

MINUTES
DIVISION OF FUNERAL, CEMETERY AND CONSUMER SERVICES
LEGISLATIVE WORKSHOP 2021 - VIDEOCONFERENCE
July 12, 2021 - 12:00 P.M.

1. Preliminary Remarks and Introduction of Board Members and Department attendees

Ms. Mary Schwantes – Ok. I've got 12, so let's go ahead and get started. I counted 30 people on this call right now, including Department staff, Board members, and folks on the phone, but I hope that we will have a productive session. Certainly, as more people join, hopefully they can be brought up to speed. So, we need to start with opening statements, like we usually do. For those that are familiar with the Board meetings, you'll be familiar with some of this. So, just before I start, I do want to confirm, Ms. Grant, are we being recorded now?

Ms. LaTonya Bryant – This is LaTonya. We are.

Ms. Schwantes – Thank you, LaTonya. I wasn't sure if you were back yet. OK. Thank you so much. So, good afternoon and welcome, everybody. My name is Mary Schwantes. I'm the Division Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Monday, July 12th, and it actually 12:03 PM. This workshop is a public meeting held for the purpose of receiving input from Board members, the death care industry and public, on matters concerning the profession, including Chapter 497, Florida Statutes, and its related Rules. Many of you will recall the in person legislative workshops we held almost exactly three (3) years ago. Those meetings provided the Department...hold on one minute, we're going to get this fixed. I'm hearing an echo, Ok, we're going to continue and hopefully, Ms. Bryant, if you could work on that, that'd be great. So, the legislative workshops, which were held about three (3) years ago provided the Department with a lot of useful information, much of which was taken into consideration in developing the Agency's bills over the next years. Although we could not meet in person for today's meeting as originally planned, we're pleased to be able to offer this opportunity for public discussion by videoconference, the first such legislative workshop we've held, and I'm very glad to see everybody here today. Notice of the public workshop was duly posted in the Florida Administrative Register. The Notice, agenda for the meeting, the videoconference link and call in number were also posted on the Division's website. This information was also provided by email to the Board members of the Board of Funeral, Cemetery and Consumer Services, and to the list of persons or entities which have previously requested information related to Board meetings. This includes representatives from Florida four (4) Death Care Associations: the FCCFA, the IFDF, the FMA and the FMBA. Department staff present for this workshop are attending from their individual offices. Ms. LaTonya Bryant, with the Division, is recording the meeting and minutes will be prepared.

Since this workshop is being held by video conference and recorded, I want to go over some of the ground rules and the procedure we need to follow for the meeting. One, as a general rule, please do not use your video camera for the meeting, unless you are an authorized Department employee, a Board Member, Board counsel, or speaking on the agenda item. As I mentioned, this is the first workshop we've held by videoconference and we want it to go very smoothly, especially as we hope it provides greater opportunity for public input. Although, the workshop is scheduled for five hours, we certainly do not believe it would go that long. For these reasons, we also ask that any comments on items be brief and that associations or establishments attending only have one (1) representative speaking for them on any individual topic. So, a lot of you who attended the legislative workshops a few years back, remember that we had a table set up, so that people attending who wanted to speak on a given matter, could register to speak on that matter, or sign up on a list so that their name would be called when that topic came up. Obviously, we don't have that available for this, so unlike our Board meetings, we are going to be using the chat feature for this meeting. I'll explain more in a little bit. As we go through the agenda, I'll introduce each agenda topic and give a little background information on it, or ask an association representative or other Department employee to present the issue. We will then ask if any Board members have comments on the topic. After that, the issue will be open for public comments and discussion from others attending. When an item is presented, you'll see the topics show up in the chat feature. If you're interested in speaking on the issue and are attending by videoconference, please use the chat feature to indicate you wish to be recognized for comments on that topic. Do not put your comments themselves in the chat feature. Only use it to indicate that you wish to speak on a topic. You'll need to type in your name and the

company or association you represent. Ellen Simon and I are both monitoring the chat feature, and we'll make sure to call on you while that topic is being discussed. Only turn your video camera option on when we have reached the agenda item that you want to be heard on or when you hear your name called. Then turn your video camera option and audio off again, as soon as you have provided your comments. So, after those who are attending by video conference have provided their comments, we're going to open the matter up for comments from those who are attending by phone, and right now I'm seeing about ten (10) people attending by phone. I know some of those are Department staff. This may be the trickiest part of the procedure. Since we do not have a way of identifying someone on the phone beforehand, I ask that you all be patient during that part of the process. Those on the phone should try to only speak one at a time and wait to be recognized before beginning comments. We'll try to give plenty of time between speakers to make sure that everybody who wants to speak on this topic can. We may also need to adjust the procedure as we go along. Again, this being the first such workshop, it's a learning curve for everybody.

So then, finally, I'll ask again if Board members have final comments that they would like to add. Again, if you're not planning to participate by video, please ensure that your camera is off. Additionally, we need everyone that is on the call, whether attending by phone or video to make sure that your phone or audio feed is on mute, if you are not speaking. The ambient noise coming from someone's phone or audio, which is not muted, can cause severe disruption to the meeting. If you're not muted and appears your line, it's causing the disruption, you may be muted by Division staff. If that happens, you're probably going to get kicked off of the call, and have to log back in or call back in to provide comments on the topic you want to speak on. Also, if you're using your computer or smartphone for your audio feed, please remember to speak directly into the microphone on your device. To do otherwise negatively impacts the recording of this meeting. I will be facilitating this meeting with the assistance Ellen Simon, our Assistant Division Director, and Austin Stowers, who is our Deputy Director for the Department's Office of Legislative Affairs. Participants are respectfully reminded that the facilitators run the meeting. Persons desiring to speak should follow the procedure we discussed earlier and wait to be recognized by one of the facilitators before speaking. Just as in a live meeting, and especially since the audio for this meeting is being recorded, persons speaking must identify themselves for the record each time they speak, even if they are attending by video and their camera view is turned on, so they know other people who are on can see them. Also, speakers should identify the association or establishment they represent each time they speak.

As a final reminder, this meeting is a public meeting under Florida Law. The chat messages will be retained and anything said via chat is subject to a public records request. Again, you should only use the chat feature for the purposes we discussed; when you're basically registering to talk on an item, or if you are having technological issues that you need some assistance with. We are monitoring the chat feature for these purposes only. At this time, I'd like to introduce Department staff and Board members attending. Department staff and Board members, please turn your video camera on during these introductions, and, of course, anytime you wish to make comments. And otherwise, you can turn your video camera off, if you would like. So, from the Department is Ellen Simon, our Assistant Division Director for the Division of Funeral Cemetery and Consumer Services. Austin Stowers, our Deputy Director for the Department's Office of Legislative Affairs. I'm not sure if he's on, but I believe Chase Mitchell was going to attend.

Mr. Austin Stowers – Chase is on as well. Yes.

Ms. Schwantes – Very good. He is our Senior Management Analyst for the Department's Office of Legislative Affairs. LaTonya Bryant, our Administrative Assistant III for our Division. You heard Crystal Grant earlier, also one of our administrative assistants. And I believe Marshawn Griffin, Senior Attorney for the Department, planned on attending. Representing the Board, we have: Jody Brandenburg, our Board Chair; Keenan Knopke, our Board Vice Chair; Sanjena Clay, a Board member; Board Member Lew Hall; Board member, Chris Jensen; Board member, Ken Jones; Board member, Jay Lyons. I am not sure if Darrin Williams is on. Board member Darrin Williams? He may not be on. And Rachelle Munson, Our Counsel for the Board, provided from the Office of the Attorney General. So, are there any questions on the procedure so far? Ok. We'll go ahead and get started.

2. Topics for Open Discussion

A. Expanding License Disqualification Based Upon Criminal Background

Ms. Schwantes – So, I believe that Ms. Simon has now opened the topic in the chat feature for those who want to speak on this. Bear with me one minute, please. I had to adjust my video feed. Ok, so, again, if you want to speak on this topic, please be sure to list your name and the company or association affiliation. So, this is a topic that has been proposed by the Division. As a quick background, again, on the Agency's legislative process, the Divisions within the Department will submit legislative proposals to our Department's Office of Legislative Affairs many, many months prior to the actual beginning of the next year's session. The proposals are reviewed for possible inclusion in the Agency's bill for that session. Ultimately, of course, it is the Chief Financial Officer who decides which proposals become part of the Agency Bill. When the session begins early, as it does in 2022, our planning begins even earlier, that's why we're here today. So, this first topic, Expanding the License Disqualification Based on Criminal Background, is one that we, the Division, have raised a few times in the last few years. The current statutory scheme significantly limits the ability to disqualify applicants from licensure based upon criminal background. Specifically, the current statutory scheme lacks clarity regarding the types of crimes for which person might be disqualified from licensure under Chapter 497, Florida Statutes. The Division is again proposing changes, which will clarify and expand the ability to disqualify applicants from licensure, under Chapter 497, based upon criminal history, while still allowing the Board to review individual cases and grant an exemption from the disqualification based, for example, on youthful indiscretion.

The Division is proposing the creation of a new statute, an amendment of another statute, Section 497.142, Florida Statutes, in order to clarify the requirements for disclosing crimes and provide better guidelines for both Board and the Division, regarding the types of crimes for which an applicant may be disqualified from licensure under Chapter 497, Florida Statutes. The proposed changes should also better protect consumers, in that applicants with certain extremely serious types of criminal background, for example, felonies involving moral turpitude, will be permanently disqualified from licensure, under Chapter 497, Florida Statutes. So, the language that the Division has proposed is modeled after similar language that is contained in the Departments statutes for the Division of Agents and Agency Services. This is a continuation of our efforts from 2020 and 2021 to pass legislation on this matter. The 2020 proposal was made a part of the Department's Bills, House Bill 277 and Senate Bill 1404, in 2020. It passed through all committees. However, both bills died on the calendar on the respective floors toward the end of the session. In 2021, the proposal was changed to reflect input and experience from the prior year's efforts. The 2021 proposal was made part of the Department's Bills, House Bill 1209 and Senate Bill 1408, but ultimately removed from the bill during House Committee reviews, due to concerns from legislative staff. The Division would propose changes identical to the proposal from last year, which again, incorporated the input received during the 2020 legislative session. In past years, the Department has received support from our industry associations and licensees on these efforts, and we would hope to receive similar support in 2022, assuming the proposal becomes part of the Agency Bill. So, now I want to open this up for comments, and first turn to Board members. Board members, do any of you have any comments you would like to make on this proposal or this topic, I should say? Hearing none, I don't see anyone listed on chat who wants to speak to this item, so I will open it up for phone attendees. Is there anyone on the phone who wishes to have comments on this expanding disqualification based on criminal background? Ok, we moved through this one pretty quickly. I'll turn it back to the Board members, again, if you've thought of anything that you wanted to add, or if there are any final comments.

Jody Brandenburg, Board Chairman – This would be additional language of s. 497.142, like what was proposed last year, identically?

Ms. Schwantes – Mr. Brandenburg. yes sir, it would be. It would be a new statute, which would have the detailed crimes that would disqualify someone from licensure, and then it would amend s. 497.142, so that it's clear that that is part of the licensing process. Any further comments?

Mr. Brandenburg – Thank you.

Ms. Schwantes – Thank you, sir.

Mr. Lew Hall – Very supportive of it, Mary.

Ms. Schwantes – I'm sorry, Mr. Hall?

Mr. Hall – Very supportive of this. Thank you.

Ms. Schwantes – Thank you, Mr. Hall. That was Board member Lew Hall. Hearing no other comments, and I don't see anything on the list, we'll move on to the next topic. I have a feeling the next topic may generate more comments.

B. Direct Disposer License Issues

Ms. Schwantes – So, there are three (2) sub topics for this issue. Two (2) were proposed by the Division and one (1) by the FCCFA. I'm going to speak on the first two (2) sub topics, then turn it over to FCCFA's Board President, Lisa Coney, for the third. Let's hold all comments until after all the presentations, and then just try to get input on all issues at the same time. I think that it will work. We can try it that way anyway. First, as in 2020, the Division is again proposing changes to Section 497.601. That is the statute concerning duties that fall under direct disposition. Under this statute, direct disposers are prohibited from conducting viewings. Under Section 497.601, F.S., the activities which direct disposer may conduct are significantly limited. These limitations are intended to prohibit direct disposers from conducting activities which are deemed or constitute funeral directing or embalming or the functions performed by a funeral director or embalmer. To this end, under Section 497.601(2), F.S., direct disposers, or even funeral directors who are acting as direct disposers, are specifically prohibited from conducting viewings. Every year, however, the Division receives multiple complaints that direct disposers are conducting viewings under the guise of permitting multiple friends and family members to inspect the remains, for purposes of identifying the deceased. These are known as identification viewings. That's what we're calling them. Indeed, some direct disposers have charged the consumers for their inspection of the remains for identification purposes for amounts that are similar to those that are charged for viewings at funeral homes. Since identification may occur through other means, for example, only one person viewing the remains, or even photographic identification, these types of viewings are clearly attempts to circumnavigate the current statutory prohibition on viewings. The Division would like to change that section to clarify and strengthen the prohibition against a direct disposer conducting viewings to include those held for purposes of identification. Again, this proposal is being made as a consumer protection measure. It was initially part of the Agency Bill in 2020, but removed during committee review that year. We hope that this measure will have support for most of the industry this year.

The second issue that was raised, regarding direct disposers, is also proposed by the Division. Currently, there's an exam fee disparity between licensees. At this time, those applying for a direct disposer license are not charged for the exam fee, while funeral directors pay \$132, embalmers pay \$132, and those applying for a combo license, pay a \$242 exam fee. So, if any direct disposer issues are made part of the Agency Bill, the Division will seek to correct that disparity in exam fees. And finally, the FCCFA asked for discussion on the agenda on the possible elimination of the direct disposer license types. My understanding is that the proposal would include some sort of grandfathering in provisions for current direct disposer licensees, but I want to turn it over to FCCFA/s President, Lisa Coney, to fully present the matter. Ms. Coney, are you on?

Ms. Lisa Coney – I am. For some reason, my camera's refusing to cooperate, but I'm just as lovely as the last time that you saw me. I guess what I specifically want to speak to is, in the beginning of time, there was a very defined difference between a funeral home and a direct disposition establishment. And, in recent regulatory packages and legislative changes, the direct disposers are required to have a Funeral Director in Charge. And it seems like when you marry the two (2), a funeral establishment or a direct disposition facility up until now, the primary difference is a few square feet. So, FCCFA does not have a very specific, approved by all of our member platform at this time. But one of the things we've talked about, and I expect would want to try to formulate if this were to come forward out of this meeting, is completely getting rid of the direct disposition establishment license type altogether. We could grandfather in the existing direct disposition licensees that have less square feet, but still meet all the other requirements. And I feel like if we did that, a couple of items that the Division has raised as a concern would also be addressed. Because going forward, direct disposition establishments would be funeral homes, would be required to meet all the same requirements of the funeral home, which they almost do right now. And the idea of identification would be addressed, and any of the other kind of sticky wicket things that direct disposition firms seem to come in

front of the Division for. like, you know, placement of their name in an obituary or advertising some kind of service. These are all things that would just magically disappear.

They would be funeral homes. They would be regulated his funeral homes. They would continue to have an FDIC. The scope of license issues would no longer be a concern. And, though I completely understand the concerns, the very valid concerns of direct disposers having “visitations” as an ID view, I can't get past the fact that I think an identification view for a family prior to cremation, which is obviously irreversible, is something we should all want and support. And we obviously have a lot of concerns about doing that with someone who has a limited scope of license. But I think if they were brought in as a funeral home, treated, licensed, inspected, charge the same inspection fees, and able to then have identification viewings or visitations, because their license permits it, that is better for the Division, and ultimately for the consumer or a family that wants to make sure that the right person is in fact cremated and has the opportunity to see them to make that point. I think that's it. I hope I hit everything, because I don't know if John Ricco would be shaking his head at me and have other things to add. But this is something that has just come up year over, year, over year, over year. And with the statutes being so closely aligned now, if we're going to have a comprehensive package, it seems like a great time to make it official. Thank you.

Ms. Schwantes – Thank you, Ms. Coney. I'm going to open this up for public comments now, first from Board members. I think most of you all are using the camera, so I can see you, but please do remember to identify yourselves when you speak. Are there any Board members who want to make comments?

Mr. Hall – Ms. Schwantes?

Ms. Schwantes – Yes, Mr. Hall?

Mr. Hall – Am I going through Ms. Schwantes or Mr. Chair?

Ms. Schwantes – Through me.

Mr. Hall – Ok. My comment is, and it goes back to Doug Shropshire's day, we discussed the direct disposer issue and looked at proposals almost identical to what Lisa just identified. The concern that I've had is through the years, if we look at the claims to our trust fund, most of those are coming through some type direct disposer situation. At that time, I don't know what situation is now through the states, but I think Mr. Shropshire said we were the only state in the country at that time that had direct disposer licenses. But, when you look at the visibility of the claims that come on our Board meeting every month, the bulk of those are coming through direct disposers.

Ms. Schwantes – Thank you, Mr. Hall. Anything else?

Mr. Hall – That's it.

Ms. Schwantes – I see Mr. Knopke's hand is up, so I'll call on Mr. Knopke.

Mr. Keenan Knopke – Good morning or good afternoon. I just want to make it clear, I would strongly support the elimination of direct disposers. There was a time, many, many years ago, 30 or 40 years ago, when they might have been needed. Under today's situation and business atmosphere, they are no longer needed. Thank you.

Ms. Schwantes – Thank you, Mr. Knopke. Mr. Jensen?

Mr. Chris Jensen – Yes. Ms. Schwantes, I totally echo what Mr. Knopke said. I think in 2010, this was sort of addressed with having to have a funeral director or FDIC over all direct disposal establishments. A funeral director in Florida can conduct a viewing or service anywhere, even outside the facility, so why not make them all funeral homes, bound to the same guidelines that funeral establishments are bound to and just eliminate this all together. Thank you.

Ms. Schwantes – Thank you, Mr. Jensen. And any other Board members? I see Rabbi Lyons and I see Mr. Brandenburg. Let's call on Rabbi Lyons first, please.

Mr. Jay Lyons – Ok, thank you. Not knowing so much of the history, but I'm under the impression that the idea of having an option of a direct disposer license is a way of providing a less expensive service to the public, who may not need all of the bells and whistles. So, presumably if there's less [inaudible] and there's less overhead and then they can pass that savings on to the consumer. Is there any option? And again, I don't know how all this evolved that the direct disposer facility became so similar to a funeral home. But is there any thought on the idea of going back to the original intent of the direct disposer license, in order to be able to afford the public the opportunity to have a less expensive service?

Ms. Schwantes – Thank you, Rabbi Lyons. Let's let other comments address that, perhaps. Mr. Knopke, I do see your hand up, but Mr. Brandenburg had his hand up first. So, Mr. Brandenburg?

Mr. Brandenburg – I'll yield to Mr. Knopke.

Ms. Schwantes – Ok. Mr. Knopke?

Mr. Knopke – Thank you. Rabbi Lyons, back when direct disposers came into existence, it was because there were no inexpensive or low-cost providers in the marketplace. Today, there are many, many, many low-cost providers opening up in the marketplace and have been in the marketplace. Originally, direct disposal was for direct cremation, and back then a funeral home may charge \$1000 for a typical cremation, whereas the direct disposer charged \$500 for the same thing. Today, there are funeral homes, plenty of funeral homes out there charging that low price for direct cremations, and there's no need to keep this limited license, limited activity type of provider, when the majority of what we approve on the Board are low price facilities going forward. Thank you.

Ms. Schwantes – Thank you, Mr. Knopke. Mr. Brandenburg, did you have any other comments you waived?

Mr. Brandenburg – Ms. Coney? I'll address this to Ms. Coney. Those that are grandfathered in and do not have a Funeral Director in Charge, but have a Direct Disposer in Charge that was grandfathered in when that came about, that you had to have a Funeral Director in Charge, Ms. Coney, what do you see with the direct disposers and eliminating direct disposers or grandfathering those in? How would you handle that situation?

Ms. Schwantes – Ms. Coney?

Ms. Coney – Mr. Chairman, this is Lisa Coney. I don't know that we have delved down into the logistics of what grandfathering would look like. I would defer to the Division on how many direct disposition facilities even still have a Direct Disposer in Charge, because you weren't able to reappoint a new direct disposer in charge. It only applied to that facility and that person. So, I think that those are probably very limited circumstances. I mean, off the top of my head, I think grandfathering means grandfathering and those people would be grandfathered. But, we have all kinds of laws that go into effect on a certain date. So, I don't think it's unreasonable to assume that we might be able to craft grandfather language in a way that by, you know, effective date 2023, an FDIC is required, That would give a DDIC the time to maybe pursue appropriate licensure or associate with somebody who has the appropriate licensure. Again, we don't have a very formal and specific legislative program that would address exactly that, but I think the overall issue of elimination of the license type deals with so many problems, and the kind of reasons that it may have been put into place no longer exist. So, the biggest difference is square footage now, and that's not worth holding onto a license type for.

Ms. Schwantes – Thank you, Ms. Coney. Obviously, the Division does not have immediately available information on how many direct disposers in charge there are. If this is an item that is pursued and particularly if it is deemed that it needs to go on the Agency Bill, we will do that research and have that available for both Board members, and also, of course, our office and the public. I see that a number of people are wanting to speak on this issue who have signed up on the chat feature so far. Are there any further Board member comments?

Mr. Jensen – Ms. Schwantes, Chris Jensen here. Am I correct in understanding that since 2010, there have not been any direct disposal establishments allowed without an FDIC?

Ms. Schwantes – Mr. Jensen, I don't know what year that broke off. It may go that far back. I just don't remember off the top of my head. I'd have to look it up.

Mr. Jensen – Ok. I'm pretty sure that's when that took effect. So, we're kind of there already. We're not allowing any more direct disposal establishments without an FDIC, so if we just make them all funeral homes, then that's up to them to have to get the extra square footage or whatever they need. I mean, it still deals with funerals and things like that, and I agree with Mr. Knopke. There are so many places out there now that are offering low-costs, so, you know, why have an extra license? Everybody should be bound under one {inaudible} be done with it. It would be easier for everybody involved, I would think. Thank you.

Ms. Schwantes – Thank you, Mr. Jensen. Ok. I don't see any other Board members with their hands raised, so we're going to move on to those who are attending by video who have indicated they want to comment on that and first is Wendy Wiener. Ms. Wiener?

Ms. Wendy Wiener – Very briefly, because a lot of the key points have been made, the only difference in the licensure requirements today is square footage, 1250 for a funeral establishment, 625 for a direct disposal establishment. Otherwise, there are no differences in the licensing process. So, eliminating the entire licensure component would, in my mind, be a great idea. Because it would avoid, as Ms. Coney said, and I think some of the Board members have touched on, that would avoid the ongoing problem that Ms. Schwantes identified initially, which is we should be requiring that consumers identify decedents before they are cremated. And, because that is literally breaking the law, it really sets up those licensees for potential failure and for potential lawsuits and liability and, you know, {inaudible} other issues that come along with that. So, do the best by your public or do the best under the statute. When those two things are in conflict, then changes need to be made. Thank you.

Ms. Schwantes – Thank you, Ms. Wiener. Any further comments, Ms. Wiener? Ok. The next person who wanted to speak on this is Mr. Mixon from IFDF. Mr. Mixon?

Mr. Juhan Mixon – Yes. I know our association has long been concerned about this and we would happily work with the Agency and the Board and the other associations to come up with language that I think would be fair to those we're grandfathering in, plus eliminate unnecessary license that the only difference is square footage. So, I think the public is used to low-cost funerals. They know how to get them. This may have had a time and place where we needed it, but it's no longer needed. So, we would happily work with the rest of the profession in fixing this.

Ms. Schwantes – Thank you, Mr. Mixon. I don't see any further on the chat listing, Mr. Jensen, I'm going to come back to Board members in a minute. In the meantime, I do need to ask if there's anyone attending by phone who would like to speak on this issue.

Ms. Julie Henderson – Julie Henderson with Crevasse's.

Ms. Schwantes – Ms. Henderson, go ahead.

Ms. Henderson – I would actually oppose. I am a direct disposer. We have multiple locations. We follow all the rules. I do think it's something that is needed for our communities. We work really hard to provide a good service for our families and to follow all the rules and guidelines. So, I would disagree with that. A couple of questions that I would have is that it was mentioned the only difference is the square footage. So, if you change the licensure, would we be required to have prep room facilities and offer the things if we did not want to offer those services?

Ms. Schwantes – Thank you, Ms. Henderson. I don't have an answer for that. I think it will depend on what is proposed and as Ms. Coney and I believe Ms. Wiener already said it is in the initial stages for the FCCFA. They are the ones that introduced this portion of the topic. Ms. Coney, did you want to address that?

Ms. Coney – I don't think that it would in any way harm or inhibit anybody that's currently operating as the direct disposer in the way that we have initially talked about it. Right now, and there's absolutely nothing in our thought process or in the law that would force you to change your business practices to conform to any certain standard. If you want to operate as a direct disposer and only offer limited cremation services, you could do that as a funeral home right now, no problem. Absolutely nothing, even now, in the funeral home laws would require you to have a crematory or require you to have an embalming room or require you to do anything other than comply with the statutes and hopefully serve your families well. So, a direct disposer, in my mind, and again, it would all have to be crafted, but the way I would envision this, if they become a funeral home, if they are grandfathered in they continue to operate as they are. And if they become a funeral home going forward, the only difference would be they would have a funeral home or a centralized embalming facility that they have a relationship with, so that if they choose to offer that they could, or a crematory that they have a relationship with so that the Division knows that that's where bodies are being handled. None of that is an expense or a limitation or punitive or prohibitive in any way.

Ms. Henderson – Ok. It would just eliminate our {inaudible}?

Ms. Coney – Right, and I assume, other than whatever is crafted for grandfathering the DDIC type license would be eliminated going forward. But, if you're selling direct disposition, a preneed sales agent license would still meet that need. And, again, grandfathering being crafted in a way that anybody who's currently existing in that role would not be harmed. There's no intention in our thought process, in my thought process to harm anybody that is currently doing good business. It's just what's best for the state, the consumers, the Division, the licensing scheme going forward. It makes more sense, Julie, that you would be allowed to do an ID view. We want that.

Ms. Henderson – Right, right. Ok.

Ms. Schwantes – Thank you both for your comments. Are there any further comments from people on the phone? Ok. Hearing none, I do see that we have a comment from Miami-Dade College. I believe is. Mr. Joseph Finocchiaro, I always mess that up and I'm so sorry. Joseph? Joe, are you on the phone?

Mr. Joseph Finocchiaro – Yes, ma'am. Right here on video.

Ms. Schwantes – Thank you. Did you want to make a comment?

Mr. Finocchiaro – I think this would be a good idea from an educational standpoint, because then you have a uniformity of any person meeting with a client to arrange for direct disposition or for funerals, having an identical education background, or at least substantially comparable education background. So, I do not see that as a bad thing for the State of Florida.

Ms. Schwantes – Thank you so much. Ok, that's everybody that's on the chat, and I heard nobody else from the phone. I see Ms. Wiener with her hand up. Did you have final comments that you wanted to make?

Ms. Wiener – I did, and just to be clear for the direct disposer that called in. As Lisa said, but just to reiterate, there is no requirement that any funeral establishment have a prep room, have refrigeration, have any facilities. You need 1250 square feet, a chair and a table, and a bathroom, if that is required by your zoning. There is nothing else required. Anything that you want to sell that you do not have the capacity to do in your own facility, you can contract for it, but you need not contract for a prep room outside of your facility if you intend to sell only direct disposition services. So, just to be clear on that point. Thank you.

Ms. Schwantes – Thank you, Ms. Wiener. Ok, I am going to turn this back over to Board members. I saw Mr. Jensen had his hand up earlier. Did you have a final comment you wanted to make?

Mr. Jensen – A question for Ms. Wiener. She had mentioned, I know we're talking about the only thing that would change a square foot, but she mentioned laws about viewing. Where does that coming from?

Ms. Wiener – Mr. Jensen, the sad fact of the matter is that at the present, it is unlawful for a direct disposal establishment to allow a decedent to be identified before cremation.

Mr. Jensen – Ok.

Ms. Wiener – And that's just a travesty. It opens the direct disposal establishment to liability. It's just a mess, and I think the Division understands that it is a problem, but the way that the language is written in the law right now, an identification viewing is a viewing nonetheless. And that is exclusively within the purview of things that can happen in a licensed funeral establishment, as opposed to a licensed direct disposal establishment. So, elimination of this license type would solve a lot of problems.

Mr. Jensen – I got you. I understand now. It sounded to me like you were saying that a funeral establishment has to have a viewing for cremation. So, I was just trying to clarify that.

Ms. Wiener – I would certainly recommend that the decedent be identified accurately before cremation in whatever way as possible, but, no that is not a requirement. But, it is something that funeral establishments can arrange for, and they often do, but direct disposal establishments cannot.

Mr. Jensen – Ok, thank you, Ms. Wiener. Ms. Schwantes, I'm good. Thank you.

Ms. Schwantes – Thank you, sir. And thank you, Ms. Wiener. Rabbi Lyons, do you have a final comment?

Rabbi Lyons – Just one question. When we think in terms of an FDIC for either establishment, is there a requirement that they also hold an embalmer's license?

Ms. Schwantes – It depends on the establishment that they are overseeing. If the establishment is performing embalmings then they should also have the embalmer's license.

Rabbi Lyons – It's not often they don't need to?

Ms. Schwantes – It's it is rare where they are funeral directors only, but it is possible. It is rare. Does that answer your question, Rabbi Lyons?

Rabbi Lyons – Yes, thank you very much.

Ms. Schwantes – Thank you, sir. Any final comments from Board members? Ok, I think that wraps up this topic. Thank you all very much for your comments. The Division is certainly interested in seeing proposed language in the event the FCCFA wants to pursue this further and draft something on it. It seems like there was enough interest in the elimination of the licensing. We'd be interested, certainly, in seeing proposed language and discussing this further, as needed. So, thank you very much for your input on that topic.

C. Care for Remains Over Greatly Extended Period

Ms. Schwantes – Let me give you some background on that. This is a new issue, as far as any kind of legislative proposal, prior legislative proposal, and it's one that is of great interest to the Division. However, it was also requested to be placed on the agenda by the FCCFA. So, I'm going to give a little bit background first, and then we'll see if the FCCFA wants to also speak towards the presentation. So, in recent years, the Division is seeing more and more complaints, and difficulties with bodies that are held for extended periods of time prior to disposition. Often it appears to be the case where it's the result of a family dispute, but sometimes it's because the bodies have been abandoned. And, again often the bodies are held for these lengthy periods without any effort on behalf of the licensee to seek court resolution of the issues. Without going into any detail, because I can't at this moment, the most egregious example that I have seen of this problem involves a situation where the remains were held for well over ten (10) years without seeking any kind of court resolution. I'll leave it at that for right now. So, the Division would

like to explore possible legislative changes that would either set a statutory deadline for licensees to seek a court order regarding the final disposition of these remains, or that would otherwise automatically provide for a dignified final disposition process and allow the licensees to move forward with disposition of those bodies. We would also be interested in seeing indemnification provisions of some sort for the licensees in these situations. The issue to us then becomes one of timing. How long is a reasonable amount of time for either requiring a licensee to seek a court order or statutorily granting the licensee with the authority to direct final disposition the remains? So, through regulatory associations that we are a member of, we polled other states to see how they handle these types of issues, and as expected with all things related to the funeral industry, it varies a lot from state to state.

So, here's some examples. In North Dakota, they have a requirement that you have eight (8) days, and then you have to get an Extension to Disposition Permit from the Health Department, for good reason. In New York, it's not specified, but the remains must be disposed of within "a reasonable time", and they apparently have an option to file a Hold Permit instead of a Burial Cremation Permit for spring burial or other delayed disposition. In Washington State, if a funeral home has deceased human remains in their lawful possession for a period of ninety (90) days or more, and the family shall fail, neglect or refuse to direct the disposition, the human remains may be disposed of in any legal manner. In North Carolina, a person who does not exercise his or her right to dispose of the decedent's body within five (5) days of notification, or ten (10) days from the date of death, whichever is earlier, they shall be deemed to have waived his or her right to authorize disposition of the deceased's body or contest disposition in accordance with that section. Upon such a waiver, and upon the Commission of Anatomy declining or failing to request delivery of the abandoned dead body, the Director of Social Services of the county in which the dead body is located becomes vested with all interests and rights to the dead body, and can authorize and arrangement {inaudible} by cremation, hydrolysis, or burial. And finally, in Georgia, in the absence of a previously listed authorized person and any other person willing to assume the responsibilities to act and arrange final disposition of the decedents remains, including the funeral director with custody of the body, after attesting in writing {inaudible} no available contact {inaudible}, the funeral director assumes the right to disposition. And then another provision states that a person entitled under law to the right of disposition shall forfeit that right, and the right is passed on to the next qualifying person as listed in the statute, which includes the funeral director as referenced above, if any person who does not exercise his or her right of disposition within two (2) days of notification of the death of decedent, or within three (3) days of decedent's death, whichever is earlier. So, you can see, there's a huge variance in the timeframes just from the few states that responded that they do have provisions regarding this. So, we would like to hear discussion on these issues, get input from the industry, the associations, and as discussed, the FCCFA also proposed this for today's agenda. FCCFA's representative for this purpose is its President, Lisa Coney. Ms. Coney, do you want to add to the presentation?

Ms. Coney – Mary, thank you. I think you hit on some of the high points {inaudible} face now that brought this to the forefront for you, and I'm sure that all of us in this profession have had stories of cases like this in the past. I think one of the defining things should be is that it doesn't really matter what the cause of abandonment is. If it's conflict, payment, abandonment, someone's legal status, those issues do not change the fact that somebody's been abandoned into our care. So, instead of focusing on the why, just focus on the specific date range of a person being in our care. The indemnification is huge. We're taking information in good faith. We're receiving somebody into our care and custody in good faith. So, I think that that would be critical to any funeral operator being able to actually take advantage of giving someone dignified care under this legislative change. I think that it would be us acting as the authorizer, as outlined in some of those other state programs, and I'm shocked to hear in North Carolina it's five (5) days. I saw that as a recent legislative change and clearly, they must have had some {inaudible} as well. I pictured it being more like the non-recoverable disposition of cremated remains. Maybe that's, you know sixty (60) days, ninety (90) days, 120 days. Enough time that no family could say that they were not aware that their loved one had passed or couldn't find us. I don't think that this would be taken advantage of if a court order where required. I think it would have to be structured in a way that we could make notice to the family in some, you know, provable method. Certified mail is definitely available or do {inaudible}, if we don't know who the family is. And then after such time, after making that notice, we could act as the authorizer. I would be very hesitant to try to tie this to an indigent program. The counties' budgets are already overwhelmed. There's already, in many of the larger metropolitan areas, there's already big concerns for funeral providers for having someone cared for under the indigent program. I think it would be something that's incumbent on us and putting it into the legislative possibility of vetting this through

counties and through the local indigent programs would probably take away the opportunity. So, I think, you know, it would just be by cremation burial or donation, with us acting as an authorizer after a set period of time. Again, FCCFA did not craft the legislation to this fact. We were just aware that this was something that was on radar and have talked about, you know, some of the ways that we might accomplish that if the opportunity presents itself. It sounds like we have some good potential legislative language that we can work from, and we hope that we're able to help with this. Thank you.

Ms. Schwantes – Thank you, Ms. Coney. I'll ask Board members, now, if you all have any comments on that?

Mr. Jensen – Ms. Schwantes?

Ms. Schwantes – Mr. Jensen? I'll call on you, Mr. Hall, in a minute. Mr. Jensen?

Mr. Jensen – Just a couple things here. One is, most of the counties in Florida, and I understand Ms. Coney said don't put this on the indigent program, but if we have a body that goes unclaimed or can't find the legal next of kin, I mean, within ten (10) days, EDRS is sending us an email saying, you know, what's going on with this person? And if that happens, then we can actually contact the County, all the counties here in Northwest Florida, and they will take the ramifications and the liability and sign the cremation authorization and then we can do just a direct cremation for this. You know, as far as not putting this on the counties, I don't have an issue with it. You know, the counties over here charge us \$40 just for a state law signature on all cremations. And they literally get thousands from funeral homes all over the state. So, I don't know. I don't have issue with it. You know, if the county is willing to take the responsibility, then let them do it. That's all I have.

Ms. Schwantes – Thank you, Mr. Jensen. Any other Board members? Mr. Hall, I think you had a comment, correct?

Mr. Hall – My concern is, as Lisa brought up, you know, once we have the remains completed, we have 120 days, and then after that we can dispose of those remains. If it's a dispute, and part of the family is claiming they want a burial and we have a decomp case, I don't want to hold 120 days. You know, you might have to define between the two (2) what the timeframe is. If the body is being cremated, we hold for 120 days-time. But if it's a family dispute, a conflict, and part are wanting a burial and this is a decomp case, there needs to be a sharply worded definition of what the timeframe is, so we can move forward.

Ms. Schwantes – Thank you, Mr. Hall. Good point. Any other Board members? Mr. Knopke?

Mr. Knopke – Thank you. Just to clarify, we're talking about remains here that are unidentified or abandoned? We're not talking about pandemic-driven deaths where funeral homes can't respond quickly enough or don't have the facilities or staff to respond quickly enough. Am I correct?

Ms. Schwantes – Mr. Knopke, we're not only talking about those that are abandoned, we are also talking about cases where there are family disputes, or where a family has acknowledged the remains, but delayed making a decision, sometimes for a long period of time, in what the disposition should be. There may need to be, in any kind of statutory provision or proposed legislation, there may need to be very careful delineation between the two (2).

Mr. Knopke – Ok. I'm good with that. Thank you.

Ms. Schwantes – Thank you, sir. Any other Board members with comments? Did I get everybody? Moving on to those that signed up in the chatroom, I see that Ms. Wiener would like to speak to this issue.

Ms. Wiener – Thank you. I would strongly encourage the Division not to support legislation requiring a court order, from the receipt of which is initiated by the licensee. That is a significant burden on a licensee. There are ample examples. Ms. Schwantes mentioned there are other examples of ways that states deal with this. The Washington State example is a really solid legislative example, I think, to look at. It builds into its system a time period during which the remains are on hand, and if there is not resolution, then the funeral establishment can dispose of the

remains with indemnification, as in any manner required by law. That gives licensees the flexibility that they need. Ms. Schwantes mentioned at the outset, a matter where remains were on hand for twelve (12) years without seeking a court order. There's no way for a funeral establishment to effectively get a court order. While some courts will issue orders, those are typically where there are people involved, and the question is: Who can control, this one or that one? That's an easier case for the court. In a case where remains have been around for a long time, but are unidentified, there is no legally authorized person to really be the other side of the lawsuit that would have to be brought by the licensee. And I would not recommend, at this point in time given the state of the law, that my licensees pursue a court order entitling them to dispose of the remains when there's nothing in the law that stops the family from coming back, even more years later, to complain that those remains have been disposed of in some way that is not recoverable. So, again, this definitely needs attention. There are some good options out there. I think they should involve a time-period and then a capacity for the licensee to dispose of the remains in any way that is lawful and then with the built-in protections of the law. So, thank you.

Ms. Schwantes – Thank you, Ms. Wiener. I don't see anybody else. Oops. I'm sorry, there is. Charles Oldham? Did you want to speak?

Mr. Charles Oldham – Yes. I'll briefly speak to the issue. We have been in scenarios and situations where we have not been able to identify relatives, and we've had the responsibility of acquiring approval for finalizing their disposition. And, of course, in Polk County, cremation is one of the main ways of disposition through the County's Social Services. And just recently, I understand that the County itself will sign the authorization, if no one is found to be related to those persons. I didn't know about that particular issue, as far as them signing off, until I was updated on what the County does and doesn't do. But, I had a county person in storage for sixty (60) days, and it was pretty expensive, because it kicked in, and after so many days there was a fee for storage. So, in the process of being funded by the County, I'm almost getting wiped out with my profits. So, I think the issue of dealing with disputes and debates, if you have a situation where you have disputes and debates over what kind of disposition the person is going to have with families, once you identify the families, there should be the time period there for the funeral home to proceed and how that is going to be determined in a lawful way. So, I'm agreeing with the previous person discussing the issue in that yes, we shouldn't have to have court orders, number one. Number two, we should be given the authority after a timeframe, if family is identified, to determine the proper disposition.

Ms. Schwantes – Thank you, sir. Thank you very much. Ok. Mr. Brandenburg, I'm going to come back to Board members for final comments in a minute. I want to make sure that there's nobody else on the phone that wants to make a comment on this. Ms. Coney, I did see your hand, as well. I hear nobody who's attending by phone. So, Ms. Coney, I know you wanted to make a brief follow-up, and then I'll turn it back over to Board members, Mr. Brandenburg.

Ms. Coney – Thank you. I wanted to address the issue of the County Indigent Program. I think that that is a great opportunity, where it is available, and legislation can certainly be crafted to say if available, do this, if not do that. I know, in many of the larger counties, if someone owns property, they would automatically be disqualified from indigent care. So, we have had people left in our care and custody for extended periods, because indigent care wasn't available. And another set of circumstances might be, I performed or remove but a funeral home on the other side of town has the county contract. So, I'm no longer eligible for the person that's in my care to be handled as an indigent, because whoever takes custody is the only one that that three (3) counties at this point, that is the only one that they will work with. So, in both of those cases, in three (3) large metropolitan areas, this remedy would not be available to a funeral licensee. Indigent care would not be available to a funeral licensee. So, I think the thing we have to focus on is dignified care. That this is allowing us to provide final disposition in a dignified manner, and here are the, you know, here are the set of circumstances/steps that will allow for that authorization and care. Because, ultimately, this is not about how long somebody's in our custody or trying to, you know, take a side in a family dispute, or determine whether or not somebody has local family. It's about providing dignified care, and right now, in many cases, we are prohibited from doing that. So, I'm happy to work with the group to look at other legislation, like Washington, that looks like a great place to start and craft some of those specific sets of circumstances that concern Board members. But, for those reasons, I wouldn't want indigent care to be the only one available to us. Thank you.

Ms. Schwantes – Thank you, Ms. Coney. Mr. Brandenburg? I did see your hand up earlier.

Mr. Brandenburg – Some years ago we crafted, in a Rules Committee meeting, the requirements regarding handling and storing of human remains. And that's 69K-33.001, Florida Administrative Code. The group did an excellent job regarding requirements of handling and storing of human remains, but they stopped short of extended periods of time and authorizations on what to do. So, perhaps we could build upon the requirements regarding handling and storing of human remains. So, we have a foundation for it.

Ms. Schwantes – Mr. Brandenburg, thank you. And I think what you're saying is that if it does not work, that we are able to seek legislative change, but we might be able to address this by rule, and I appreciate that input. Rabbi Lyons?

Rabbi Lyons – Just one very brief comment. I certainly agree with the person who was speaking before Mr. Brandenburg that the primary focus does need to be a dignified care of the remains. The primary focus should not be the convenience of the funeral home. I guess what I would just say is that we do need to consider that not everybody considers cremation to be dignified care. And also, that is a very final disposition that cannot be undone. I realize that if there would be a burial and then a disinterment, that would be very expensive to whoever would be deemed liable to have to bear that expense. So, maybe there's a way to write legislation that a funeral home shows that they would not bear the brunt of the disinterment if the family should decide that that's not what they wanted when they finally surface or when they finally decide what they want. But, I definitely, as the voice for those out there who do not see cremation as a dignified disposition, would not want to see legislation that basically encourages cremation as a default position.

Ms. Schwantes – Thank you, Rabbi Lyons. Any final Board member comments?

Mr. Jensen – Yes. I understand what Rabbi Lyons is saying, and the County is nothing more than an option. You know, they will give you an option to get away from having to store somebody for a long period of time. As far as being dignified, I get it. It doesn't appeal to everybody, but I can't imagine if we gave funeral directors the right to have a court order to dispose of mama, that family is going to be on the news saying that funeral home cremated my mama without my authorization. I just think that's going too far. I do think we need to put it back on government, whether it's at the state level or the county level, and somebody else has to take the responsibility for either an interment authorization or cremation authorization, something to take it off the funeral homes. Funeral homes, I don't think, can afford to put their neck on the line with deciding what final disposition should be. Thank you.

Ms. Schwantes – Rabbi Lyons? Final comments, please, Sir.

Rabbi Lyons – I agree that if there would be a way that a funeral home can send the remains to the Medical Examiner, for example, you know, and say, look, we can't, this is too much for us over here. It's been sixty (60) days, ninety (90) days, or whatever the number is going to be, and that there's some type of safety net, if you will, from a government point of view and they have custody of it. It saves the funeral home the responsibility, the liability and the expense, all that. That sounds very reasonable.

Ms. Schwantes – Thank you, sir. Mr. Hall?

Mr. Hall – I can speak just for our county, but you can't return a body to the Medical Examiner here and say, take over, it's your responsibility. The County will not do that. They'll refer you back to the indigent care. I understand what Rabbi is saying. However, when I listen to what you say, too, leaving the body for ten (10) years is undignified, too. So, I think there has to be a happy medium in there somewhere. But, we just sat with our Medical Examiner recently at lunch to try to cover some issues with our Indigent Care Program here. He's greatly concerned about it. And I expressed to him that when we call around the state to see what the other medical examiners are doing, they take possession of those bodies. We don't in Polk County. And it's not going to happen in Polk County. So, it leaves the burden of the funeral homes to take those cases in. He expressed a number of people who will agree to go out on the indigent case at night at 2AM and those who won't. So, that's a real concern for him, and it's a problem for us in Polk County, and we're trying to see what we can do, but I think that's the issue we have to keep in mind, Rabbi.

Ms. Schwantes – Thank you, Mr. Hall. Ok. We have run this through the process, and we very much appreciate input from everybody. Again, the Division is definitely interested in exploring possibilities on this issue. We understand the need to very carefully delineate between the remains that are abandoned and those where there's a family dispute or other issues involved, and certainly would look forward to, you know, if the associations are interested in pursuing proposed language on this. Certainly, we'd be interested in working with you all on that in trying to craft something that could be reviewed. So, I do want to move on to the next topic, at this point.

D. Preneed Contracts

Ms. Schwantes – I know this seems like a very open topic. This was added to our agenda by our Office of Legislative Affairs, and I'm going to turn it over to Austin Stowers, our Deputy Director for that Office. Mr. Stowers?

Mr. Stowers – Good Afternoon, everyone. It's great to be with you all today. This past year, we received a constituent inquiry regarding preneed contracts and essentially the maintenance of these contracts through an establishment ownership transition. So, this inquiry, we received it from Representative Matt Wilhite's office. Representative Wilhite represents District 86 in Palm Beach County, and we actually invited him to join the workshop today. So, I'm pleased to welcome him to speak on this issue at this time. Representative, are you still here?

Rep. Willhite – Yes, sir. How are you doing, Austin? Thank you. And thanks everyone for allowing me to join you for just a few minutes about, obviously, a very important topic. Not just of everything you do every day for people, but the fact that this happened at a time where family is at some of their most vulnerable. Obviously, they live out of state, their mother lived here in Florida, and so they were just in a position to not know everything at an immediate timeframe about how to proceed with their mother's funeral service and burial. So, my concern is, and if any of you have heard this or not, but the mother had bought a prepaid funeral. In the timeframe of buying it, the contract was sold a few times. When the new funeral home received the body, I'm guessing, to move forward with this funeral, they advised the family that, you know, they didn't have any records of this. The family was in the position to try at that point to just argue with the funeral home about how to proceed with this and what to do. You know, there's a lot of information back and forth here and they sought out us and so many other things. But I think the real problem here is that, in my opinion, I think those contracts, to some extent, should be recorded somewhere. They should be held somewhere. So, what happened was is the family was put in the position, and I understand the business' side, I get it. They bought it from other places, and it was difficult for them to maybe keep up records, but the family's burden was to take their documents to prove to the funeral home that they had paid for this prepaid funeral. In the meantime, they'd paid for all of the funeral and got reimbursed. Now that's a good outcome, right? But here's my real question to all of you and to the State, although I am the State and work there. What if there was a fire at a funeral home? What if there was a flood? What if all these other natural disasters or things could have happened to lose the documents of the funeral home or not pass on to the next funeral home that purchases it? We're putting all the responsibility in the consumer's hands to have those documents. But now what if there was a problem at the family or the purchaser's home or their documents?

Again, this is a consumer protection thing for me. And it's in a position where all of you work very well. And listen, I'm a fireman for twenty-five (25) years. By profession, I've dealt with this. This topic is not scary to me. This is none of this or a lot of people don't know a lot about it or anything. I grew up around the funeral home business. My dad worked in it my entire life, but I really have some real concerns in the Consumer Protection area of this. And what I've been told is, you know, the Division at the State, you know, this is already covered. It doesn't need any legislative fixes or there's nothing that needs to be fixed here. I don't believe that. I believe if we're going to look out for consumers, we need to look out for consumers in every way possible. And whether those contracts are recorded at the state level, whether those contracts are recorded on some kind of computer database somewhere else that doesn't have these paper documents in two (2) different people's hands that have to try and meet at some point when there's a need for a funeral. So, I'm open for any suggestions, any ideas, any thoughts. I don't know if anybody else thinks this is a problem. Again, this happened in one (1) case that I know of, but I can tell you I had a 99.5 year old aunt that had a prepaid funeral, and I know her funeral when she bought it wasn't the same thing as when she died, but we had to go find those documents as well to be able to prove to the new funeral home, and then pay the difference of

what the costs were. So, it's happened to me as well. And so, what I'm saying is I have consumer protection concerns here, and I greatly appreciate some of your thoughts or ideas.

Ms. Schwantes – Representative, thank you for your comments. I definitely want to open this up for comments from our Board members next. Mr. Stowers, did you have anything you wanted to add to the presentation before we open it up? I see him shaking his head no. So, Board members, are there any comments on the Representative's suggestions? Rabbi Lyons? And you are on mute right now. There you go.

Rabbi Lyons – Ok, sorry. I think I'm unmuted, OK. I guess I don't know how this works {inaudible} from the other end, but, I mean, as a preneed licensee we submit our, well we do it through FSI, but we do, you know, whatever it is, quarterly report or some session like that and we get audited and it seems like somehow some way the State is aware of the contracts that we sell. And they should have a name and address of the purchaser. So, I guess my question, I'm not sure who I'm asking, but I guess my question is, is that in fact the case? Isn't it already the case that the State has that information, and the consumer should be able to verify it through whatever database the auditors get it from?

Ms. Schwantes – Rabbi Lyons, thank you, sir. I was unable to hear quite everything that you just said, but I do want to clarify that the Division does not have a set of file folders that has every preneed contract ever written, as an example, so if that's what you meant by the State, we do not. But there are other people that I know wanted to address that, and before I go to them, any other Board members? Mr. Hall, I see your hand.

Mr. Hall – I think, like Rabbi said, whether it's with FSI, whether it's an insurance contract, you should be able to, if it's misplaced, it should come up through that insurance company. They should be able provide that or FSI or some of the other trust companies. Through the years we bought from a major company. There's been a couple of times where we could not locate what was given to us originally. We put all that information in our computers originally when we had it, but a couple of times that's come up, but it's very rare. But, as a backup, some of those insurance companies and trust companies should be able to provide that information to if what they have is what they've purchased.

Ms. Schwantes – Thank you, Mr. Hall. Any other Board member comments? Ok, I do not see any hands. I see in our chat feature that Bill Williams would like to address this issue. So, Mr. Williams.?

Mr. Bill Williams – Thank you all. Mr. Representative, the vast majority of funeral homes and cemeteries in the State of Florida, when they sell preneed, they're required obviously to have a trust to put those monies in. There is typically a recordkeeper for those trusts that has all the information on that preneed contract, in their computer database system. It's a shame, in the situation that you mentioned, that the consumer didn't know that, or they were required to go find their copy of the contract, but I can almost guarantee you that every preneed contract that's written within this state, either the trustee or an agent for the trustee or insurance company has got a copy of that preneed contract, or at least the information in their database on that preneed contract. The sad part about it is that you mentioned is that your consumer had to go find which recordkeeper had that information. I'm sorry that the funeral home didn't provide that information to them, or go look it up on their behalf. But that documentation is being held by a trustee or an insurance company somewhere. It is not on the premises. So, it's still being done already. I'd be glad to answer any questions you have about recordkeeping, if you have any.

Ms. Schwantes – Representative Willhite?

Rep. Willhite – So, I guess my question is, you say it's being held somewhere. How does someone, how does a family member know that? How do they know? I get that maybe the funeral home doesn't have it on site because it may have been sold from a funeral home or a larger company or whatever, and those records are supposed to be transferred. But what if they're not? I guess I'm a little concerned because there's a lot of quietness here when you're talking about this, too. So, I guess it gives me a lot of concern that everybody says, it's being done, but then someone says, it's not, and there should be this, and so, it makes me really wonder whether it's really happening. And so, it really makes me wonder where that family members supposed to find those documents, who they're supposed to

talk to, or the fact that this mother told the son, I have a prepaid funeral. I have a prepaid funeral and when they went to the funeral home, the funeral home said, No, you don't. And so, the mother's now deceased and you can't take her word for it anymore. And so, now, the family has to go dig through the house to try and find this, or find a safety deposit box. And not everybody may have that money to pay for that prepaid funeral the second time to get reimbursed as well to here. So, I'd be happy to sit down and talk to somebody more about this, but it doesn't sound like there's any specific database in the State of Florida for funerals, in a centralized system. It sounds like it's up to maybe an insurance company or, I don't know what you mean in a trust. Not everybody has a trust. Not every funeral home is now the same one or the person they bought it from. I guess what I'm worried about, and I'm just going to say this, I'm worried about someone getting sold a bill of goods and doesn't have proof of it, or has now paid for this, or are in a vulnerable situation that if they've got to go try and find the documents and that's not their fault. And I'm not blaming it, listen, I'm not putting the burden on the funeral home or any funeral director here, but I don't want our family members stuck in the middle, and I think that's what happened here. Luckily, they had the means to pay for the funeral. They proceed with the funeral and burial, and then they can go back and find those things, but it just makes me upset about that when that happens.

Mr. B. Williams – I could not agree more with what you just said. That funeral home, in my opinion, should have dug and done whatever they had to do to go find that preneed contract. If they didn't have in their files they should have known that the previous owner had sold a contract through a certain company, or whatever and they should have been able to find that. Even on the consumers contract, it will typically say, at least the contracts that we service, it'll have our name on those contracts. That consumer can pick up the phone and call us, and then we can give them the detailed information, if need be. So, no different than any other thing that you do, deeds to properties, titles to cars, so on and so forth. Sometimes it's the burden of the consumer to come up with that. It's a shame, because that funeral home should have done it on their behalf. But one bad apple doesn't spoil the whole bunch. I promise you that.

Rep. Willhite – I agree. I agree with that.

Mr. Brandenburg – Representative Willhite?

Ms. Schwantes – Thank you, Representative Willhite and Mr. Williams. Mr. Brandenburg, did you have a comment you wanted to make?

Mr. Brandenburg – I just wanted to comment that literally dozens of times a year we have families of deceased persons come in and say that mama had a prearrangement with you and everything was taken care of. And in spite of our immaculate recordkeeping, there's nothing there. Mama might have thought that she had something done, but she didn't have anything done, or she wanted to give the kids comfort when, actually, there was never a contract drawn up.

Rep. Willhite – I would agree with you that most people, that some people, I would say probably very few...I'm sorry to interrupt interject here. I'm sorry, ma'am.

Ms. Schwantes – That's fine, Representative. Thank you so much and thank you, Mr. Brandenburg. I do see that there are some, I'm sorry, Representative. Did you have something else you wanted to add?

Rep. Willhite – I was just going to say I wouldn't disagree that there's probably somebody that would probably unwillingly or unknowingly think that there was something that their parent or loved one had put something in place and paid for. I'm not doubting in that aspect. I'm just wondering that, again, I go back and revert back to that situation that maybe these contracts should be recorded, just like a deed is on your house or something that's recorded somewhere. Again, we're not talking about, like, you know, an insurance policy. It is an insurance policy, basically. We're not talking about something where people, you know, maybe it's not that big a deal or something, but this is at a very vulnerable time of their life and their family and dealing with those things that where maybe these, you know, should be recorded somehow is what I'm thinking again, too. But again, that's my thought. And how many are really sold a year? I mean, do we even know? Are they sold to the funeral home? How many are sold through insurance companies? How many are even sold a year, in the State of Florida that we're even talking about?

Are we talking fifty (50), maybe? Are we talking 500,000? I mean, I don't know, but as a growing state I would guess that things continue to grow, and there could be more, and more and more. So, I guess these are some of the questions I was wondering if we could follow up and find out, maybe get some answers to. And, if we have to do some legislative fix for this and my thought, then again, the burden is on me to do that. But, you know, these are my concerns about it, and again, it is done solely in the effort of the consumer protection. That is solely my purpose for this.

Ms. Schwantes – Thank you, Representative. Just to clarify, that Division does get reports from licensees on the number of preneed contracts that are sold. And particularly, we get those reports because they have to pay a portion of each fee, for the preneed contracts, and it's paid into the Regulatory Trust Fund for our operations, and also to the Consumer Protection Trust Fund, which is used in the unfortunate event that if any of the licensees fail, then those consumers are protected by that fund. I do see other comments and other people that want to make comments on this. Mr. Williams, you raised your hand?

Ms. Wiener – No ma'am. I think you just covered the issue for me. Thank you.

Ms. Schwantes – Thank you, sir. I see on our chat feature that Alan Meyer, a consumer, would like to address this issue. Mr. Meyer, are you on?

Alan Meyer – Yes. Can I be heard?

Ms. Schwantes – Yes. Thank you.

Mr. Meyer – I am the constituent that this topic is being raised about by Mr. Willhite. I'm perfectly willing to answer any questions that will come up, but I will answer the ones that have come up so far. I will say that initially when we approached the funeral home and repeated multiple times that everything was paid for and were told there was no contract visible to the funeral home. We, in fact, thought mama got it wrong. Mama misunderstood, even though we had heard hundreds of times that everything was paid for. But I only had a note to back myself up, from my mother, with the name of the funeral home, the telephone number and the quote, "everything is paid for it". {Inaudible} and my mom's social security number, we could not make any progress at all with the funeral home. They refused, they could not find anything. The entire ordeal that Representative Willhite discussed happened over seven (7) months, because we were out of state, and we couldn't get into Florida during the pandemic to look at all the records. We only got the records when we ended up selling the house and getting the contents of the house sent to us in a pod and in looking through those records took a really long time. As soon as we had the records and waved them in front of the funeral home, the funeral home had relented and had no possible recourse {inaudible} and paid us back. We didn't need the statutes for that. We had the law behind us. We had a written contract. We had full documentation that everything had been paid, every payment made, a letter from the funeral home {inaudible} records that everything was paid years earlier, but nonetheless, all of that was lost to them. The statute, which should have been helping us in some fashion, did not. We filed a complaint...

Ms. Schwantes – Mr. Meyer?

Mr. Meyer – Yes?

Ms. Schwantes – Thank you, sir. I just wanted to briefly interrupt, for a number of reasons. I think that when we spoke with Mr. Stowers about this issue, it was raised a little while back, and one of the things that we did suggest from the Division is that if you have, or any consumer has a specific complaint against a specific funeral home, we ask that that information be turned over to us, so that we can investigate the matter.

Mr. Meyer – That was done.

Ms. Schwantes – Ok. In that particular case, then I would ask, please sir, that you do not go into further details regarding the complaint aspect. To do so, might be a problem for our Board members, in the event that the matter

comes before the Board at a subsequent time, as a result of our investigations. So, I do apologize for interrupting you on that.

Mr. Meyer – I appreciate your thoughts here, and let me just ask. Can I zoom out and just address the manner in which the complaint was handled or do you suggest, no?

Ms. Schwantes – I believe that the Representative has pretty much raised the issue for our purposes today, and that probably is the best way of handling this at this time.

Mr. Meyer – Ok, let me change subjects and simply say the notion that there is a database, consumer facing, available to the consumer, in our situation where we had no recourse, no other recourse, no possible recourse. We didn't have documentation. The funeral home was telling us no, and we had no other means of investigating the matter. This is the first I've heard, in this forum, of any database anywhere that's consumer facing, or can be made consumer facing. I understand, Mr. Williams, you said that funeral homes are required to submit the number of preneed contracts. I don't know if that includes the actual names or Social Security numbers on those preneed contracts. If it doesn't, that would be what I would suggest and make that consumer facing upon a complaint, and make the funeral homes simply required. If they want to contest what the funeral home is saying, to consult that body that can be made consumer facing with a social security number for them to consult, to see if there's a preneed contract in the database. It would have solved our problem in a couple of hours. Instead, it took seven (7) months. I'm open for any questions anyone has on my specific issue that won't cause problems for Board members in the future.

Ms. Schwantes – Thank you, Mr. Meyer, for your comments and for your input on that. I do want to clarify. I'm getting feedback. I hope that's better. I did want to clarify that I'm the one that said that we receive reports on preneed contracts. We, the Division, receive these reports on preneed contracts from our licensees. Just to be sure everybody understands, we do not receive the names of those that purchased preneed contracts or any other pertinent detail, particularly not confidential information like social security numbers, which also, as I'm sure the Representative understands, would present a problem in the event that we were to need to collect that. There are other parameters you need to look at when you are collecting that kind of confidential information. I do know that there are some other people that want to make comments. Mr. Williams, did we take care of everything that you wanted to say already?

Mr. B. Williams – One thing that I'd like to address is that we do offer a consumer facing website. As long as you have that preneed contract and the beneficiaries last name, you can see a copy of that for a contract, how much has been paid on it, and what the outstanding balances due is on it. So, we do offer that and the consumers can, without going through the funeral home, go straight to that database and see their contract.

Mr. Meyer – If I could just interject to say the problem in our situation was that we did not have the preneed contract. We had nothing. I had a note from my mother. So, I needed to be able to consult a database only with the thought that there should be a contract, and that's a much harder proposition.

Ms. Schwantes – Thank you, Mr. Meyer. Thank you, Mr. Williams. I do see hands up from our Board members. I am going to circle back around to the Board members. I want to make sure that we don't have anybody on the phone. Do any of our phone attendees want to make comments? Hearing none. Rabbi Lyons, I saw your hand.

Rabbi Lyons – Ok, thank you. Would this involve, just by our rules, the annual preneed contract renewal that we do where you ask how many contracts did you execute in 2020, and the answer is 75 or whatever the answer is. If the next question would be, who is the trust fund, or who is the insurance company, and then that was made known. So then, not to make an example out of the consumer that we're talking about here, but he is on the call here, but if he would be able to go back and say, Funeral, Home XYZ uses FSI. So, then he could go to what Mr. Williams was describing. And he could call FSI and say, Hey, I'm pretty sure my mom has a contract with one of your clients. But if he doesn't know to go to FSI, because he's never heard of FSI and he's not in the funeral business, then, there's no way to get that information. So, wouldn't there just be a very simple way to do it? If the Department would keep a record of who the preneed contracts are trusted with, and that would be available to the consumers, then any

consumer who thinks that they have a preneed contract with whatever funeral home, they could look up the funeral home. They can say, oh, the funeral home claimed that in 2020 they used this trustee, and so they could go to their trustee and the trustee could you know, resolve it.

Ms. Schwantes – Thank you, Rabbi. Let me address a couple of things on your question. First, again, we only collect information on the number of contracts sold, not any other details. When you're talking about having any kind of centralized database, obviously there would need to be a cutoff date. So, even if we were to start today, we would not have information on the older contracts, and some of these contracts could go back fifty (50) years, or before that. The other problem that we face, and you referenced how a funeral home uses a particular trustee, that can change over years. I'm sure Mr. Williams can talk about that further, as one of the trustees, if necessary, but that can change a number of times over the years. So, particularly as the funeral homes are sold from one entity or one group to another. Those were the main points I think I wanted to raise. There's one other point, and this is a big one. Anytime you talk about a centralized database, anytime you talk about adding responsibilities to our Division, which, you know, that's fine; we do have funding issues, and we have database, data system problems that would be involved with that. So, it is not something that could be done with a flip of a switch, by any means. If that is the route that is ultimately taken, then funding definitely needs to be worked into the solution. So, I just wanted to bring that up on behalf of the Division. Before I get back to Board members again, or go back, I just noticed in the chat feature that there is a comment made from DIFS Webinar, and I am not sure where that's coming from.

Mr. Finocchiaro – Mary, that's me over at Miami-Dade. Joe Finocchiaro over at Miami-Dade College.

Ms. Schwantes – Thank you, sir. I just wanted to remind everybody, please don't put comments themselves in the chat feature. Just indicate whether or not you want to speak on something. The chat feature, we are going to save that, but it is much better if you just will indicate that you want to speak. And, Joe, since I know that was you now, did you have something you wanted to add?

Mr. Finocchiaro – Just my comment in the chat was that I'm not aware of any sort of central repository for wills or directives. And complications as a result of wills of directives, I think, far exceed the problems that could happen by missing a funeral when it comes to distribution and the argument of an estate. Having worked for Bill and John McQueen, and before that Jim Reese, I was one of the people that converted every single preneed contract that Jim Rees on paper into the digital form that Bill and John worked. That was a considerable undertaking that took months for the hundreds and hundreds of preneed contracts to go into digital form. And as Mary pointed out, that there's going to be a cutoff date. And older paper contracts seem to be the issue. Modern contracts, we typically have some sort of digital entry that we can go in and check a portal or something like that. So, this is a very complex situation, and I don't think that a central repository is feasible, considering the vast number of vendors that people can use and register with the State and then transfer assets as they transfer their businesses. I think it would be a nightmare. And I don't see any way feasible that a consumer website run by a State entity is ever going to be sufficient. That is something that seems to be too much of a big beast for us to be able to handle that easily. That's just my comment.

Ms. Schwantes – Thank you, sir.

Mr. Meyer – If I could just interject with a quick response to that?

Ms. Schwantes – Mr. Meyer, is that you?

Mr. Meyer – Yes, it is. I'm sorry.

Ms. Schwantes – Ok. Thank you, sir.

Mr. Meyer – Just a quick response to that. What I was proposing is not necessarily a consumer website. That's a big undertaking. I'm thinking, a place I can be informed to go to contact a bureaucrat to that themselves consult some database, somewhere. So, when I say consumer facing, there can be all kinds of intermediate steps to do some kind of

investigation, which needs to happen, because it's a funeral after all. But I should have been given some recourse by the funeral home, through the State, for a quick review of what I indicated what is the fact and what they said.

Ms. Schwantes – Mr. Meyer, I am sorry to interrupt. Again, please don't go into the specifics of your case at this time.

Mr. Meyer – Ok. That's all I wanted to say.

Ms. Schwantes – Thank you very much. And thank you for your comments on that. I didn't mean to cut you off like that, but I don't want to cause a problem for the case, should it go forward. Ok. Ms. Clay?

Ms. Sanjena Clay – I'm just wondering if this wouldn't call for some need to do some research as to what other states are doing in these cases. I'm sure this isn't something that's brand new or hasn't been experienced by others. Something that would be to a level of ensuring that the consumer is cared for, but at the same time, not burden this Department with trying to be a central repository.

Ms. Schwantes – Thank you, Ms. Clay. Any other Board member questions? And, Ms. Clay, we will look into that. Mr. Jensen?

Mr. Jensen – Yes. I would agree with Mr. Williams and this is probably an isolated incident. It's more of an exception rather than the rule. I know most funeral homes keep not only a digital copy of everything, but also a physical copy of everything. And, FSI is just one company out there. There's several others, and there are insurance companies, but, I guess my question is for Representative Willhite. This being a financial burden upon the State to do some sort of set database, which will probably never get done, what Mr. Willhite, do you view as a solution?

Rep. Willhite – Well, I think, first of all, and thank you. I hope I can address.

Ms. Schwantes – Certainly.

Rep. Willhite – I guess where some of my concern lies is what would happen to a person, or their body, and the process that they would go through if a family didn't have the means to pay for this, that someone did pay thirty (30) years ago, because they knew they didn't have that financial means later in life or something? And so, then we come into a whole lot of things about where a person would be buried, you know, all those different things about what would ultimately happen for disposition. I guess what I'm looking at is, again, and I get that there'd have to be a point to start and stop and all these things. I get that. We've moved into technology. I'm hoping that every contract that is sold right now has to be done electronically in some way, shape, or form, because then there is a little better backup or database than paper copies. Is there any kind of effort done by the State or the funeral industry, as a whole, to educate people? And I think what I'm hearing from someone here {inaudible}, is there an effort to educate people on the process and their remedies, if they think mama bought a preneed? Or, if a funeral home takes over, are they certainly still under obligations of things? There's so many different things. I think what I'm hearing is, again, as I said in the very beginning, this is at a time, and every one of you know, where people aren't maybe seeing and hearing or understanding things as clearly as they normally would, because of it's a difficult time in their life.

Of all their remedies, is there an avenue for someone to look to, to know to call this Agency or identify this one? Or who was it solid from previously? Or did mama give something? Or in that town, is there someone to talk to? Does the clerk have a copy? Any other thing like that? And again, I know that we're talking about a lot of this is paper that was done a long time ago. But again, does the family have anything, if those documents were lost? Again, I guess, from a consumer aspect and protecting that consumer is what I'm looking for. I'm not looking for any new State Agency to be created for this, but there has to be something where people have avenues. And I think the case, well one of them that we're talking about, people don't know those avenues. Let's face it. Let's not think about the number of people that are moving into Florida, or their family is still out of town and momma came down here and got sold a contract and their family lives out of town. I guess the other thing I'm looking at is consumer protection that maybe somebody isn't being forthwith when they're selling these contracts. Was there one really sold, even? What are the ramifications or the remedies for families to follow up on that? Is this just call the police and say I believe that

fraudulent insurance was sold to my family? I don't know. I think you guys are bringing up more questions to me, and I would hope that I'm bringing some questions to you that all of you, I think, that we can talk about maybe. And, again, I'm not looking for them today, I'm bringing up something to talk about, as this State continues to grow, as more things are sold and done. You know, cleaning up the past obviously is part of the problem here, but I'm looking to some of you guys for some of the answers, to not just say, Well, it is what it is. There's not that many out there. It's too big for us to take on. I don't think that's the answer for anyone to say.

Ms. Schwantes – Representative, we have two (2) other comments to come following up on your questions. First, Mr. Oldham has, and I hope I'm pronouncing your name correctly. I'm bad about that, and I do apologize to everybody. But, anyway. I did note that you had comments that you wanted to make.

Mr. Oldham – Yes, I do.

Ms. Schwantes – I'm sorry, sir. You're on mute.

Mr. Oldham – I don't know what happened. Ok. Am I back?

Ms. Schwantes – Yes, sir.

Mr. Oldham – Yes, OK. I think we've had a very extensive conversation regarding this issue, and I do believe that's an indication that it will be worth the research, in the long run, for the State of Florida. We're a growing state. We have a lot of folks who have dual residencies in the State of Florida. We have folks coming in from the North and residing in Florida temporarily and then going back to other residences. We also have multiple preneed resources that funeral homes use, which makes it difficult for consumers to kind of have a very crystal-clear view as to where to find and identify their funds for a preneed contract, if in fact, somehow the paperwork disappears on either end. So, I do believe it'll be worth it for us to take a look at, and I know that we shouldn't re-invent the wheel or find a new resource or place for consumers to contact. But, considering how much it would cost, if we had a database, and how to track the method that we will track the funds and the location of the funds, very simply to the source, based on a consumer's request through a database. Mainly, of course, the Social Security number comes up as an issue, but I do believe somewhere in there if we do have a database that's established, just like when, for example, you do a mortgage. We have to pay fees in order to certify these mortgages in these documents. If, for example, we have preneeds in the State of Florida, consumers are protected, but by us having a database that we charge a fee to manage that database on an annual basis, if that's the case. I think the cost on that has to be researched, and then, of course, the consumers would have to have input on both ends, in the event that there is a fee structure attached to it. That's the end of my comments. I do believe it's worth us taking a look at that in the future.

Ms. Schwantes – Thank you, sir. We very much appreciate your comments. Mr. Williams?

Mr. B. Williams – Thank you, Ms. Schwantes. Representative, we'd be happy to work with you {inaudible} works. There are some things that I think that you may be misinformed about, and I'd be more than happy to sit down talk with you and walk you through how this thing works and maybe give you some better information. But, without getting into the details of your Constituent's situation, I think anytime a consumer has an issue with a funeral home or cemetery, it can always call the Division. The Division, even though they don't have the individual contract records, they do have on file the firms that that funeral home or cemetery has sold preneed contracts through. Who the trustee may be, who the insurance company may be. {Inaudible} specific for that one company? I know that they don't. They do not have it specific to that one contract, but at least that gives an area where we start to find and try to track down that contract if it was sold through this insurance company, or this trust company, so on and so forth. A simple phone call from the Division to the funeral home, I'm sure the Division will be happy to do that, would probably carry a lot of weight, and I imagine that Funeral home would do whatever it could to try to find records at that point, to be honest with you.

Ms. Schwantes – Thank you, Mr. Williams. And yes, we do in fact receive a number of calls like that a year that we do assist with to the extent that we can. The problem, of course, is, as has been raised here, when families don't have

some of the paperwork needed and they have no idea where to look. And I understand that certainly. I think we all do. We have to deal with these situations and the callers who would call upon us.

Mr. Meyer – This is Mr. Meyer again. I feel the need to, I have to interject and say, I was working on a twenty-four (24) hour deadline, according to the funeral home. I was not told if I wanted to contest their assertion that I should call blah, blah, blah. I really was not guided by the process. I understand what was just said by Mr. Williams and that would have been perfectly fine if that could have been done expeditiously and I was guided along that path, I would have been happy to do it. It doesn't seem like it would have been quick, and I would have had to go through the Division, who would have had to talk to the insurance company, and all that would have had to happen in twenty-four (24) hours. I got none of that support. End of comment.

Ms. Schwantes – Again, Mr. Meyer, and that was Mr. Meyer, for the record, Thank you, sir, for your comments. Representative or Mr. Showers, did you all have any final comments on this issue? And thank you for bringing it to our attention and bringing it up today on today's agenda.

Rep. Willhite – So, I'll just make a final comment, if you don't mind. This is Matt Willhite. So, I don't mind talking to anybody, that's why we've started this conversation, to try and continue moving forward in this, I believe, in the right direction to make sure. Again, it's a consumer protection issue. Again, my ultimate and underlying goal is to try and make sure of that. And, to whoever, I will continue, my office will continue to work on this with whoever you think that we should be speaking with. I don't mind, you know, I'm allowed to file and work on legislation. If there's something that you need or that we can help with this, I'm more than willing to do that. But, I certainly think this is an issue that needs to make sure that we're protecting consumers when family members are sold something and they put their hard-earned money into something for their end of life issues, and that family is now stuck in the middle. And time is of the essence, especially with different religions about the timeframe of the funerals. I know that funeral homes want to be paid upfront. They need that, because obviously, they have expenses and sometimes people do and don't have the means to afford some of these. But, whatever we can do to try and move forward with this, I will be more than willing and look forward to working on with you. But, again, let's make sure we keep consumers in mind when we're doing any of this and make sure that is the underlying goal of what the reason that all of us are in the professions we do. It's to make sure that we take care of and protect people, especially at end of life issues. So, thank you very much for your time with this today.

Ms. Schwantes – Thank you, Representative. I know that any of us at the Division would also be happy to talk with you at any time on these matters Mr. Stowers?

Mr. Stowers – I just want to say thank you. I think the common goal there is protecting the consumers, too. So, I think we'll be receiving comments and proposed statutory changes throughout the next month. We'll be working on some, hopefully, some new, fresh ideas to tackle this and make sure this is something that we can address better in the future. So, {inaudible} to do that, and we definitely know how to get in touch with {inaudible}, so it should be a good process going forward. So, I'm happy to keep working with you on that.

Ms. Schwantes – Thank you both. So, we're approaching two o'clock, and also thank you, Mr. Myers, for your comments and for being with us here today. We are approaching two o'clock. I've been asked by several for a bio break, if you will. Before doing that, I do want to recognize a couple of Department employees that joined on. First, our Deputy CFO Julie Jones was on. I'm only looking at the active cameras, so I'm not sure if she's still is, but I did want to acknowledge her presence during at least part of the meeting. Ms. Jones, are you on? She may have had to step off. And then also Jasmin Richardson, one of our licensing specialists, is also on. So, I did want to recognize her, as well. Our team does a great job here. You all know that. So, let's take a ten (10) minute break, and we will resume again at 2:10. Again, thank you, everybody. And we look forward to seeing you again in ten (10) minutes.

*****BREAK*****

Ms. Schwantes – Ok. Good afternoon, everybody. I've got 2:10. I'll give it a minute for Board members, at least to come back on. Ms. Munson, thank you for joining us today. I see we have thirty-seven (37) participants at this point

in time. We were as high as {inaudible}. Joe, before we start again, would you please pronounce your last name again for me, please sir? I'm terrible at that.

Mr. Finocchiaro – No worries. Finocchiaro.

Ms. Schwantes – I will try.

Mr. Finocchiaro – That's why everyone calls me, Finn.

Ms. Schwantes – Thank you, sir. Ok, I have 2:11. I think most everybody has rejoined. So, hold one second. Ok, we're going to go ahead and get started again. Thank you, everybody for your input and for the discussions we've had on the prior items. These really are going to be very helpful to us as we go through and work with our Legislative Affairs Office on any possible inclusion in the Agency Bill. So, we left off on item 2. E.

E. Licensure by Endorsement

Ms. Schwantes – This item was requested on the agenda by the FCCFA, and I'm going to turn it over to the representative to present the issue. But as background prior to that, I want to go ahead and say that this was an issue that was raised by the association and several licensees during the last legislative session. The FCCFA also provided us with proposed statutory language for this issue. And just to be clear as we go into the discussions on this, the Division does not object to the concept as proposed. Our only concern is that we want to see more specification in the proposed statutory language as to the educational credentials that would be required and would be acceptable for those who come into our state's licensure by way of endorsement. So, now to go into more specifics on what the issue is, I do want to turn it over to attorney Wendy Wiener, on behalf of the FCCFA. Ms. Wiener, are you back?

Ms. Wiener – I am. Thank you. Board members are certainly familiar with this issue. Some other attendees may not be as familiar with it. The situation is that, in Florida, a college degree is required among other educational components in order to be licensed as a funeral director or embalmer per some language in the statute. However, the statute also gives latitude to the regulator, and in that case the Board, to approve licensee applicants that have education that is substantially similar to or better than the education that would be required in the State of Florida. So, we've put this issue to the Board on a number of occasions. The Board has carefully and with great thought and attention considered a comparison between the educational backgrounds of those individuals alongside what is required in order to receive the associate degree, the college degree, and have approved the applicants that we've put forward. We're hoping to build something into legislation that will become a part of Chapter 497, Florida Statutes, that will allow for the Division to recommend for approval licensees under these circumstances, so that we are not required to take the Board's time for a review of this nature, when those licensees have education and more particularly and what was built into our proposal, the requisite experience to demonstrate that they will be good members of the death care community here in Florida.

Ms. Schwantes – Thank you, Ms. Wiener. Board members, any comments? I don't see any. And so, I'm looking at the chat field. Oh, here is Mr. Hall.

Mr. Hall – I would agree with what Ms. Wiener said, And I know there's some difference in opinion, as some of those members have before the Division, and what the Division's interpretation is and what the Board has looked at. My concern as a Board member is I've seen applicants come before the Board with criminal history and so forth that have been approved for internships, et cetera, which is disturbing to me. But when we get someone that comes in with twenty (20), thirty (30) years of experience, we feel they have the background and experience and the schooling, the education, and no criminal records, I think we need to approve these people. I think Florida, as other states, is hurting. This is a critical situation for staff. We've got 1,000 people a day, still moving in this area, and if we don't come up with something from a licensure perspective, we're going to be in trouble. So, I hope we can come up with an arrangement to get this to move forward.

Ms. Schwantes – Thank you, Mr. Hall. Any other Board member comments?

Mr. Darrin Williams – Mary?

Ms. Schwantes – Mr. Knopke?

Mr. Knopke – I'm going to echo what Mr. Hall said, and take it a little bit further. When somebody comes in that's got five (5), ten (10), fifteen (15) years-worth of experience, I'm not all that interested in whether they passed their National Board or which college they passed from. I'm more interested in their history as a funeral director and embalmer or whatever, with the firm they work with. And if they're willing to recommend them, then they're worth taking a chance with. Obviously, we need the background checks and so forth, but we need experience to be able to hit the streets running, other than training about Florida Law and how we operate. The rest of it, they've paid that price someplace else.

Ms. Schwantes – Thank you, sir. Any further Board member comments?

Mr. D. Williams – Mary? This is Darrin Williams.

Ms. Schwantes – Mr. Williams, I did see that you also put it on chat there. So, yes sir?

Mr. D. Williams – Yes. So, I guess my question would be, is this a form of reciprocity, as we do in education, in terms of applicants that will come before the Board? They have the history, they have the education, and are looking for some type approval by us. I would concur with Mr. Knopke, but I would just like to know more about their background, whether they have any criminal record, more so than the educational component, because, obviously, they have passed some form of education and testing in order to be certified as a licensed funeral director and embalmer. So, are we talking about the same thing with that?

Ms. Schwantes – Mr. Williams, to answer your question, yes sir, we are talking about that. And again, as far as reciprocity goes, this is something that the Division would certainly be interested in working further on. Our concern had to do with the degree of specificity regarding the educational requirements that would be required. Because, as we talked about earlier, the different states vary so much in how they handle licensing in the death care industry, you do want some specification. And also, just as we would like to see done with expanding the guidelines on the criminal background, we would like to see clarification on the guidelines for the Board and for the Department to use in recommending people for licensure. So, that was our only concern with what was submitted last year, and I hope that we would be able to work with that further. I do see that there are a few other people that wanted to make comments. Last call on Board members. Any further Board member comments? Mr. Jensen? You're muted.

Mr. Jensen – There we go. So, what you're seeing is mainly legislation that if staff says ok for approval then bypass Board. Is that correct?

Ms. Schwantes – No, sir. I would not suggest bypassing the Board. But this would just give guidance to the Board on what would be acceptable, so that it does not become a case by case basis, which it has been, to a great extent, in past years, as Ms. Wiener already explained.

Mr. Jensen – Got it, and I do think that's good. And that is an association with the Florida Law and Rules test, correct?

Ms. Schwantes – I'm not sure I understand that question.

Mr. Jensen – Well, they're going to have to take the Florida Law and Rules test.

Ms. Schwantes – {Inaudible} yes, sir, but I think that's all subject to what's proposed, but yes, sir.

Mr. Jensen – Ok. I'm definitely in agreement with all of that. I think Florida's Law and Rules Test is by far way more stringent than other states. I am licensed in a couple of other states, and Florida is by far the most difficult. I agree with Mr. Hall and Mr. Knopke. Let's do all we can to get more license people out there. Thank you.

Ms. Schwantes – Thank you, sir. Ok. Seeing no more Board comments, I am going to turn to those that have indicated in chat that they want to speak, and first is Lisa Coney with FCCFA. Ms. Coney?

Ms. Coney – Good afternoon, all. Since I typed in that I'd like to speak, I think most of the Board members who spoke have hit on all the points that I was going to make. There's a critical need. I think "kicking the can" on this is no longer really an option. There's a critical need for us to have staff. The average age of the funeral director in Florida is north of 55, and we obviously saw in COVID the desperate need for adequate staffing. But even as COVID changes, the population continues to increase, and the demand for our services is compelling. So, something has to be done that gives meaningful relief to licensees in onboarding people who are talented and ready to serve. The FCCFA Proposal that Mary referenced has both the substantial equivalency component, which primarily addresses Mortuary Science College diploma type programs that are not exactly a degree. But substantial equivalency could certainly mean more than that. We also have a work experience component. All of those would go in front of the Board for consideration, and those applicants would have the opportunity to speak to their work experience, if that's what comes out of the legislative process.

The other point I wanted to make to everyone is that this is not just Florida. This is not just us right now. This is happening all over the country right now, and in my role with FCCFA I've had the educational experience of participating in the NFDA conference calls with state association presidents from all over the country, and endorsement and scope of licensure issues and onboarding people has become a national priority. Mississippi went so far as to pass a law last year that if you are licensed anywhere, you can be licensed in Mississippi. We are not proposing anything that is that drastic, but I think that the fact that that passed in a state the first year that it came up should underscore how critical a need this is. New Hampshire, North Carolina, I believe, Georgia, I think at last count there were thirteen (13) states that passed or proposed significant changes in endorsement or reciprocity language. So, we can't be late to this. We need help and we want it to be the best help available. We don't want to put licensees in a position of not being able to serve families because they don't have enough licensed staff to meet compliance requirements. Thank you.

Ms. Schwantes – Thank you, Ms. Coney. I do not see any other names listed in the chat feature for wanting to speak on this item. Is there anyone on the phone? All right. Turning it back over to Board members for final comments, please.

Mr. Jensen – Ms. Schwantes, I did have one question.

Ms. Schwantes – That's Mr. Jensen, for the record.

Mr. Jensen – Yes, ma'am. It may be a dumb question, but who is the FCCFA? I've never even heard of it.

Ms. Schwantes – It's one of the death care industries, and because I'm so used to calling them the FCCFA that I tend to forget. It's the Florida Cemetery, Cremation and Funeral Association. Did I get that right, Ms. Coney?

Ms. Coney – Yes, ma'am, you did. Florida Cemetery, Cremation and Funeral Association. It was the old Florida Cemetery Association and Florida Funeral Directors Association that came together several years ago. So, it's the largest death care profession association in the state, and a partnership member with NFDA in the nation.

Ms. Schwantes – Thank you, Ms. Coney, for the clarification and Mr. Jensen, thank you for bringing that up. You know, I had it in my notes to specify the full name, which was back on page one, and I didn't. I elected to go with the alphabet, shall we say, and I should have not done that, so my apologies on that. Mr. Knopke, you had some comments you wanted to make, I think?

Mr. Knopke – Just to close, I would support what Mississippi has done, do it in Florida. Do a background check, pass our laws test, and be done with it. Again, they've done all the education somewhere. The education doesn't tell them how to make funeral arrangements. It teaches them possibly how to embalm and some other stuff. So, make it easy.

Ms. Schwantes – Thank you, Mr. Knopke. Any final comments from anyone else? Ok, I don't see any so we're going to move on to the next topic.

F. Clarification on Supervision of Interns/Unlicensed Individuals

Ms. Schwantes – Actually, these next two (2) topics are kind of similar. They were requested on the agenda by our industry associations and like I said, they have similarities. I think we'll be finding out more about those similarities as we go. The first topic was requested by the Independent Funeral Directors of Florida (IFDF), and I'm going to turn it over to their executive director, Juhan Mixon, to present the issues. Mr. Mixon?

Mr. Mixon – Thank you. And on the last issue, we certainly agree that we need to all cooperate and get this bill passed. With regard to this issue, it's been brought up by several of our funeral directors around the state. We have owners of funeral homes who are not licensed funeral directors and they retain a licensed Funeral Director in Charge. And we have a lot of funeral homes who are using their interns and other unlicensed individuals. Sometimes, that can be a chaplain or they can be a deacon at a church. They have a relationship with those people, and they're very smart and very concerned. This is not put down to them, but they're unlicensed. And there are funeral homes that are allowing them to not only plan funerals, but to actually carry out the funerals and grave side services, without a licensed funeral director on the premises, or in the cemetery. In Georgia and Alabama, two (2) states that border Florida, the state Agency actually spot checks and goes when there are reports of this going on. They actually go to the funeral homes, but also go to cemeteries and shut down funerals where there is not a license individual on the premises. I don't know whether we do that, Mary, in the State of Florida or not. I haven't heard of it, but the problem is kind of twofold. One is you have an unlicensed individual that is planning and executing funerals. And when there is a penalty, it goes to the Funeral Director in Charge, and maybe not the owner. And, in other instances, there are folks doing it where it appears that no one is responsible. And so, the question that I have, and some of our funeral directors have, and I think Mr. Oldham might want to speak to this in a moment, is should we say that it is at least a misdemeanor, because these people are actually operating without a license? Should it be a misdemeanor or some penalty for the person who actually does this without a license, in addition to the Funeral Director in Charge?

Ms. Schwantes – Thank you, Mr. Mixon. One thing that I think a lot of our attendees know is that as a result of recent legislative changes, effective July 1st, the penalty for unlicensed activity did increase from a misdemeanor to a felony. Our problem, as has been indicated, is catching it. We rely on complaints and on our licensees and consumers to let us know and unlicensed activity is going on and then we will immediately investigate. And when necessary, I have actually been able to seek assistance from some of our other Divisions, like the Division of Insurance Fraud Services and such. But it is still a problem, both trying to catch the activity and/or to find witnesses who are willing to come forward and testify in any of the proceedings further down the road, as to the unlicensed activities. So, I did want to specify about the or clarify about the change in the legislation recently that would make it a felony. I think that's a step in the right direction. It doesn't get us all the way there in curing the unlicensed activity problems. And that is just part, I know, of what Mr. Mixon raised. So, opening this up to Board members for comments first. Anyone? Mr. Knopke, I saw your hand.

Mr. Knopke – Thank you. Mr. Mixon, you and I've talked about this for years. The reality is here, the Department has always been willing to jump in, and try to enforce your catch. The reality is, nobody out there wants to report anybody. Whether it's somebody you're working for or whatever the situation is. There's lots of people that have knowledge of unlicensed activities, but very, very few of them will be willing to come to the table.

Ms. Schwantes – Thank you, Mr. Knopke. Mr. Hall, you had your hand up as well. And, Mr. Brandenburg. I'll get to you.

Mr. Hall – Well, that was first thing I was going to ask, if an official complaint has been filed. A lot of people will call the Board members in the area where they're at, and they think we can just go out and fix it. We can't. The complaint has to be filed; it has to come to the Division. And as Keenan said, nobody wants to do that. But anytime I've ever made contact with the Division in my area, they've watched for Obits, they went to gray space, I don't think that's a problem. They have done that for us. They are limited in the people that they have for that, but they've followed up.

So, I think that's what has to happen. People have to be willing to make the official complaint to the Division and have witnesses come forward, because if they can't catch them they need some witnesses to testify to that, {inaudible} I think the Board would deal with it.

Ms. Schwantes – Thank you, Mr. Hall. Mr. Brandenburg, you had some comments.

Mr. Brandenburg – To everyone's comment on this, over the years, we've had cases come before the Board where the FDIC even lived in another state. Now, how many times have you visited this funeral home where you're the FDIC? I've never been there. And we see that happening, and I call them Rent-A—FDIC, and this was going on more than we'd like to think about in the State of Florida. But one of the things that I don't think the Division does is have the inspectors talk to the client families and I ask the client families, who did you sit down with and make all these arrangements with? And that is a way to determine unlicensed activities. So, I think if {inaudible}, we'll have better resolve shutting this down.

Ms. Schwantes – Thank you, Mr. Brandenburg. To clarify, our investigators do talk with the families {inaudible}. I'm sorry. I heard the feedback, and I couldn't tell what that was for a moment. I do see that Mr. Oldham had some comments he wanted to raise. I'm looking at the chat features for that. So, Mr. Oldham?

Mr. Oldham – Yes. Correct. I love what the Chairman just said. I think that's a very simple way to cut through the chase. Comments and complaints can go into the Board anonymously, of course, and we have a director in the City of Lakeland that's not a director, that's on Facebook conducting ceremonies. I've had inspectors come in and take a look at my website, and I've had to make comments. Now, I'm not making any complaint on one thing, but only other thing, the most important thing is what Mr. Brandenburg just mentioned is one of the key elements of shutting it down. There was a funeral that was arranged by a person and actually directed by a person that was unlicensed. And the only way to cut to the chase, is to contact the person that made the arrangements and that would shut it down. Anybody can sign contracts and pass an inspection with contracts signed, but you can't get around the fact that if you sat down with a family and made those arrangements. It is what it is, you can't deny. And sometimes, even if you inspected a site or you go to a site and you see there is no director there, you may have a person that's unlicensed in charge, the person can say the director could be somewhere else in a car or sitting and the unlicensed person is in charge.

It's a really tricky situation for the directors. We are the responsible parties. This is a very serious issue in that the people that actually carry out those activities, in many cases if they're not licensed, they walk away and the funeral home and the FDIC is basically picking up the tab. I don't believe we should have a state where we have folks that can pretend to be a director and not be criminally charged for acting as a director. We have too much responsibility. I personally graduated from a four (4) year university, Hampton University, and when it came to me going to work for my father's firm, I knew I had to have the proper licensure and education in order to come back here and conduct this business in Lakeland. And so, what I did was I went to Miami-Dade. I met with the right people. I went to school, passed the exams, did what I had to do. I did my apprenticeship, and I'm here. Now, for me to see somebody out there making all kinds of arrangements, folks meeting with them, calling them, and they are popular, but yet unlicensed. And, we have folks that they are calling funeral directors in the press, and they've never been licensed. And they are doing six (6) and seven (7) funeral a week, unlicensed. It's a tough situation.

Ms. Schwantes – Thank you, Mr. Oldham. Mr. Hall, you had your hand.

Mr. Brandenburg – Mr. Hall, you are licensed, correct? Mr. Mr. Hall?

Ms. Schwantes – Mr. Hall, you're not muted, but we don't hear you.

Mr. Hall – Ok, can you hear me now?

Ms. Schwantes – Yes, we can hear you now. Thank you, sir.

Mr. Hall – Have you filed a complaint with the Division, sir, about these cases, you're referring to? Can you hear me?

Ms. Schwantes – There's a delay, Mr. Hall, But, I don't really want to get into whether complaints have been filed or not. That opens up a whole different can of worms, if you will. But Mr. Oldham, if you have not filed complaints and you [inaudible] we will investigate. I see Mr. Mixon's hand up again. I do want to go [inaudible] identify herself in the chat for this issue. Mr. Mixon, if it's ok, let me turn to Ms. Coney real quick, and then we'll come back over to you.

Mr. Mixon – Ok.

Ms. Coney – To Mr. Knopke's point, I wanted to say that in the last, you know, 30ish years, I have on many occasions personally reported when I became aware of either unlicensed activity or scope of licensure activity through the proper channels. I'm sure it does not win me any popularity awards, but I believe that that's what's best for the profession. So, I do that, even when it's an unenviable task. I don't think that this issue does bleed over so much in the clarifications of a funeral director, the item below. I do think that this is specifically about unlicensed activities. So, I would want to make a couple of points just on the title: Clarification on Supervision of Interns/Unlicensed Activity. I don't believe there's a lot of clarification necessary as it relates to the use of interns, because general and direct supervision are already defined in the statute and they're going through an education and getting that from the education side. You know, our job is to prepare them for work in this good profession. So, I think that is really not a part of the issue. So, if it's unlicensed activity, we did change the law last year, and it is a third-degree felony, so there's no question that that is probably as much as we'd be able to do from a legislative perspective. So, it's just incumbent on us to turn them in and to know that unlicensed activity is happening with and at the direction of a licensee, because services are being held every day by families and event planners, and, you know, people at the art center and people at the hotel, and people everywhere that have nothing to do with us. So, I think that when it is an activity that is the responsibility of direction of and in collusion with a licensee, it's incumbent on us to do something about it. In the cases that I have reported to the State over the years, I have found nothing but immediate and thorough attention from the Division. There investigators consider this a priority and are out on site when it comes up. So, I don't think we can say anything about the staffing on this. It's just a need to do it. If somebody's on Facebook promoting themselves as a funeral director, that should be just screenshotted right to the Division and dealt with. I think that the means and the structure are already in place for that. Thank you for your time.

Ms. Schwantes – Thank you, Ms. Coney. Ok, were there any further comments? Mr. Mixon, you had other comments you wanted make. I apologize for that.

Mr. Mixon – I just wanted to bring it up, because it is an issue, and perhaps we need to do a better job within our association of informing members on how this should be handled, but it remains an issue. Perhaps it's an issue because we haven't emphasized the resolution the way we should. So, I appreciate the comments from the Board members, from Lisa and folks who have dealt with this a lot more than I have. So, we just wanted to bring it up for discussion. I'm ready to move on it.

Ms. Schwantes – Thank you, Mr. Mixon, I do not think I opened it to people on the phone yet and I do need to do that. Is there anyone on the phone who wants to make comments on this matter? Ok, hearing nothing. Again, we know that just increasing the penalty to a felony is not the whole solution and we definitely welcome any complaints; any evidence of unlicensed activity. We do look into everything. Mr. Brandenburg and others, we appreciate your comments regarding the further efforts on our part to get witness testimony from the families and certainly will look into that too and look further into this issue. So, are there any more comments from Board members? Ok. Seeing none, let's do move on to the next issue, and it is not similar to the next issue. I thought it was going to be from the way it was initially proposed, but definitely was not.

G. Clarification of Duties of Funeral Director

Ms. Schwantes – So, the issue was proposed by the FCCFA. John Ricco, the Executive Director of the FCCFA, I believe, is going to present those issues. Mr. Ricco, welcome.

Mr. John Ricco – Thank you, Mary. Good afternoon, everyone. I appreciate the opportunity to be here. I appreciate the opportunity for you to hold this session and hear these concerns and suggestions well in advance of the legislative session. Even though we're so far in advance of the legislative session that, as has been indicated earlier, we have not formally approved a legislative platform at this point, but the Florida Cemetery, Cremation and Funeral Association sought input from our members in terms of some issues and concerns and improvements that they thought could be made, and some of the things we talked about today are the ones that are on this list. And so, I'll be brief with regard to duties of funeral directing. You've heard a little bit earlier about the issues that all funeral providers are having in terms of trying to find good funeral director talent, whether it be in state or recruiting them from out of state. And, one of the things in looking at things that could be done, we took a look at the duties of funeral director in s. 497.372, Florida Statutes, and there are some ministerial administrative functions that are listed in that definition that might be better suited to allow some of the administrative staff in a funeral home to handle in lieu of a funeral director, which might free up a little bit of time, when compounded, to try and relieve some of that workload. There's things like setting a time of services and acquiring the services of clergy and obtaining information for burial transit permits, and those sorts of things of that nature. So, we're just thinking a look at that section of statute might be an opportunity to make some improvements that could benefit all of our members in the industry as a whole.

Ms. Schwantes – Thank you, Mr. Ricco. Board members, any comments?

Mr. Jensen – Chris Jensen here.

Ms. Schwantes – Yes, sir?

Mr. Jensen – Quick question. Is the FCCFA wanting to abolish the Bodies Handled Reports? I mean, I don't get what they're trying to do or what they want.

Ms. Schwantes – Regarding the Bodies Handled Reports, that's the next topic, and we will get into that in more detail. This is clarification on the duties of funeral directors, and Mr. Ricco, did you want to address the question?

Mr. Ricco – I think we can just wait till the next agenda item so that we don't confuse the two (2) issues.

Ms. Schwantes – Yes, but I think for this issue, what they are trying to do is get clarification and eliminate some of the administrative tasks that are currently required to be handled by a funeral director so that it doesn't have to be handled by a funeral director. Is that correct?

Mr. Ricco – Correct.

Ms. Schwantes – So, from the Division's point of view, we have not yet seen proposed language on this, so we can't give a position one way or the other as to, you know, what our opinion would be. And I do want to always clarify, if I haven't already, when I say the Division, I'm speaking just on behalf of the Division, not the Department. Because, again, you all understand that the legislative process is such that we wouldn't make proposals to our Legislative Affairs Office, but ultimately the CFO is the one that decides what goes into the Agency Bill for the Department. So, Board members, again, any further questions?

Mr. Jensen – Just to understand here, he's talking more about things that right now someone other than a funeral director cannot do. For instance, setting up escorts, you know, administrative type things, or setting up National Cemetery stuff? Different things that you might have staff do, that you could maybe take that off to where the funeral director does not have to do that. Is that what I'm understanding?

Ms. Schwantes – Mr. Ricco?

Mr. Ricco – Correct.

Mr. Jensen – Ok, got it. Thank you.

Ms. Schwantes – Any other comments? Mr. Brandenburg?

Mr. Brandenburg – So, when you look at s. 497.372, Florida Statute, you'll see a lot of administrative things in there, and you'll really scratch your head and say, why does the alliance person have to do that? So, it's removing some of those administrative duties that we shouldn't require a funeral director to do.

Ms. Schwantes – Mr. Knopke, did you have your hand up?

Mr. Knopke – I did, but it's been answered through comment, so there's no need. Thank you.

Ms. Schwantes – Thank you, sir. Ok, and I see online on our chat, Mr. Finocchiaro. Did I get that right?

Mr. Finocchiaro – Yes, ma'am.

Ms. Schwantes – Thank you, sir.

Mr. Finocchiaro – My only comment on this is, we really should do an item by item analysis of what is being requested to be removed from the license only list, because of the fact that when someone says, you know, coordination of time of service for a service, it's just placing a phone call. But if you screw up the time of service, the person that's ultimately responsible for that is going to be your license funeral director, not your administrator. So, there are certain things that look highly administrative we can't pass the buck to that are also integral to what we do as funeral professionals. So, I would be interested in discussing it with a list of here's what we want to modify specifically, and go from there.

Ms. Schwantes – Thank you, sir, and we would agree to that, Mr. Brandenburg, you have your hand up. You're muted, sir.

Mr. Brandenburg – I was agreeing.

Ms. Schwantes – Thank you, sir.

Mr. Brandenburg – I was being animated in my agreement.

Ms. Schwantes – Thank you, sir. Ok, I need to open this up to anyone on the phone with comments. Hearing none. And, Board members final go round. Ok, we're going to move on to the next item, thank you, sir, and thank you all for participating in that.

H. Modernization or Elimination of Section 497.382, F.S., Regarding Bodies Handled Reports

Ms. Schwantes – This has to do with the requirement that licensees maintain Bodies Handled Reports. So, this is another item that was requested to be on the agenda by the FCCFA. But before turning over the presentational issue to Mr. Ricco, I want to provide some information or some updates for those who are attending, particularly if you've not been on some of the recent Board meetings. We know that the Bodies Handled Reports have been a huge topic of concern to our licensees for many years. It is deemed burdensome and understandably so to have to complete the paper copy Bodies Handled Report as well as complete information on EDRS. However, the Bodies Handled Reports form contained information that was not in EDRS. And so, in early 2020, the Division and the Department of Health, Bureau of Vital Statistics, began working on updates to the EDRS so that it would include that information that was not previously included in it, with the ultimate goal that EDRS can be used by our licensees to meet the current requirements for completing and maintaining Bodies Handled Report forms, without the necessity of having our licensees to have to maintain the paper forms. So, the pandemic sidetracked the project a bit, but that happened for a lot of us, but we are now nearing completion of it. We expect that the changes to EDRS will go live within the next

several weeks. Division staff actually are completing training on this this week. After that, we will get information from the Department of Health that will assist us in giving information to the licensees on the changes in EDRS, including instructions for how to complete new or different fields in EDRS. So, I want to particularly thank Ken Jones. who's not on the call today, but Board member Ken Jones and his team at the Bureau of Vital Statistics has been tremendous help on this project. Huge kudos! They've earned that. With the changes, we believe that the current statutory requirements regarding the Bodies Handled Reports will be fully met by the appropriate use of the EDRS System. So, we do not right now think that statute even needs to be changed or eliminated. But, we certainly are open to looking at that again as we get further into this process and the changes in EDRS are actually implemented, and our licensees get used to dealing with this. So, keeping an open mind on it. And with that, I want to turn it over to Executive Director for the FCCFA, John Ricco. Again, the FCCFA wanted to add this matter to the agenda. So, Mr. Ricco?

Mr. Ricco – Yes, thank you, Mary. We're very pleased to hear about the progress that's been made with an EDRS based solution to this issue. So, we know a lot of hard work has gone in on the part of your team and Ken Jones' team over at Vital Statistics, so we very much appreciate that. I realize there's still some finer points that might have to be resolved with regard to embalmer signatures and the reports being, at least statutorily mandated, to be filed or completed the 20th of each month and that sort of thing. But our ultimate objective here is just to make sure that instead of compiling paper reports that sit in a file somewhere, that when an inspector comes on sites and needs to see the Bodies Handled Reports, that all can be done electronically and that the paper file not need to be maintained. So, I'm glad to hear that we're moving in that direction, but that's our ultimate objective here.

Ms. Schwantes – Thank you, Mr. Ricco. And we are in complete agreement with that ultimate objective. We actually, in working with Ken Jones and his team, it looks like when the documents are printed from the EDRS system, they're actually going to look like the current forms. They'll have form numbers on them and everything. So, that's why we don't think that actual changes are needed at this point, but, again, keeping an open mind on that. So, Board members? I'm opening it up to the public and to Board members, Board members first. Anyone? Mr. Hall?

Mr. Hall – Great! We've been waiting on this for a long time. We appreciate all your help, and of course, Ken Jones. So, we appreciate what you've done to help us. Thank you.

Ms. Schwantes – Thank you. Ok, I don't see anyone listed. Any other Board members? I didn't see any other hands. I don't see anyone listed in the chat for this topic. I know our Board members have been hearing reports on this for several months now. So, no one listed on the chat feature. Is anyone on the phone who has any questions, or want to talk about this topic? And hearing none, I don't think I need to turn it back over to Board members again, but anybody? Final chance. Ok, let's move on to the next topic, and thank you, Mr. Ricco and FCCFA for bringing that up. It's good to get that out and we're glad able to share that information with everyone attending.

I. Body Broker Issues/Harvesting and Selling of Body Parts

Ms. Schwantes – This item actually was raised and presented for the agenda by both the Independent Funeral Directors of Florida (IFDF) and the FCCFA. So, first, because we haven't heard from him in a little bit, let's hear from IFDF's Executive Director, Juhan Mixon. Mr. Mixon, are you on? There you are. Mr. Mixon, you're muted.

Mr. Mixon – OK, thank you. Members of the Board, I know it's been a long meeting. This is something about which I'm sure all of you know a lot. The body trade, body brokers is a very large corporation, and continues to grow all over the country and in the State of Florida. And, certainly, the pandemic has added to that. Another term is body donation. And the companies that kind of lead the charge here in the state, is Med Cure. Med Care, Science Care. Gen Life is another one. They're all large, and they continue to market through staff here in the State of Florida to hospices to hospitals and the funeral homes to have bodies donated in exchange for free cremation. In exchange for, I think, a lot of times it's a cremation, it's the removal service, it's several things to the funeral home. It is a multi-billion-dollar industry in the United States. Multi million, certainly, in the State of Florida. Bodies bring on, depending on the part of the body, as much as more than \$10,000. I think, Reuters, when they did their study on it, the whole body was around \$11,000, a head was around \$500, a brain was \$750, an arm was \$250, \$250 for a hand, \$250 for blood, \$450 for

a knee. This industry is largely unregulated, unlike organ donation, which is highly regulated. Tissue harvesting, tendons and things like that, which are put into live bodies. The body donation industry is for medical schools, for pediatricists and others who want to practice on bodies. So, there's a lot of demand for it. However, because it's unregulated, they have been in the news, they've been investigated by the FBI and others for using chainsaws and things to saw off bodies. They're not regulated like the funeral industry. They're not regulated like hospitals. I think John Ricco is prepared in a moment to speak to what the NFPA is doing.

I know we had a bill here in the State of Florida several years ago, to try to regulate them. At the time they were recommended by the most prominent lobbying firm in the State of Florida, and there was no way on God's green acre that the legislation would even be heard by a committee. So, the winners are the body donor companies. The losers, by and large, are the consumers and their families. And one of the reasons why they're losers is they don't understand. It's not explained the difference between body donation and how those parts are being harvested, where they go, where their loved one is sent, or where a body is sent, in the State of Florida, how long it's going to be kept there, what parts of the body are being used, what purpose are they being used for? So, there's the whole part of allowing people who donate these bodies to be informed about the process, or where the body is going to be sent, or any of these things, or the fact that they're selling these party body parts, and for what purpose. So, we've been very concerned about this. I know there are funeral homes in the State of Florida who are cooperating with these folks, and there's nothing wrong with that, but there should be some oversight in the State of Florida of these body donation programs, similarly to what we have for organ donation or tissue donation in the State of Florida. Many states have addressed this and are trying to address it. Congress is trying to address it, and I'm going to let John talk about what they're trying to do. But I think, in the interim, Mary and members of the Board, I think that we ought to put together a group in the State of Florida to look at this and at least inform those who would take advantage of this body donation program that their families be at least be informed about it. And I think it would {inaudible} attention. And perhaps a group of us in the industry, including our largest funeral group, SCI, FCCFA, IFDF, and others looking into it along with maybe AARP and others. I just want to put it on the agenda and see what you guys think about it before we make any efforts at all.

Ms. Schwantes – Thank you, Mr. Mixon. Mr. Ricco, did you have comments that you wanted to add?

Mr. Ricco – Yes. Thank you, Mary. Juhan did a nice job of summarizing some of the issues that are out there, and there are issues and concerns with the body broker industry. I think, you know, primarily, one of the most important things that should be done, if anything, is at least disclosure to the families as to what's likely to occur when they donate a body to one of the body broker companies. Including the fact that the cremains that they ultimately get back are likely to be incomplete. So, first and foremost, there's the issue of just complete disclosure and an upfront understanding of what happens when a body is donated in that form or that fashion. Secondly, as John mentioned, legislation has been filed at the federal level and actually a Congressman {inaudible} here in Florida is a prime co-sponsor of that particular legislation that does a number of other things. It requires registration and licensure of those companies. In addition to that, it's going to require, should it be passed, chain of custody. So, as Juhan mentioned, from step to step to step, there's a tracking of where the the body parts are going to, who's used them. In some cases, these bodies or parts are sublet out to other groups. So, there's an issue of where these bodies and body parts are at any given time, who's in possession and custody of them and that sort of thing. To ensure that they ultimately get returned to the extent they can, and then it also has some shipping requirements and things that should be in place when these parts are being shipped from entity to entity around the country. So, it really just depends on what the appetite is for action. But, there clearly is a lot of concern and a lot of impetus out there for trying to do something with regard to body brokers and that sort of thing. As Juhan mentioned, there is a regulatory structure for every type of donation that's out there, at least anatomical donations. You have, you know, eye and organ and tissue transplants, which are regulated under AHCA, and there's an Advisory Board. You have non-transplant anatomical donations. Those are bodies that go to medical schools. It falls under the Medical Examiner's Commission. And then you have the State Anatomical Board for those bodies that are being donated for our medical schools throughout the State. And then you have this whole other section where essentially there's virtually no regulation. There's not even registration requirements. So, clearly there's things that can be done to help improve the fact that right now when one of these donations occurs, those who are donating their loved one's remains have no idea what's going to happen, in most cases.

Ms. Schwantes – Thank you, Mr. Ricco. So, we at the Division are very interested in this topic. We have been for a while. As I indicated before, I'm not sure how much will fall under Chapter 497 or something within the Department's purview. But, certainly as we go through the discussion, I'm very glad that we're able to have this discussion, and that our Office of Legislative Affairs are able to hear some of the details on this. So, I do want to turn it over to Board members next, if you all have comments. Mr. Brandenburg? Let's start with the Chair.

Mr. Brandenburg – Are they filing death certificates? I'm sure there's an easy answer to that, but I've never heard it. Are they filing death certificates?

Ms. Schwantes – I don't know the answer to that, sir. I don't know if Mr. Ricco or Mr. Mixon might know.

Mr. Hall – Mr. Knopke?

Mr. Knopke – Mr. Chairman, what they do is they employ local funeral homes to make the removals, transport their bodies and eventually file the certificates for them.

Ms. Schwantes – Thank you, sir.

Mr. Ricco – Sorry, I couldn't get unmuted in time.

Mr. Brandenburg – And then, of course, that funeral home can get certified copies of the death certificate for the family, and provide those. Ok. I'm just not that familiar with it. I've heard a lot about it, but I'm just not familiar with it. Thanks, Keenan.

Ms. Schwantes – Thank you, Mr. Brandenburg. Thank you, Mr. Knopke. Mr. Knopke, you had your hand up, I believe, for something else, or was that to answer Mr. Brandenburg's question?

Mr. Knopke – No, I was just answering his question.

Ms. Schwantes – Ok. Mr. Hall, did I see your hand up?

Mr. Hall – Yes, ma'am. I agree with the gentleman that's spoken. I think transparency, the few that we've been involved in, transparency is not there at all. The families come in, and it's been framed out to them that this is for medical studies-science. They have no idea, as John and Juhan said, what's going to happen to their body and their family. So, I think if transparency was there and they signed off and they understand it upfront, then that's understandable. But most of them have no idea what's fixing to happen.

Ms. Schwantes – Thank you, sir, Any other Board members? Mr. Knopke?

Mr. Knopke – I'm just going to follow up with a comment. There's at least one, if not more, counties in Florida that are using one of these companies, or more than one to handle their indigent disposals. That's as appalling as any of it, but the County Commissioners have voted to do that.

Ms. Schwantes – Thank you, sir. Mr. Jensen had comments.

Mr. Jensen – Yes. Thank you, Ms. Schwantes. I agree with everything Chairman Brandenburg had to say, and Mr. Knopke, and Mr. Hall. I guess what my question is, and maybe Mr. Mixon can speak to this, but how do you propose to regulate this? I don't know that, I mean it's the funeral homes responsibility or the funeral directors responsibility, to advise the family of what they're getting into it. I don't agree with any of it on a personal level. However, how do you propose to actually regulate this?

Ms. Schwantes – Mr. Mixon?

Mr. Mixon – I don't have a proposal on that at the moment, but I think as a profession, and as a Board, this is something we could work on together. I don't think you're going to shut this industry down. That's not the answer. I think transparency is included, and currently, they work through a lot of funeral homes. And it may be that the funeral home end up with the responsibility of giving them information provided by Med Cure, Med Care, or one of these companies. It may be that in arranging for it the funeral director be charged with having to talk to them about what the alternatives are. But, there needs to be some regulation, and some notification to the parents, and I think funeral homes also need to be educated on this.

Ms. Schwantes – Thank you, Mr. Mixon. Mr. Ricco, did you have any further comments on Mr. Jensen's question?

Mr. Ricco – No, but as a starting point, I would just say that disclosure will go a long way.

Ms. Schwantes – Ok. Thank you, sir. Any other Board member comments? I don't see anything. Mr. Knopke, you waved your hand?

Mr. Knopke – I'll do it at the end, Mary?

Ms. Schwantes – Ok. Thank you, sir, Ms. Lankford with Lankford Funeral Homes has indicated she would like to speak on this.

Ms. Cheryl Lankford – Thank you. Good afternoon, Mary. Good afternoon, Chairman and Board members. Thank you for discussing this issue. I think many years ago, we thought direct disclosures were...we did we didn't act fast enough to have that come in and now we have the body broker parts. There's some of us in the area that have had four (4) and five (5) of these within the last couple of months. The problem is that the families used to go up and receive and bring the loved ones into somebody's care, and then they would contact a funeral home. But now, regardless night or day, the funeral home goes out. You're thinking you're handling a family, and you find out that it's a donation to science from which you have it. They require you to do all the work for \$650 to \$675 or \$695. You're either going to have to find a way to either beat them or join them. You know, if that's what you want to do for \$650, you have to do all the work, and then in a lot of cases you have to transport the body to them. Sometimes they will come up. They've got a storefront down in Orlando. But there's no one that is, you know, virtually ever there. So, I think that, like they're saying, the families, honestly, don't know enough about this. What are they getting back? Who are they getting back? Where's is this done? There's absolutely no regulation on it or a way to follow like we do with our own, from our hands to our retort and back to the families, the consumers. There's absolutely, like they said, there's no transparency at all.

Ms. Schwantes – Thank you, Ms. Lankford. Thank you for that insight on the actual practice, some of it from your viewpoint. Is there anyone on the phone who has comments that they want to make?

Ms. Deb Gilmore – This is Deb Gilmore with NorthStar Memorial Group.

Ms. Schwantes – Yes ma'am?

Ms. Gilmore – [Inaudible] all of this stuff, and I need to do more research because my brain wasn't working until we started really talking about it. Is there a case in which these companies are promising a disposition in the future that's not being secured by a preneed contract?

Ms. Lankford – You go online and say, hey, when I go, I want you to come get me. I'm going to just kind of speak. I don't know about that. We're trying to get ahold of the families that have been contacted so far. That's a very good question. So, not sure how that part handles out. I secured quite a bit of paperwork that I sent to Mr. Mixon over the past couple of days that he has that we've tried to obtain from these companies to find out any of the inner workings. But, to date we have not, but here lies the problem is the company pays us, but what the funeral industry needs to know is this is a free cremation, and that's what they build this on. They tell the family if you donate your loved one, you don't pay any bills to any funeral home.

Ms. Gilmore – I think they're making a preneed promise. If any arrangement is made in writing, especially? It's just a fad. I'm becoming very interested now to start researching as well, because I think this is a scary proposition. Not knowing who is where, when and what happened with them. And that's the end of my comment.

Ms. Schwantes – Thank you, Ms. Gilmore. I am not sure that I would agree that they're making a preneed promise, but I think that would depend on the situation, perhaps. And I certainly would be curious to learn more on some of the circumstances that come up, you know, through research that Mr. Mixon and Mr. Ricco's groups are doing. Is there anyone else on the phones who has any comments on this? Ok, hearing none. Mr. Knopke, I know you had your hand raised. I'm going back to Board members for final comments.

Mr. Knopke – Thank you, Ms. Schwantes. The challenge that we face here is an industry that's funded very well. They've got million dollars, if not more. They've got lobbyists in every state and generally the prime lobbyist. And historically, when FCCFA tried to offer up some legislation, I think, along with the IFDF, I could be wrong on that, Juhan, but we couldn't even get an agenda in a subcommittee. It was shut down before it even talked or looked like it was going to go anywhere. It's big, big money, and it's going to take big, big money to move it along to any type of transparency. They don't want transparency, because then they'll be exposed. That's it. That's my comment. Thank you.

Ms. Schwantes – Thank you, Mr. Knopke. Anybody else from the Board? Mr. Brandenburg?

Mr. Brandenburg – It would seem to me, even though it may not be a regulated issue, it seems to me that there is a lack of media coverage and somebody out there tell them the truth. Have any of the associations attempted to contact the media, investigative reporters, and have the investigative reporters be out there telling the truth? If not, maybe that's a good assignment for someone. That's all I have.

Mr. Ricco – We have not, Mr. Brandenburg.

Mr. Brandenburg – I'm not going to say what I had in mind.

Ms. Lankford – This is Cheryl Langford again. I agree with you, Mr. Brandenburg. I think that we would need to know more about it, and that's the problem. We're really struggling trying to get ahold of their paperwork to find out how it goes. So, like I said, we've got two (2) meetings setup with the families that we've had utilize this program for the free cremation, and we'll see, I'm certainly not opposed to going to our people in the area for media, but they need to know what they're reporting on. Maybe they would help you look into it as well. But, I think, like all of us, we're here to assist in any way we can. Thank you.

Ms. Schwantes – Thank you, Ms. Lankford. I know we've been trying to follow the process. We're ending with the Board members. We have had some in depth conversation though. We've had a couple more people raise their hands on the chat. We have Ms. Coney and also Mr. Finocchiaro. So, I am going to ask Ms. Coney to go ahead and speak. But, because we already went to Board members, if you could keep it very brief, that would be great. We can move on to the next topic, and then we'll ask for those comments.

Ms. Coney – I'm thrilled to see Deb Gilmore on the call, because she always brings up great points. I've enjoyed working with her for many years. I think the idea that there's a preneed promise that they are in advance of a death offering something and creating a record of that might give us an opportunity at unlicensed activity that we have not explored before, and now we have a criminal statute that supports that more. I know when we looked into this in the past one of the county contracts that utilizes this, we found that the method of cremation was medical waste, So, I definitely think transparency to families is a huge, huge issue, because I doubt anyone is ever told that their free cremation is with syringes in garbage. And I hope that the NFTA law that John Ricco touched on, that has some details, would give us maybe some legislative ideas, because we weren't successful in the past, but now there's a national model that didn't exist before. So, I hope that there's information we can take from that law that is being sponsored by a Florida legislator that moves us farther along, because I think it is just a matter of time before this is in the media in a very ugly way, and so all the eyes on this has got to be good.

Ms. Schwantes – Thank you, Ms. Coney. Joe, did you have comments?

Mr. Finocchiaro – Just a quick comment. This needs to be reintroduced into the media. Someone had mentioned earlier that Reuters did a national publication on this. And if you just Google Reuter's Body Trade, that will give you the expose that they did. So, if you're going to reach out to your local agencies, you can direct them to that, because I was contacted by the Reuters reporter at the time that was putting this together to discuss the situation. And this is something of great concern to me as well.

Ms. Schwantes – Thank you, sir. Ok. I hit Board members before, but I'll ask one final time. Board members, comments on this? Mr. Hall? And you're muted.

Mr. Hall – Maybe our representative earlier would like to help on this. Finding a paper trail for us on this, the same as he did earlier. Maybe he would like to get involved with this for us.

Ms. Schwantes – Thank you, sir. Anyone else? Ok, we're going to move to the next topic. Give me one second, please. We're reaching the end.

J. Funding for Division Operations and Regulatory Efforts

Ms. Schwantes – This topic is one that was raised by the Division. Of course, I don't think we need to spend a lot of time on this. Board members are certainly already familiar with this topic, and a lot of others who are on the phone, but we need to at least mention it. So, each year, since about 2017, the Division has provided the Board with a detailed accounting of its budget and long term financial projections. This information is included in the Board minutes, which are posted on our website, and available for anyone on this call or elsewhere who is interested in viewing them. Most know that the Division is primarily funded by licensing fees, and until at least recently, a great deal by the interest that has been gained on our accounts over the years. The most recent long-term projections, though, show that the Division will run out of operating funds within the next nine (9) years, possibly much earlier. A lot of the expenses are beyond our control, and we go into more detail on that on Board meetings. But, anyway, funding is definitely a problem. So, currently, the Division's expenditures annually exceed its revenue by a minimum of approximately \$300,000. Again, depending upon interests earned during the year and other factors that impact revenue in any given year. Assuming that Division expenditures remain status quo, and that means no additional positions, no additional responsibilities, no necessary replacement of data systems, et cetera, you get the idea. And you all know that we're already operating on archaic data systems. Anyway, assuming everything can remain status quo, the financial statements we provided the Board clearly show that balance and the Divisions portion of the Regulatory Trust Fund will be reduced to only approximately \$560,000 by about 2030. The long-range projections that have been provided to the Board in the past show that we could run out of money as early as four (4) years from now. So, it just depends on the revenue and the expenditures over the next several years. Funding is definitely an issue that needs to be addressed soon. Any increase to the Divisions expenditures without corresponding increases in revenue will result in an earlier reduction of our Regulatory Trust Fund balance, and again, possibly diminishing the balance to an untenable amount as early as FY 2025/2026, in about four (4) years. So, the Division and the Department are interested in industry input for possible solutions to these funding concerns. So, I'm going to open this up for public comment, and first go to Board members. Board members, any comments at this point? Mr. Brandenburg, you look like you're about to say something, or raised your hand, waiting for the echo to go. No? You're fine? OK, I see no Board member comments, I see that on the chat feature that Bill Williams would like to comment, So, Mr. Williams?

Mr. B. Williams – Thank you, Ms. Schwantes. Just out of curiosity, what is the current balance, just a rough guesstimate, of the Consumer Protection Trust Fund?

Ms. Schwantes – The Consumer Protection Trust Fund, I'd have to go look it up, because I don't have that number on the top of my head.

Mr. B. Williams – We have talked in the past about maybe capping that trust fund and taking any amount over the cap and pushing it to the Regulatory Trust Fund. Is that something the Division would be interested in discussing in the future?

Ms. Schwantes – It was discussed, and thank you, sir. It's multiple millions of dollars, but I don't remember the exact amount, and I apologize. I don't even have that piece of paper handy at the moment. But, anyway, we discussed that as a possible solution for replacing our database systems in 2017, and got as far as the Agency Bill with it. I believe it came out of the Agency Bill, so when I say we discussed it in 2017, it would have been for the 2018 legislative session. And I believe it came out of the bill during session, during committee review, primarily as a result of concerns and disagreements among the licensees in the industry as to whether or not the Consumer Protection Trust Fund should be used for Division operations of any kind, including the replacement of the systems. So, it was not discussed that it would be a funding mechanism for future operations, but it was discussed at that time for replacing the databases.

Mr. Williams – Do you think it's a moot issue or something you'd like to pursue, again, to try and see if we can maybe go back and take a second stab at it?

Ms. Schwantes – Mr. Stowers, if you're on, if you want to speak up on any of this as well, that would be good. My understanding is that the Department is interested in all solutions. The most obvious would be increasing licensing fees or increasing the amounts that are paid per preneed contract, for the Regulatory Trust Fund, operational purposes. But, again, we're looking for all solutions. So, Mr. Showers, are you on still? Did you want to address this?

Mr. Stowers – Absolutely, I think we're definitely open to any and all suggestions and solutions. We have meetings that we're going to be having with different parties, different staff, and within the legislature and budget staff. So, I think we're definitely open to hearing any comments, any suggestions, any ideas, as far as funding or the future of the Division, as far as funding goes.

Mr. B. Williams – If I may?

Ms. Schwantes – Yes, Mr. Williams

Mr. B. Williams – I know it's splitting hairs, but the Consumer Protection Trust Fund and the Regulatory Trust Fund can almost go hand in hand. We're still protecting consumers through regulations, obviously, and maybe that's just a funny way to phrase it, but if we can cap that, and move any monies available above whatever the cap may be over, I think that will solve your issue for several years. Correct?

Ms. Schwantes – It depends on the amount. We'd have to see specifics, obviously, and work with the numbers. But, it would probably help with the operational issues, not necessarily with the replacement of data systems. That is a completely separate matter that I'm not even talking about right now, because the needs there are so great, and that's a lot of money.

Mr. B. Williams – Thank you, Mr. Williams.

Ms. Schwantes – Thank you, Mr. Williams. Ms. Coney, I saw that you are listed on the chat as wanting to speak.

Ms. Coney – Yes. At the last Board meeting, I believe the CPTF was reported at well over \$9 million. For the record, the last time this came up as a legislative opportunity, it was about, I'm not going to go exact numbers, but about \$2 million, which far exceeds what we understand would have been necessary to completely revamp your archaic recordkeeping system. So, opportunity missed the last time that this didn't go through because we could be on a web based brand-new program and still be building the CPTF Fund with no harm to any consumer. I would agree with Mr. Williams' comment that if the Division is performing consumer facing consumer investigations, consumer serving activities, that it's very reasonable to assume that the Consumer Protection Trust Fund shouldn't be prohibited from some use. I think that last time when this was so controversial, and I guess I should go on the record as saying this is my personal opinion, it is something that my employer has been supportive of, and it's something

that in some form had been put forward by FCCFA, but obviously there is no platform or numbers around this. This is just my opinion. The last time this came up, the controversial part of this is, what's the right number? And obviously, I should say the most controversial part of it is, what's the right number? And obviously, it's like herding cats. I don't think we're ever going to have everyone in the group say this is exactly what we agree to. Yes, give them X amount of money. I do think there, perhaps overcoming some of that objection, if it were treated like a licensee's care and maintenance whereby interest is provided to the Division rather than a cap that could change substantially over the years, if the Division were able to get interest earnings from CPTF and cap that amount. Interest earnings not to exceed X amount a year. It would provide renewable revenue, which is critical. That's probably more useful from an operation standpoint than a one-time payout, which we know you got two (2) years ago and never actually got, and it was never able to use. So, maybe there's a formula like that where it's an interest where there's already an established-criteria that licensees follow for that, so it's not foreign to us, it's not scary. You wouldn't be getting the money if the fund were substantially diminished, or you'd be getting it based on that diminished amount. So regardless, the fund proves over and over that it continues to grow substantially. That it grows well beyond anything that even critical failures would diminish. There is no consumer harm in some small use of this. I would love to see us try to put something forward that does that in a renewable way without some of those really controversial cap issues that prohibited from being considered seriously last time.

Ms. Schwantes – Thank you, Ms. Coney. Mr. Oldham, you had something you wanted to say? And you are muted now. There we go.

Mr. Oldham – Yes, I don't know if any of the funeral homes in the State of Florida are experiencing double taxation, but I'm trying to understand why we have to pay a tax or a fee for being a funeral director in Polk County or an embalmer, when in fact, if we needed to help fund the Agency that actually serves us and supervise our Division, why we couldn't upgrade whatever fee that we need to in order for us to help compensate the future compliance of our industry, in particular, when we have issue such as concerns about managing the data. I know when the County comes and they request for us to pay another fee for an embalmer or funeral director's license, I'm trying to figure out what's the significance paying the County of Polk when we're being served by the State of Florida, and we're actually licensed to conduct ourselves throughout the state. Those funds are just inappropriately placed. If that's the case for all of funeral homes in the State of Florida, then that's a source of income 4, for your Division.

Ms. Schwantes – Thank you, Mr. Oldham. Actually, that's something that I know that I have not heard discussed before. So, a unique approach and certainly we're looking for all different kinds of solutions. So, we appreciate that.

Mr. Oldham – Thank you.

Ms. Schwantes – Is there anyone Is there anyone on the phone who would like to comment on this before I turn it back over to Board members? Hearing none. Final comments from Board members? Anything?

Mr. Jenson – What Mr. Oldham said is, I mean, the counties are really on funeral homes. You know, all the counties went and charged for the cremation authorization from the medical examiners, which is actually a state law, and the counties, somehow brought it upon themselves to where they can charge for that. I mean, I'd much rather see money going towards the Department that regulates all the funeral service than going to the county that really don't care. It's going to some other thing. That's one thing. I think the second thing, and it is probably the easiest solution, is the Consumer Protection Trust Fund. I mean, it is pretty simple. Just kind of average out, I would imagine the claims to that fund over the last ten (10) years are far less than what the fund has. So, you know, just cap it there and add 10% to it for any error, and we got a cap. I mean, that's probably the easiest solution, if we can get that done. But, I also think that there, as Mr. Oldham pointed out, there are other things, as well, on even a local level that might help the Department. Thank you.

Ms. Schwantes – Thank you, sir. Mr. Knopke, did you have your hand up? No? OK. Thank you, sir. I think that's the final comment, I see no other hands up from Board members. We're getting later in the afternoon, so we're going to move on to the next topic, and thank you all very much for the discussion on that topic. And thank you, Mr. Oldham, for that. Again, I have not heard that as a proposed solution before, so that was appreciated.

K. Transfer Fee – Sale of Cemetery Plots

Ms. Schwantes – This matter was requested on the agenda by the FCCFA, and speaking on the associations behalf is its President, Lisa Coney. Ms. Coney, are you on?

Ms. Coney – This, this is another one of those hold over issues that has come up several times over the year. There's a \$50 cap for a Cemetery Interment Rights Transfer. Cemetery has to process the paperwork, all the responsibility. Many of these transfers are happening commercially and often without the original owner or family being present by a power of attorney or some other way to eliminate the family from the conversation. So, the cemetery has the responsibility still to find out if every family member that has the rights to that agrees to this transfer. So, they have an administrative and a recordkeeping responsibility in the office side. They also have the groundskeepers going out to make sure that that is not used, or encumbered, or marked anyway. And it's the only price fixing by a regulator in all of Chapter 497. I just think that it's inappropriate to have any sort of reference to a transfer fee at all. I personally think it should be stricken. Again, FCCFA hasn't made an ironclad policy on this. It was just something to throw out to the group because the group was meeting for consideration. It's something we'd like to see done legislatively. It's the only place in our chapter where licensees are mandated to a specific and certain charge by the licensing authority, and it just seems unusual. I'm not aware of a cap like this, a mandated cap on a private business by any other state or in any similar regulatory scheme, and I would probably put it out to both government licensees and our legislators that there's not a whole lot that anybody's doing for \$50, and I think is probably inappropriate that we be capped at that, as well. Thank you.

Ms. Schwantes – Alright, and so your recommendation, just to be clear, is that the cap be stricken completely?

Ms. Coney – Again, we have not married to a specific platform. My personal recommendation would be that it's eliminated and the market do what markets do and serve appropriately without gouging, because we can certainly charge anything we wanted on any number of other things and do so without concern or gouging or customer complaint. But, it could be structured in a different way where, you know, the cap remains in place, if it's a family to family transfer or something like that. But if it's commercial and unrelated to the original purchaser, there's a different cap or an elimination at that point. How we want to look at it is, I guess, the details and logistics to follow, but if it were mine to design, I would just strike it.

Ms. Schwantes – Thank you, Ms. Coney. Board members, comments? Mr. Knopke?

Mr. Knopke – Mary and everybody, this is one of those fees that goes back to the 80s and 90s. I'm one of the few that was around back then. It was probably needed back then, not needed today. Back then, there was, well, it's just one of those fees that the Legislature felt was needed back then. Today, it should just go away.

Ms. Schwantes – Thank you, Mr. Knopke. Any other Board members? Mr. Jensen?

Mr. Jensen – Just looking back on this, at one point that fee was \$25 and it was raised \$50. I think the issue comes in with back in the day, I mean, I understand what people want. The people actually bought a Right of Interment. However, a lot of people were given a piece of paper that says deed on it. So, the consumer feels like they might have bought a piece of property, because of the word deed. And I think that's where it leads to a lot of misinterpretation, as to what they actually bought. I don't exactly know how to fix it. However, I see where this would get completely out of control if you took it completely away. Maybe it needs to be adjusted, I don't know. But taking it completely away would get, you know, a lot of cemetery plots. Back in the day. I mean, they would do 2 for 1s. I remember selling them myself and, I mean, it's just it's just, you know, a lot of people are turning to cremation and they don't want the lots anymore, or what to do. I understand what Ms. Coney said about a commercial type thing. If they're going through maybe a cemetery broker, or sell them to a cemetery broker, that's one thing, but I think there's genuine confusion in the eyes of the consumer on this, and I don't know that we need to get rid of it, or altogether, but I don't really have a complete answer, either. Thank you.

Ms. Schwantes – Thank you, Mr. Jensen. I don't see anyone on chat as wanting to speak on this issue, so I'll just move on. Is there anyone on the phone? Ok, and I think that, well I'll ask again, we're down to just a few Board members that I'm seeing on the screen right now. Are there any Board members who have comments? Ok. Thank you all very much, and we will take all of that into consideration. If any of the associations or licensees listening have proposed language they want to submit on that, that would be great.

L. Cemetery Brokers

Ms. Schwantes – This was raised by the FCCFA, and speaking on its behalf is its attorney Wendy Wiener. Ms. Wiener, are you on? There you are.

Ms. Wiener – I'm here. Mary, do you want me to set this up or are you going to give a brief?

Ms. Schwantes – No. This is all on you all.

Ms. Wiener – So, there is a rather significant problem with those persons who are licensed and regulated as burial rights brokers. They frequently act beyond the scope of their licensure. They use the cover of their licensure to try to do lots and lots of things that are not covered by the license that they hold. A burial rights broker, pursuant to the license that he or she holds, is entitled to be compensated to act as a third party when they facilitate the transfer of burial rights from one person to another, more than a certain number of times per year. What they have been using them for, and it's not all, but it is a number significant enough that we feel that legislation would be appropriate, is to use the cover of that license to themselves acquire interment rights from individuals, mark those interment right up, and sell them. [Inaudible] amassing a little inventory of cemetery spaces, and they do so in a way that is anti-competitive, in many cases. Those that are problematic engage in a lot of activities that would certainly be deemed misleading, at best, and fraudulent or criminal at worst. But the point being legislation should be enacted, which more clearly defines the scope of what a person can do as a burial rights broker. Where their authority to begin, where it ends, and what they can do with that license and using that license and holding themselves out as a licensee. And I'll offer the floor also to our President, Lisa Coney, who may want to make additional comments on this point, or John Ricco. Thank you.

Ms. Schwantes – Thank you very much. Mr. Ricco or Ms. Coney, did you guys want to make any comments?

Ms. Coney – I'd be happy to. This is definitely becoming a huge business, and in some cases, as Wendy said, very anti-competitive, you know. One (1) example is a broker has set themselves up as a 501C(3), so that their business is actually a charity. The convoluted nature of all of that when it clearly is absolutely not a charity, is mind blowing to me, but there's nothing to prevent that kind of activity. I have, as a cemetery, all the annual inspections, a host of intense regulations, financial inspections, and in the broker section, there's a few paragraphs about the licensing and re licensing of them, if they don't already hold another license under 497. And then there's one section that says, we'd have a rule to require minimum records to be maintained. And that by rule might require inspections of the records. I'm not aware of any rules that forward inspections that hold them to the same standards at this point. Many brokers are amassing tons of property so that they're not just brokering between Family A and Family B, which is the legal definition of a broker. But they're operating as a cemetery, or, in fact, maybe as multiple cemeteries. Because here's your choice. We've bought all these contracts. And here's your choice of cemetery properties. I had a broker that even wrapped their car with my logo, of one of my cemeteries to say, my property is less than this cemetery using my own logo. There is a huge issue in the definition, the lacking definition in statute, a huge issue that there's now inspections or records or rules that would govern them in the same way. There's definitely a scope of licensure issue. And there's an issue that I believe that the Division has already affirmatively ruled on as it relates to a scope of licensed and unlicensed that came in front of the Board recently. And the Department or the Board has already ruled that that is limited specifically and solely to those interment rights. I think it would be appropriate for the legislative intent or rules to reflect that, that this is a limited scope to a broker between A and B, and it does not include services. It does not include direction of a preneed licensee, because they don't hold that license. It does not include the direction of a cemetery licensee because they don't hold that license. A broker is a broker, and that's it. And for the functions that

they're serving in under our Chapter, they shouldn't be regulated for consumer protection, the same way the rest of us are.

Ms. Schwantes – Thank you, Ms. Coney.

Ms. Coney – I'm obviously quite passionate about this. Thank you for allowing me to share that. And I believe that's the end of my comments on that.

Ms. Schwantes – Thank you, Ms. Coney. Board members, any comments? Mr. Knopke?

Mr. Knopke – Back when they were put in place, no one ever dreamed that they would become much more than one (1) or two (2) in the state. They've obviously turned into big businesses, or at least some of them have. And, that being said, they're meeting with consumers in homes and other places. They should have background checks, if they're going to continue to be licensed by the Department. They should have some other requirements that I don't have anything in mind, but we ought to know a whole lot more about them rather than filling out an application and sending in a fee. What kind of experience do they have? Do they know anything about a cemetery? Do they know anything about anything? Are they selling preneed under the table for somebody else? You'd be doing a whole lot of things.

Ms. Schwantes – Thank you, Mr. Knopke. Anyone else? I think I forgot to ask if there was anyone on the phone who had comments on this, so I should go back and ask that. Ok, and I don't see any comments from anyone wanting to speak on the issue that's listed in the chat register. So, if there are no further comments from Board members, I think we move on to the next topic. We're glad this topic was raised by the FCCFA and very much appreciate it and look forward to perhaps seeing some proposed language on this. That brings us to the end, or almost to the end of the agenda.

3. Final Public Comments/Other Issues

Ms. Schwantes – The final item on here is final public comments or other issues. One item since making the agenda has come to our attention, and that was raised by the FCCFA regarding refrigeration issues. That's all I know about that topic, but I would ask for FCCFA President, Ms. Coney, to present that issue, and then we can have discussion on that, and then we'll find out if there are other issues that need to be discussed. Ms. Coney.

Ms. Coney – Good afternoon, all. I apologize that this seems like our agenda, but I think that this is a forum. FCCFA always has its own legislative priority list and drafts things out and works with the legislators, so having this forum is a great way to share it with all of you and figure out how to go forward. So, I don't want all this camera time, but I do thank you for being interested in all of these issues. The last one, refrigeration, it really came out of a recent case that was in front of the Division and just kind of raised our radar to this. The statute is very specific on 40 degrees, period, and there are times where there are very reasonable times where something might be at 42, and the failure to be at 40 is probably not something that should result in discipline. So, an opportunity for mitigating circumstances so that if somebody's at 42, and maybe within two (2) hours it's proven to be back up, or we all have the opportunity to respond to an inspection. So maybe before, as part of the inspection response, you evidence maintenance or calibration or photo of the screen that shows that you're back at 39, so that there's not automatic discipline, when it's a very reasonable and explicable thing. I think that we've become hamstrung by some of the specificity in statutes where there needs to be an opportunity to use common sense. And since that is not built into the statute now, it's just thinking that maybe we want it to be.

Ms. Schwantes – Thank you, Ms. Coney. Now that I know more what the issue is, I do want to clarify that Board members only see the cases after they've gone through a lot first here at the Division, and our inspectors will work with our licensees very frequently on these issues. And they do go back, sometimes for a second or third inspection to take a look to see what they are, and they do look at the photos and such like that that you raised. So, normally if it goes to the Board, by the time it gets the Board, it has already been vetted as much as it can be by our field staff. Having said that, you know, we're always looking for opportunities for training for field staff, when it's necessary.

Any issues that come up, we certainly appreciate them being raised and brought to our attention. But I will want to do like we have with the other things and bring this to comment. So, Board members, do you all have comments that you'd like to make on this issue? I don't see anyone with hands up. Mr. Jensen?

Mr. Jensen –I've had this issue pop up personally myself, and I do agree with Ms. Coney in the sense that, you know, maybe there should be a leeway. I have had investigators too where they do say, I'll come back and so forth. I don't know if it's an unwritten number that we put in and maybe give them that leeway. I know in some parts of the state, I mean, it's almost impossible to keep something like 40 degrees at three o'clock in the afternoon. Most of these coolers are in metal buildings and so forth. Also, I don't really understand, even though I am a licensed embalmer, the significance of 40 degrees versus 44 degrees, perhaps. Where does that come from? Why 40?

Ms. Schwantes – Mr. Jensen, I cannot answer that question as to why 40. That has been here as long as I've been here, and then some, I know. Mr. Knopke usually has some good historical information for us and he's smiling like he had something to add on. Not to put him on the spot.

Mr. Knopke – Now that the Chairman has left, I was going to defer to him because he's probably been around Jacksonville clearly a lot longer than I have. My guess is, it comes from a lady by the name of Robbie Weaver. Robbie Weaver was the Executive Director of the Board of Funeral Directors and Embalmers back in the 60s and early 70s, and she was a very nice lady, and whatever she said went, and there wasn't a lot of discussion about it by the Board of Funeral Directors and Embalmers at that time. So, my guess is it came from something she read, heard or whatever, and nobody's ever tried to change it. Best I can add.

Ms. Schwantes – Thank you, Mr. Knopke. Mr. Hall, did you have comments that you wanted to make? You had your hand sort of raised.

Mr. Hall – I think the inspectors, when they come out, there's times if you're a busy location, the door is going to be open and shut, placing bodies in and taking them out to the crematories, et cetera, and they've waited, you, know, fifteen (15), twenty (20) minutes and then went back and checked it again and had additional thermostats with them that they could use by hand to check. So, I do think that they check on that. I think in the past, we've had some cases come before the Board where there was an issue with a unit and I think we gave that person the ability to come back and show the billing where they had done the repairs and fixed it. With that, I agree with what Lisa is saying that there should be some leeway there. If they haven't fixed the problem, then I think they should be fined, But I think what you said earlier, too Chris, sometimes there's a fine line between if you're going to embalm the body later and the families trying to decide what they want to do, there's a fine line between 40 degrees and the body being too cold and freezing. So, you have to be careful both ways, and it's a fine line right in there of how you handle that, really. I don't how they came up with 40 degrees either.

Ms. Schwantes – Thank you. Mr. Knopke?

Mr. Knopke – Just a comment, I know with us at Curlew, we have a thermostat at the door of the cooler. We also have a digital thermostat at the other side of the door, on the back wall that we rely upon, whether it's 40 degrees or not, as the door on the front side constantly opens and doesn't. I mean, if you open the door, even with plastic drapes on it, the cold air goes out.

Ms. Schwantes – Thank you, sir. Ok, looking at public comments, I believe Mr. Finocchiaro wanted to comment.

Mr. Finocchiaro – Just one quick observation, because I've been approached by individuals wanting to study or have some materials for preparing for the Florida law and Rules exam. When I look at your study outline that's on the Division website, the PDF at the very top, it doesn't reflect Chapter 733 or 765, Florida Statutes. Yet, underneath in the materials that are a part of the Study Guide, 733 and 765 are there. I just wanted to know what they're actually being tested on, or if they're not being tested on, or have the outline updated accordingly to reflect if they are.

Ms. Schwantes – We appreciate that. And actually, if you would shoot me an email about that later with the detail, because I was not taking notes quite as fast as you were talking about it, I would appreciate it. We'll take a look and try to update it. It's kind of hard to keep up with some of the study guide material updates that need to be made, but that's a good catch. Thank you.

Mr. Finocchiaro – I'll send it over to you. Thank you.

Ms. Schwantes – Thank you. Ok, any final comments on this? Anybody on the phone that wants to comment on this? Hearing none. Ok. I think we can move on to the next topic, which would be any other issues that anyone wants to raise, public comment. Board members? There's no one on the chat. Mr. Oldham has raised his hand. Mr. Oldham, did you have something you wanted to comment on?

Mr. Oldham – Yes. Before we conclude our session, there's a couple of things that I wanted to talk about before we close out. Number one is, I understand that, you know, in terms of us being more flexible on individuals that need endorsements as funeral directors coming from other states, I understand, but as a director in the State of Florida, I want to be very crystal clear. I do believe that there should be serious criminal charges that reflect the type of fees that we charge the funeral homes for breaking the law. That the person that breaks the law that's unlicensed, it needs to be reflective of that. I know that if you steal \$50 or \$100, et cetera, that your criminal charges are considered, maybe above a misdemeanor. When you enforce a penalty on a funeral home of \$1000 to \$1500 for an infraction, the people that are conducting those activities should have something similar in terms of their punishment, because if we continue to allow people that are unlicensed to be able to float from one (1) funeral home to another without being penalized, we're going to continue to have the same issues at different funeral homes, not necessarily at the same funeral home, but it could be the same person going from one firm to another firm. So, I do believe that these third-party infractions in the industry is something that we need to address. We can take it lightly. It doesn't affect many people, but it is something that we need to consider and be very crystal clear in legislation, and not allow it to be something that those people can just keep walking away as if they just had a job at Burger King. and they did something and then they moved on to McDonald's or to another facility and continue doing the same thing. So, that's one particular issue. And then the other thing I wanted to mention, I understand that we all have financial concerns with the Division and that's a major issue that we need to consider resolving. But, it is kind of peculiar how the consumer issues are there, while we are dealing with our industry, and somehow like you said, in funding your Division, your funds should be able to come from some of the trusts from the industry, and allowing us to be able to continue to operate in and possibly deal with some of those issues, such as having a system of monitoring these preneed contracts, where you have a centralized area of managing the deaths. So, that's the end of my comments. Thank you all for allowing me to be present. And it really was a pleasure and a privilege to be here.

Ms. Schwantes – Thank you, Mr. Oldham. We're glad you're able to join us today. I don't see any other comments or anyone else that wants to raise public comments listed on the chat feature. Anyone on the phones?

Ms. Gilmore – This is Deb Gilmore, I'm sorry.

Ms. Schwantes – That's ok, Ms. Gilmore. Go ahead.

Ms. Gilmore – This is not necessarily legislative material, but in the absence of efficiency and saving money and all kinds of things that would help all aspects of stuff we've been talking about, I would love, at some point, to get a group of people together and discuss the trust examination process. We are still doing the exams the same way we did thirty-four (34) years ago when I started, and we didn't have a fax machine or a computer back then. Nothing. It was paper and pencil, ledger paper. I feel like there's great opportunity to make the process simpler and actually more productive if we could get a group of people together because, you know, we have computers now. Big gobs of data aren't as scary as they used to be. And, I just think there's a way to look at the annual report and the process of auditing, and see if there's something a little better we can do. Just throwing that out there.

Ms. Schwantes – Thank you for that. We appreciate that and I'd be happy to talk with you more in detail about that after this call, if you'd like, anytime. Just so that everybody knows, our Division was audited by the Office of the

Auditor General within the last couple of years. I don't remember the exact year, but as part of our response to that, we are revamping our exam process, our financial exam process. And so, some of what you saw in terms of procedures in the past will be changed. The other thing I wanted to mention, and this has been part as a result of the pandemic, and everyone's use or increased use of video conferencing and fax machines, computers, et cetera. We are also trying to conduct as many exams as possible remotely so that we are using technology to the best of our ability, decreasing travel costs, et cetera. So, I think that we have implemented some procedures and some changes that I think that go along the lines of what Ms. Gilmore's talking about, but Ms. Gilmore, I'd love to talk to you at any time about that. And that goes for anyone on the phone. If you have any issues, please feel free to call me at any time or Ellen Simon, our Assistant Division Director. I did want to, before we finally adjourn, just check and make sure that I don't have any final comments from Board members. Ok, or from Deputy CFO, Julie Jones. I saw she was on the phone earlier and I didn't know if she was still here. Or Austin Stowers? Mr. Showers, do you have any comments that you wanted to make?

Mr. Stowers – Sure. Thank you, guys for participating today. We are hoping to have our legislative agenda completed by the end of this month, so we really appreciate the input today and any additional input that you guys want to provide to us, soon. Our hope is to limit the last-minute amendments and have everyone onboard with all the items that make it into the Department Bill from the filing date. Obviously, there are last-minute things that come up and we will, as always, try and make sure that everyone's aware and comfortable with everything. Chase and I have enjoyed working with you guys for the last three (3) years, so we're looking forward to keeping that positive strive for Florida consumers and for the industry. So, thank you again and as always, please feel free to reach out to us.

Ms. Schwantes – Thanks, Austin. And I did talk with Austin earlier today. I know that particularly with some of the proposals that were at least preliminarily submitted by the associations, IFDF and FCCFA, I know that they will be working with their legislative committees. We are looking for any written comments on anything we've talked about today. The deadline for submitting that would be close of business on Friday, July 30th. That can include proposed statutory language. It will be extremely helpful to us, particularly for the associations. As you're working through these things, if you have proposed language, go ahead submit it as Austin pointed out. We are, as a Department, working on these issues much earlier this year because of the earlier legislative session, and hoping to have the Department's Agency Bill finalized with whatever goes into it, finalized very early Fall, I believe is what was told. And as soon as it's finalized and filed, its best, it's smoother if there are limited changes after that. So, we just really would encourage, if any of you have written comments or proposed statutory language, to get that submitted by July 30th. A summary of any comments, written comments that are received will be prepared and made public by posting it on our website, along with the minutes from this meeting. And if you have written comments, please go ahead and email them directly to me, Mary.Schwantes@MyFloridaCFO.com. My email address is also on our website. And that ends everything that's on the agenda. I want to, again, very much thank you all for participating in the workshop. I think it went much smoother even than we were expecting, particularly with the phone call attendees. That was a concern. So, thank you, to everyone who contributed to it. I want to particularly also, again, thank the Board members, and our Staff, and of course, Ms. Munson, Board Counsel. And I wish you all a very good remainder of the day. Thank you.

The meeting was adjourned at 4:12 p.m.