Ms. Simon – Yes sir.

①

FCCS DIVISION
FEB 24 12:01 1-30-19
The Board of Funeral Service
200 E Gaines St.
TALL. FL. 32399.

Dear Board,

I am writing you about a couple of rules that need to be changed. First is 497.380 - It is fine for a funeral Dir. to work at d.d.e. but a d.d. should be able to supervise the facility if as of Sept. 10, 2010 they were lic and had no violations. I have been a lic. D.D. since 1993. No violations and my supervision authority was taken away - in Sept. 2010. Why I don't know - I was at the time Ken Robertson said "They are coming down here setting up shop and ripping off the old people. How he determined that I don't know. Was there any due process or does he not? D.D.'s in the business. He had the support of another F.D. Dennis Baxley - By the way I have never payed a fine for any kind of wrong doing in the cremation bus. Can Baxley say that? Talk about the pot calling the kettle black! Any way I should have been grandfathered in along with many others.

②

I talked to Marty Kelly in 2010 and she said there's nothing could be done that they are too powerful - All I am asking for is a simple amendment. to give a direct disposer lic or exp before Sept 25, 2010 to be able to supervise their own business when a violation occurs it should be investigated and individually apply to that person not the whole group of D.D's

I would like to see the prof. go more of a technical prof. instead of 2 years of college. Jobs are more important than these guys trying to destroy them.

497.605 says, direct disposer not funeral Director. When a person comes to a Direct Disposal Est. They don't want a Funeral Director. That's why the program was created in the first place.

So as I don't let me say creation is here it is not going away in our lifetime so lets do the right thing and let Direct Disposers supervise their own business like they were promised in 1993 -

(continue of this letter is)
my opinion -

Marty Kelly,
941-565-6136

Select Year: 2019 Go

The 2019 Florida Statutes

Title XXXIII
REGULATION OF TRADE, COMMERCE,
INVESTMENTS, AND SOLICITATIONS

Chapter 497
FUNERAL, CEMETERY, AND
CONSUMER SERVICES

View Entire
Chapter

497.605 Direct disposition ~~not funeral directing~~.—The duties, functions, and services performed by a direct disposer licensee, as provided by this chapter, shall not be deemed to constitute funeral directing or embalming or the duties, functions, or services performed by a funeral director or embalmer as otherwise defined and provided by this chapter.

History.—ss. 1, 5, ch. 79-231; ss. 2, 3, ch. 81-318; s. 1, ch. 89-8; s. 122, ch. 93-399; s. 130, ch. 2004-301.

Note.—Former s. 470.022.

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*Direct Disposition
w/ Direct Disposer
Should be grandfathered in.
But was not - why?*

FGCS DIVISION
20 FEB -6 PM 12: 01

*GARRY TILLIS
3533 ORMOND AVE
PANAMA CITY FLA.
32405*

941-565-6136

19. Chairman's Report (Verbal)

Chair – No report.

20. Public Comments (Verbal)

Ms. Simon – These public comments on today’s agenda. Are there any public comments to be made? Hearing none.

21. Office of Attorney General’s Report (Verbal)

A. Attorney General’s Rules Report

Mr. Barnhart – Good morning. This is Tom Barnhart. As you see on the Rules Report, we have three (3) rules that have recently become effective. I’ll be meeting with Ms. Schwantes and Ms. Simon shortly about any changes that might be needed

because of this legislative session. I did want to bring to your attention, and we can put this on the Agenda for the Board meeting for April, about the Governor's Executive Order regarding possible sunseting of rules. According to this Executive Order, too, he's wanting each Board and Commission in each agency to conduct a thorough review by September 1, 2020 of all current rules and regulations and report to OFAR any rules or regulations that are barriers to entry for private business competition, those that are duplicative, outdated, obsolete, overly burdensome or impose excessive cost. There are forms now required. If there's any amendment or new rules that are promulgated, if there is not Sunset provision that there be an explanation of why no Sunset provision was approved by the Board. That's basically what is being asked by this Executive Order.

I don't have a number for it, but it's dated November 11, 2019, and depending on what happens in this legislative session, this could be changed as well. But, we can provide that Executive Order as soon as possible through an email to everybody, just for their information, or we can put it on the April meeting agenda just for your information and review. They're suggesting like a Sunset provision up to five (5) years. Some Boards and Commissions have done some rulemaking just recently and put in a Sunset provision of like four (4) years from now, basically putting in the same provisions that I just read to you that each agency, including boards and commissions, are going to be looking at their rules and determining whether these rules are necessary, whether any are obsolete, and so forth.

Basically, every year now we are tasked with the responsibility of reviewing our rules and determining if there are any unnecessary rules or any obsolete rules and to help the people get licensed and so forth and have a smoother operation. There may be a few rules that we do not necessarily need, but I think in the past we've repealed a few of those, but every year we're going to have the responsibility of reviewing them. So, I just wanted to bring that to your attention. I'll work with Ms. Schwantes and Ms. Simon to get this Executive Order out to you and I think we'll definitely have it at our face to face Board meeting in early April. Are there any questions about the Rules Report?

Chair – What would the rules review look like for this Board?

Mr. Barnhart – Just like for any Board, according to this Executive Order, and our statutory changes too, they've put us on requirements that we continually review our rules. Especially, at least once a year and try to determine if there are any unnecessary rules or any rules that are obsolete. As I mentioned, are there any barriers to entry to private business competition or any duplicative requirements. For example, are there any rules that just cite what are in the statute and are not necessary or any overly burdensome and do any impose excessive costs which are not necessary. Any cost which is not necessary would be excessive according to this review.

Chair – Thank you, Mr. Barnhart.

Ms. Schwantes – Mr. Chair, this is Mary Schwantes. If I may?

Chair – Please.

Ms. Schwantes – I just wanted to go ahead and, in conjunction with Mr. Barnhart, discuss both the Executive Order and the legislation that we talked about regarding the Sunset bills. If passed, they will, as you know, have significant impact both on our licensees and on the Division, including funding. We're putting together information on this factual data that we will be happy to share with the Board at a later date, but that information is being put together right now for Department's use. Again, the Department as a whole is closely monitoring that bill and of course the Executive Order would be part of anything that we have to follow. As Mr. Barnhart indicated, that Executive Order could change as a result of the legislation. So, with that said, I just wanted to bring that to the Board's attention. If the Board would like, we could put all of that on April's agenda, rather than send out something prior to that so that you are able to see all of it at one time.

Chair – Thank you.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
MARCH 2020**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-7.015	Trust Agreements and Trustees.	12/05/2019	08/12/2019(RD) 12/17/2019(RN)	08/20/2019 Vol.45/No.162	01/06/2020 Vol.46/No.03	02/10/2020	03/01/2020
69K-18.001	Embalmer Intern Training Program.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-18.002	Funeral Director Intern Training Program.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-18.003	Concurrent Internships.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-21.001	Licensure Procedure; Consequences of Operating Prior to Licensure.	12/05/2019	09/26/2019(RD) 12/17/2019(RN)	10/03/2019 Vol.45/No.193	01/06/2020 Vol.46/No.03	02/10/2020	03/01/2020
69K-21.005	Display of Licenses.		09/26/2019(RD)	10/03/2019 Vol.45/No.193			
69K-21.007	Responsibility of Funeral Director in Charge.	12/05/2019	08/12/2019(RD) 12/17/2019(RN)	08/20/2019 Vol.45/No.162	01/06/2020 Vol.46/No.03 01/10/2020 JAPC Corresp. 01/30/2020 JAPC Response	02/11/2020	03/02/2020
69K-24.034	Operating Procedures for Refrigeration Services.		09/26/2019(RD)	10/03/2019 Vol.45/No.193			
69K-32.002	Approved Courses.	12/05/2019	09/26/2019(RD) 12/17/2019(RN)	10/03/2019 Vol.45/No.193	01/06/2020 Vol.46/No.03 01/10/2020 JAPC Corresp. 01/24/2020 JAPC Response	02/10/2020	03/01/2020

22. Upcoming Meeting(s)

- A. April 2nd (Tampa – Embassy Suites by Hilton Tampa Airport Westshore, 555 North Westshore Boulevard)
- B. May 7th (Teleconference)
- C. June 18th (Daytona Beach – Holiday Inn & Suites Daytona Beach, 930 North Atlantic Avenue)
- D. July 22nd (Boca Raton – FCCFA Annual Convention, Boca Raton Resort & Club, 501 E Camino Real)
- E. August 13th (Orlando – Embassy Suites Orlando-International Drive, 8978 International Drive)
- F. September 3rd (Teleconference)
- G. October 1st (Jacksonville – Florida State College at Jacksonville, Advanced Technology Center, 401 W State Street)
- H. November 5th (Teleconference)
- I. December 3rd (Gainesville – TBA)

23. Adjournment

Chair –Board members? Any comments, statements, good of the order? Hearing none, the meeting is adjourned.

The meeting was adjourned at 11:23 a.m.