

MIJNUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
BOARD MEETING
APRIL 4, 2023 - 10:00 A.M.

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

Ms. Jill Peeples – Good morning. This is the Board of Funeral, Cemetery, and Consumer Services Board meeting. It is April 4, 2023. It is 10:00 A.M., and we are at the Department of Revenue, Capital Circle Office Center, in Tallahassee today. I'm Jill Peeples. Thank you for attending today. I would like to turn it over to Ms. Simon for the first agenda item.

Ms. Ellen Simon – Yes, ma'am. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is April 4, 2023, and this is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held in-person, at the Department of Revenue, Capital Circle Office Center, on Shumard Oaks Blvd in Tallahassee FL. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to all interested persons. Information relating to this Board meeting has also been published on the Division's website. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared. Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board Chair, Ms. Peeples, runs the meeting. Persons desiring to speak should initially ask the Chair for permission.

As a reminder to Board members, you are to refrain from commenting on facts not included within your Board packages, and instead base your decision solely on the information in your Board packages, as well as testimony provided at this meeting. Additionally, ongoing investigations are private and confidential and are not to be discussed, even for the purposes of confirming there is an investigation. Just a few words about Item V on your agenda, which is Public Comment. Public Comment is reserved for general comments by the public and not for re litigation of any matter before the Board. Please be aware that if Public Comment is used as an attempt to re litigate a matter that has been heard on this agenda, the Board will be instructed that the comment is not appropriate for Public Comment, and it should not be considered for further discussion.

On a personal note, I just wanted to mention how wonderful it is to see all of you in person, truly. At this point I will take the roll:

Jill Peeples, Chair
Andrew Clark, Vice Chair
Joseph "Jody" Brandenburg
Sanjena Clay
Vincent "Todd" Ferreira
Christian "Chris" Jensen
Kenneth "Ken" Jones (EXCUSED)
Janis Liotta
Jay Lyons (EXCUSED)
Darrin Williams

Also noted as present:

Rachelle Munson, Board Legal Advisor
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Crystal Grant, Department Staff

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

Chair Peeples – Thank you, ma'am.

B. Action on the Minutes

(1) *March 2, 2023*

Chair Peeples – Board members?

MOTION: Ms. Sanjena Clay moved to adopt the minutes of the meetings. Mr. Darrin Williams seconded the motion, which passed unanimously.

Chair Peeples – Ms. Simon?

C. Application(s) for Preneed Sales Agent

(1) *Informational Item (Licenses Issued without Conditions) – Addendum A*

Ms. Simon – This is an informational item. Pursuant to Section 497.466, Florida Statutes, the applicants on addendum A have been issued their licenses and appointments as preneed sales agents.

D. Application(s) for Continuing Education

(1) **Course Approval - Recommended for Approval without Conditions – Addendum B**

- (a) *Colibri Healthcare (113)*
- (b) *Florida Cemetery, Cremation & Funeral Association (75)*
- (c) *Independent Funeral Directors of Florida Inc (135)*
- (d) *Kates-Boylston Publications (29810)*
- (e) *National Funeral Directors and Morticians Association, Inc. (15608)*
- (f) *National Funeral Directors Association (136)*
- (g) *SCI Management - Dignity University (99)*
- (h) *Wilbert Funeral Services (39408)*

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

Chair Peeples – Thank you. Board members?

MOTION: Mr. Chris Jensen moved to approve the applications. Mr. Todd Ferreira seconded the motion, which passed unanimously.

E. Consumer Protection Trust Fund Claims

(1) *Recommended for Approval without Conditions – Addendum C*

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

Chair Peeples – Board members?

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

F. Application(s) for Embalmer Apprentice

(1) *Informational Item (Licenses Issued without Conditions) – Addendum D*

- (a) *Fernandez Jr, Ricardo F658111*
- (b) *Perrault, Eric P F659486*
- (c) *Walker, Kemisha T F658195*

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

G. Application(s) for Florida Laws and Rules Examination

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum E*
 - (a) *Funeral Director (Internship and Exam)*
 - 1. *Anderson, Caleb*
 - 2. *Matos, Danei A*
 - 3. *Reeder, Raegan N*
 - (b) *Funeral Director and Embalmer (Endorsement)*
 - 1. *Heitger Jr, Jeffrey W*
 - 2. *Hinckley, John J*
 - (c) *Funeral Director and Embalmer (Internship and Exam)*
 - 1. *Hobbs, David E*
 - 2. *Mikler, McKenzie J*
 - 3. *Phelps Jr, Roger P*
 - 4. *Scheetz, Mariana E*
 - 5. *Shanks, Heather N*
 - 6. *Weathers, Angela K*

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

H. Application(s) for Internship

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum F*
 - (a) *Funeral Director*
 - 1. *Brown, Patricia R F656973*
 - 2. *Brown, Suzanne J F653471*
 - (b) *Funeral Director and Embalmer*
 - 1. *Chamberlin, Dana V F658180*
 - 2. *Charles-Luchey, Drew-Ann M F653738*
 - 3. *Crawford, Breanne D F654501*
 - 4. *Meyer, Alexis A F606359*
 - 5. *Mitchell, Alissa E F451652*
 - 6. *Raphael, Ashley D F658822*

Ms. Simon – If I may have one moment?

Chair Peoples – Yes, ma'am.

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

- (2) *Recommended for Approval without Conditions*
 - (a) *Funeral Director and Embalmer*
 - 1. *Joseph, Immaucla F575717*

Ms. Simon – An application to renew the funeral director and embalmer internship license was received on February 14, 2023. The application was deemed completed when received. The applicant has previously been licensed as a funeral director and embalmer intern and 69K-18.002, Florida Administrative Code, only permits one internship in a lifetime. The current license expired on March 14, 2023. The Division recommends approval for this application.

Chair Peoples – Board members?

MOTION: Ms. Clay moved to approve the application. Ms. Janis Liotta seconded the motion, which passed unanimously.

- (3) *Recommended for Denial*

(a) Funeral Director and Embalmer

1. Niles, Stephen T F481279

Ms. Simon – An application to renew the funeral director and embalmer concurrent internship license was received on February 28, 2023. The internship expired on March 7, 2023. Previously, in March 2022, the Board approved renewal of the Applicant's internship license. Rule 69K-18.002, F.A.C. provides that "Only one renewal shall be granted to any one intern." As a result, the Division recommends denial of the instant application.

Chair Peeples – Board members?

Mr. Clark – Madam Chair?

Mr. Jody Brandenburg – Is Mr. Niles here?

Chair Peeples – Mr. Brandenburg asked if Mr. Niles is present for the meeting. He is not.

Mr. Brandenburg – Thank you.

Mr. Clark – Madam Chair?

Chair Peeples – Yes, Mr. Clark?

Mr. Clark – I just want to state this for the record. A couple months ago, I know we had open discussion with mortuary schools. Subsequent to that meeting, I had a number of currently enrolled students reach out to me. I know Mr. Niles provided a note, but what he states is consistent with what many students are telling me, about being able to get into classes. So, I just wanted to that for the record. I know we had a discussion, there was some follow up, and perhaps it's something to revisit in the future. That's all I have.

Chair Peeples – Thank you, Mr. Clark. Board members?

Mr. Chris Jensen – Madam Chair?

Chair Peeples – Mr. Jensen?

Mr. Jensen – I have also heard the same thing, so I would maybe make a motion to approve this extension.

Ms. Simon – Madam Chair?

Chair Peeples – Ms. Simon?

Ms. Simon – If I may? I can understand the Board's posture. And if the Board is so inclined to renew this license, I think that the best way to go about it is to have the applicant submit a request to waive Rule 69K-18.002 Florida Administrative Code, and that would give the Board the authority to approve this license.

Ms. Clay – Madam Chair?

Chair Peeples – Yes, Ms. Clay?

Ms. Clay – I'm just somewhat concerned that Board members are being contacted and so some are working with more information than others. And so, I'm not sure that I'm on a level playing field as the others to even vote on this matter since I'm not privileged to some of that information. And so just for the record.

Ms. Mary Schwantes – Madam Chair, may I?

Chair Peeples – Yes. Ms. Schwantes.

Ms. Schwantes – Thank you. Just to address Ms. Clay's question and as a reminder to the Board. This issue actually came up as one of the public comment questions several months ago. It is something that will be raised at the Rules Committee. But as you all know, we were not able to have the Rules Committee yesterday. So, I just wanted to kind of remind everybody that it did come up and the Board did discuss problems regarding these types of situations. And at that time is when Madam Chair established the Rules Committee and set the meeting. So, we'll go over that part later. But I just wanted to remind the Board. Thank you, ma'am.

Chair Peeples – Thank you. Mr. Williams?

Mr. Williams – Thank you. I remember years past we discussed about having all three (3) institutions come to a meeting to have a more in-depth conversation about classes and things like that. Can we revisit that to possibly see what we can do to also address Mr. Clark's statement in reference to trying to see if the possibility of more classes can be offered or what some other avenues that we can explore for applicants that may come before the Board who have these requests to have another internship renewed? I'm not sure what that conversation can be or would look like. I know we did have a conversation, years past, so I just wanted to kind of revisit it. I think it may address Ms. Clay as well as Mr. Clark's statements. So, I'm not sure.

Chair Peeples – Thank you, Mr. Williams for your comment. Mr. Jensen, you had made a motion. Did you want to proceed with your motion for a second?

Mr. Jensen – Yes, I would. And also, I would like to point out that, you know, there is a letter here explaining everything that we said or that I said, and that Mr. Clark mentioned as well about having issues getting into classes. And I do know with such a shortage of funeral directors in the State of Florida, I think we ought to give them a break when we can. Thank you, Chair.

Chair Peeples – You're welcome. Mr. Brandenburg, did you have comment?

Mr. Brandenburg – I just wanted to mention that that written statement is on Page 4.

Chair Peeples – Thank you, sir. We appreciate that. We have a motion. Is there a second to the motion?

Ms. Liotta – Second.

Chair Peeples – We have a motion, and we have a second for the motion for approval. Is there any discussion on the motion?

Mr. Clark – Madam Chair, if I can?

Chair Peeples – Yes, sir, Mr. Clark.

Mr. Clark – Just so the record is clear, the individuals I spoke to work with that Foundation Partners Group of Florida. Mr. Niles did not contact me. So, Ms. Clay, just in response to what you said, I wanted to make it clear for the record, I have not spoken with anyone involving any case coming before the Board.

Ms. Clay – Thank you.

Chair Peeples – Thank you, Mr. Clark. Is there any further discussion on the motion?

Ms. Rachelle Munson – If I may, Madam Chair?

Chair Peeples – Yes, ma'am.

Ms. Munson – I'd just like to note for the record that I think the motion is to approve flat out. I think Ms. Simon has indicated that technically and legally, if the Board chooses to do that, there is an opportunity and probably is the most legal recourse to table the matter and have this applicant submit a petition stating, and this letter on Page 4 can actually be an attachment to

that petition, explaining why he feels there's a basis for the waiver of this rule, and then bring this matter back to the Board to vote on whether or not to approve that petition. And depending on that vote, whether or not to approve the application. To flat out approve the application might be doing so outside of your legal authority.

Chair Peeples – Thank you, Ms. Munson. Mr. Jensen?

Mr. Jensen – Yes, I will retract my motion and I guess move to table it.

MOTION: Mr. Jensen moved to table the application. Mr. Brandenburg seconded the motion, which passed unanimously.

Chair Peeples – Mr. Brandenburg?

Mr. Brandenburg – Madam Chair, will Mr. Niles be contacted by the Division and given direction?

Chair Peeples – Yes, sir. Ms. Simon and the office team will contact him for his next steps.

Mr. Brandenburg – Thank you.

Chair Peeples – Yes, sir. Ms. Simon?

I. Application(s) for Monument Establishment Sales Agent

(1) Informational Item (Licenses Issued without Conditions) – Addendum G

- (a) Cassel, Kimberly A F657541*
- (b) Lamothe, Lori F653055*
- (c) Lamothe, Robert P F068314*
- (d) McDonald, Ingram K F036345*
- (e) Merritt, David L F043452*
- (f) Merritt, Lynnette M F020209*

Ms. Simon – Pursuant to s. 497.554, Florida Statutes, the Division has previously approved the applicants listed on Addendum G.

Mr. Jensen – I do have a question.

Ms. Simon – Yes, sir?

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes. Thank you Chair. This is more out of curiosity. Looking at the first one there, it says the establishment name is Performance Auto. Are they really selling death memorials under the auto place? I just never seen something like that before. I was just more curious than anything. Anybody?

Ms. Simon – It seems so, Mr. Jensen.

Mr. Jensen – Okay.

Ms. Simon – That the monument establishment name is JD Performance Auto LLC.

Mr. Jensen – Okay.

Chair Peeples – Thank you, sir. Ms. Simon?

J. Applications(s) for Registration as a Training Agency

(1) Informational Item (Licenses Issued without Conditions) – Addendum H

- (a) La Paz Funeral Home Inc (F089725) (Miami)*
- (b) Neptune Management Corp d/b/a Neptune Society Management Corporation (F064806) (Summerfield)*
- (c) SE Funeral Homes of Florida LLC d/b/a Baldwin-Fairchild Funeral Home (F078971) (Winter Garden)*
- (d) SE Funeral Homes of Florida LLC d/b/a Baldwin-Fairchild Funeral Home (F078964) (Winter Park)*

Ms. Simon – This is an informational item. The Division has reviewed the applications listed on Addendum H and found it to be complete in that the applicants have met the requirements to be a training agency. Pursuant to Rules 69K-1.005, Florida Administrative Code, the Division has previously approved this application.

K. Application(s) for Cinerator Facility

- (1) Recommended for Approval with Conditions*
 - (a) DeGusipe Crematory LLC (Clearwater)*

Ms. Simon – An application for a cinerator facility was received on February 7, 2023. The application was complete when submitted. The Funeral Director in Charge will be Cecil Frye (F045012). A background check of the principals revealed no criminal history for its principals. The Division recommends approval subject to condition that the facility passes an inspection by a member of Division Staff.

MOTION: Mr. Clark moved to approve the application subject to condition that the facility passes an inspection by a member of Division Staff. Mr. Todd Ferreira seconded the motion.

Chair Peeples – Is there any discussion on the motion?

Mr. Jensen – Yes. Madam Chair?

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes, I do notice on here that it says the cinerator will not be on site, but it does not say where the cinerator will be. Is that something we should concern ourselves with?

Ms. Jasmin Richardson – The business location address is on Page 2 of the application.

Mr. Jensen – Right.

Ms. Richardson – So it does...

Mr. Jensen – Yes, but it says will a cinerator facility be on site, and they say no.

Ms. Richardson – On the side of funeral establishment. So, it's not located at the funeral establishment. It's at a separate location.

Mr. Jensen – Right. But it doesn't say where that is. That's the actual business location?

Ms. Richardson – The business address is the business location.

Mr. Jensen – Okay.

Ms. Simon – It appears to be on 12660 34th Street North in Clearwater.

Mr. Jensen – Okay.

Chair Peeples – Mr. Jensen, does that complete your question, sir?

Mr. Jensen – Yes, ma'am.

Chair Peeples – Thank you. We have a motion, and we have a second. Is there any further discussion? Hearing none. All in favor of the motion say yes.

Board members – Yes.

Chair Peeples – All opposed? Motion carries.

L. Application(s) for Direct Disposal Establishment

(1) Recommended for Approval with Conditions

(a) Panhandle Direct Cremation LLC (Pace)

Ms. Simon – An application for direct disposal establishment licensure was received on March 13, 2023. The application was incomplete when submitted. A completed application was received on March 17, 2023. A background check of the principals revealed no criminal history. The Division recommends approval subject to condition that the establishment passes an inspection by a member of Division Staff.

MOTION: Mr. Ferreira moved to approve the application subject to condition that the establishment passes an inspection by a member of Division Staff. Ms. Liotta seconded the motion.

Chair Peeples – Is there any discussion on the motion?

Mr. Jensen – Yes. Madam Chair?

Chair Peeples – Mr. Jensen?

Mr. Jensen – I hate to be a pain. I notice on here at the end of the application, the owner is signed as Samuel E. Lewis. The very next page, that was Page 7 of your packet. Page 8, the principal, the Samuel Lewis is not a principal. The same Samuel Lewis. There's a Samuel Chase Lewis but it is not the same person. I also noticed this Michael Lewis has got to be a corporate officer. There are no corporate officers in an LLC, there are only members. So, is this application still deemed complete?

Chair Peeples – Mr. Jensen, the Board team is looking into your question, sir.

Mr. Jensen – Thank you.

Chair Peeples – Mr. Jensen, in relation to your question, I know the Lewis family over in the Panhandle of Florida, and Michael S. Lewis and Samuel E. Lewis are brothers, who are a part of their entity. And then Samuel Chase Lewis is Mr. Samuel E. Lewis's son. So, I think on Page 8 as you're referring where Michael S. Lewis in (1) mentioned that he was a corporate officer but had marked out the LLC member, I think that may have just been a typo there. Does that assist and help you with your question, sir?

Mr. Jensen – No, ma'am. My main question is here. I also know the Lewis's. I know all of them. The Samuel E. Lewis is listed as a president and owner. Why is he not listed down here under the list of principals? So, was he checked like Michael Lewis and Samuel Chase Lewis was checked? I mean, there's a reason we use this list of principals, correct?

Chair Peeples – Yes, sir.

Mr. Jensen – So I mean, I'm just wondering is the application deemed complete or is this anything to worry about or not?

Chair Peeples – Ms. Simon?

Ms. Simon – Just to shed maybe some light on this. From a legal perspective, anybody could be under 10. A. representing the entity. They may not be a principal of the entity and I don't believe that they're necessary to be a principal of the entity in order to sign that statement.

Mr. Jensen – Madam Chair, in response to that...

Chair Peeples – Yes, sir?

Mr. Jensen – I mean, I would think if we're going to you know, we would hold the owner accountable if something were to go south here. And the contact person is totally different than what the owner is. If you look back up at the contact, which is one of the sons. So, here the contact is a Michael S. Lewis. Maybe that isn't the son, that's the brother. So, you got a contact as one person, the owner another person, and the principals are two (2) other people.

Chair Peeples – Ms. Simon?

Ms. Simon – Actually, it appears that the principal, Michael Lewis, is the same person as the contact.

Mr. Jensen – It could be.

Ms. Simon – Because again, it is Michael S. Lewis. So, what we have is somebody who is representing the entity and then we have the identifications of the principals of that entity. And actually, should there be discipline assigned, for lack of a better term, it would be going against the entity, not the principals involved. It is good that we have the principals involved so we know who is running the entity. But when it comes time to discipline, it is against the entity and the DDIC.

Mr. Jensen – So, Madam Chair, may I follow up with this?

Ms. Simon – Yes, sir.

Mr. Jensen – So just out of curiosity, so the person signing the application as the owner really has no culpability when it comes to this? Is that what you're saying? So, why do we have them sign if it doesn't matter? I mean, I'm just wondering. If we're using these papers, why are we using them if they don't mean anything?

Ms. Munson – If I may, Madam Chair?

Chair Peeples – Ms. Munson?

Ms. Munson – I'm just going to offer a suggestion. If there is any type of lack of clarity with regard to the roles these individuals who signed, I know it's not proper for anyone on this Board or Division to provide any testimony as to who and in what role those individuals intend to participate. If this, again, needs to be returned, because the onus is on the applicant, the burden is on the applicant to demonstrate, and if their information presented is not clear, if this Board chooses to table it for that clarity to be provided, it would be more than appropriate to do so.

Ms. Simon – And if I may further on that? Since the next question may be a deemer issue, whether there is a deemer issue involved, the finalization of the application was March 17th, so we can still bring this back in May.

Ms. Munson – I would recommend that.

Chair Peeples – For the record, for those that didn't hear Ms. Munson recommended Ms. Simon's comment. So, we have a motion by Mr. Ferreira and a second by Ms. Liotta. Mr. Ferreira, what would be your thought regarding your motion, sir?

Mr. Ferreira – I believe we should probably table it and come back to it.

Chair Peeples – Ms. Liotta, do you agree?

Ms. Liotta – I agree.

Chair Peeples – Okay. So, for item L(1)(a) on the agenda, this item will be tabled, and the request will be made to the office team for them to contact the entity as well as the principals to get the paperwork clarified to bring back to our next Board meeting. Do we need to vote, Ms. Munson?

Ms. Munson – We don't.

Chair Peeples – Okay. So, this item L(1)(a) has been tabled. Ms. Simon?

Ms. Simon – Thank you.

M. Application(s) for Funeral Establishment

(1) Recommended for Approval with Conditions

(a) LightHouse Funeral and Cremation Services LLC (Wewahitchka)

Ms. Simon – An application for funeral establishment licensure was received on February 16, 2023. The application was complete when submitted. The Funeral Director in Charge will be Jared Whitehead (F062317). A background check of the principals revealed no criminal history. The Division recommends approval subject to condition that the establishment passes an inspection by a member of Division Staff.

Mr. Brandenburg – Madam Chair?

Chair Peeples – Mr. Brandenburg?

Mr. Brandenburg – Looking for the exact page, but on here there was a mention of a visitation chapel, an acknowledging of visitation chapel.

Mr. Jensen – Page 6, Mr. Brandenburg.

Mr. Brandenburg – Did anyone from the Division checked that and investigated it?

Chair Peeples – Ms. Simon?

Ms. Simon – I'm not sure that there has been an inspection yet. However, it appears that he entered the right information about the visitation chapel.

Mr. Brandenburg – Page 6? I'm sorry. This is the next case.

Chair Peeples – Mr. Brandenburg is keeping us on our toes. So, thank you, Mr. Brandenburg. We appreciate that. So, Board members what is your pleasure regarding item M(1)(a)? Board members?

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

Chair Peeples – Ms. Simon?

Ms. Simon – Just one moment please.

Chair Peeples – Yes, ma'am.

(b) Manuels Funeral Home and Cremation LLC d/b/a Anthony R Manuel Funeral Home Central (Oakland Park)

Ms. Simon – An application for funeral establishment licensure was received on February 14, 2023. The application was complete when submitted. The Funeral Director in Charge will be Chastity Scott (F045166). A background check of the

principals revealed no criminal history. A Mortuary Service - Main LLC, a funeral establishment, was previously located at the address named by the applicant. This establishment relinquished its license on March 27, 2023. And to get ahead of any questions, Mr. Brandenburg, I did look at that, the visitation chapel, because it's so odd us. However, it is at a different address, and it appears to meet the requirements. The Division recommends approval subject to condition that the establishment passes an inspection by a member of Division Staff.

Chair Peebles – Thank you, Ms. Simon.

Mr. Brandenburg – I have a question.

Chair Peebles – Mr. Brandenburg?

Mr. Brandenburg – The visitation chapel has to be between 500 square feet and not more than 700 square feet. And that address may be larger than that.

Chair Peebles – Ms. Simon?

Ms. Simon – I will assume that will most likely be reviewed at the time of the inspection, because that would be a part of the inspection.

Chair Peebles – Mr. Brandenburg, any follow-up questions?

Mr. Brandenburg – No. That's just a funeral home and it has to be larger than that.

Chair Peebles – Mr. Brandenburg mentioned that it is a funeral home location, and a chapel is usually larger than the sizes that are denoted in the application.

Mr. Brandenburg – With a facility itself?

Chair Peebles – Yes sir. Where it states in 5B under visitation chapel on Page 6, it says will it not be less than 500 square feet and not more than 700. So that was his concern. And Ms. Simon had mentioned that during the inspection process, that will be reviewed. So, does that conclude your question, sir?

Mr. Brandenburg – Yes, it does.

Mr. Brandenburg – Thank you, sir. Board members? Mr. Ferreira?

Mr. Ferreira – So, there's going to be two (2) locations? There's a funeral home location and then there's an offsite visitation location. Is that what we're saying? Because the funeral home certainly has to be 1,250 square feet.

Chair Peebles – Yes, sir. Mr. Ferreira, if you'll notice on Page 4, under Section 4, it gives the actual business location address as 1832 Northwest 29th Street, Oakland Park, Florida, which is in Broward County. If you refer down to Page 6 under visitation chapel heading, which is 5A, and then if you'll notice under 5C, it states that the address of the visitation chapel will be 2328 North Dixie Highway in Hollywood, Florida, which I think is your question that you have. We can request if a motion is made, and the request is included in the motion that the inspector really makes sure that they check those two (2) areas from that perspective since it has been brought up by Mr. Brandenburg and also by you.

Mr. Ferreira – Okay.

Mr. Jensen – Madam Chair?

Chair Peebles – Yes, sir, Mr. Jensen?

Mr. Jensen – Just a quick question along there. So, this application is for one (1) funeral establishment. Doesn't a visitation chapel at a different location require a different license?

Chair Peeples – Ms. Simon?

Ms. Simon – If I may. Under section 497.380(2), “Each licensed funeral establishment may operate a visitation chapel at a separate location within the county in which the funeral establishment is located. It must be a facility of not less than 500 square feet, not more than 700 square feet, and may be operated only when a licensed funeral director is present”. It does not appear that it needs separate licensure. It is simply an accoutrement of a funeral establishment. Mr. Brandenburg may speak to this, but I believe it used to be much more uncommon to have visitation chapels. Not since I have been with the Board, but I believe that used to be something that was used.

Mr. Jensen – I've never heard of that in my life.

Mr. Brandenburg – Rarely.

Chair Peeples – Board members. Is there any further discussion on this agenda item or what is your pleasure? Mr. Ferreira?

Mr. Ferreira – One of the things I'm sitting here looking at is the business location is in Oakland Park and the cremation is going to be taking place near Orlando.

Ms. Munson – Opa-Locka.

Mr. Ferreira – Opa-Locka. Isn't that Orlando?

Ms. Munson – It's Miami.

Mr. Ferreira – Okay. Thank you.

Chair Peeples – Yes, sir. Board members, any further discussion? What is your pleasure?

Mr. Jensen –Madam Chair?

Chair Peeples – Yes, sir, Mr. Jensen?

Mr. Jensen – So, we are for sure it is in the same county as the visitation chapel, because I'm not that familiar with the counties there?

Ms. Liotta – It is.

Mr. Jensen – Okay. Thank you.

Chair Peeples – Board members? We do not have any type of motion. Board members?

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

Chair Peeples – Ms. Simon?

Ms. Simon – Thank you.

(c) Rellim Services LLC d/b/a LightHouse Memorials and Cremation Services (Winter Haven)

Ms. Simon – An application for funeral establishment licensure was received on February 17, 2023. The application was incomplete when submitted. A completed application was received on March 6, 2023. The Funeral Director in Charge will be Omar Williams (F049256). A background check of the principals revealed no criminal history. The Division recommends approval subject to condition that the establishment passes an inspection by a member of Division Staff.

Chair Peebles – Ms. Brandenburg?

Mr. Brandenburg – The funeral establishment is seeking licensure in Winter Park and the crematory is in Tampa. Has anyone checked to see if that is more than seventy-five (75) miles?

Chair Peebles – I verified Mr. Brandenburg. It is under, it is fifty-five (55) miles. So, I did verify the location.

Mr. Brandenburg – Thank you.

Chair Peebles – Yes, sir. Board members, what's your pleasure?

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

Chair Peebles – Ms. Simon?

Ms. Simon – Thank you.

(d) Stafford & Simon Family Funeral Home LLC (Orlando)

Ms. Simon – An application for funeral establishment licensure was received on March 13, 2023. The application was incomplete when submitted. A completed application was received on March 20, 2023. The Funeral Director in Charge will be Terrance Stafford (F078477). A background check of the principals revealed no criminal history. The Division recommends approval subject to condition that the establishment passes an inspection by a member of Division Staff.

Chair Peebles – Board members?

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

N. Applications(s) for Preneed Main

(1) Recommended for Approval without Conditions

(a) The Florida Undertaker LLC d/b/a Just Cremation (F278615) (Jacksonville)

Ms. Simon – The Department received an application for preneed main licensure on February 1, 2023, which was incomplete at the time of submission. The application was deemed complete on March 1, 2023. A completed background check of all principals was returned without criminal history. Applicant's qualifying funeral establishment license is located at the same address. If approved, will trust with Great Western Insurance Company. The Division recommends approval.

Chair Peebles – Board members?

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

O. Application(s) for Removal Service

(1) Recommended for Approval with Conditions

(a) Valkyrie Transport LLC (Hialeah)

Ms. Simon – An application for a removal service was received on January 9, 2023. The application was incomplete when submitted. A completed application was received on February 17, 2023. A background check of the principals revealed no

criminal history. The Division recommends approval subject to condition that the removal service passes an inspection by a member of Division Staff.

Chair Peebles – Board members?

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

P. Collective Application(s)

(1) Recommended for Approval with Conditions

(a) Ferreira Enterprises Inc d/b/a Ferreira Funeral Services (Baldwin)

1. Change of Ownership

- Funeral Establishment*

2. New Application

- Preneed Branch*

Mr. Ferreira – Madam Chair, I'm going back away from this, please.

Chair Peebles – For the record, Mr. Ferreira has stated that he would like to recuse himself from this agenda item. Thank you, sir.

Ms. Simon – Ferreira Enterprises Inc, seeks approval of the applications for licensure (based upon a change of ownership) of one (1) funeral establishment and one (1) new preneed branch. More specifically, the entity that is being acquired, for which the preneed branch license would be applied, is: Florida Colonial Holdings Inc, a licensed funeral establishment, license #F039884, physical address: 270 US 301 North, Baldwin, FL 32234. FDIC: Mark Riposta, license #F042254.

Included within your Board package are separate applications regarding the property. The change of ownership is the result of an asset purchase. The principals of the corporation have submitted fingerprints for the principals, which were returned without criminal history. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by the new owners. The Division recommends approval subject to the following conditions:

- 1) That the closing on the transaction to acquire ownership shall occur within sixty (60) days of the date of this Board meeting.
- 2) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff; and
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities, (if any), of the location(s) being acquired.

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

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

(1) Recommended for Approval without Conditions

(a) Preconstruction Performance Bond

1. SCI Funeral Services of Florida, LLC dba Hodges Funeral Home at Naples Memorial Gardens (Naples)

Ms. Simon – SCI Funeral Services of Florida, LLC D/B/A Hodges Funeral Home at Naples Memorial Gardens intends to construct a new mausoleum consisting of 320 niches and 532 crypts. Pursuant to s. 497.272, Fla. Statutes, typically, a pre-construction trust must be put in place if sales are going to occur prior to completion. However, s. 497.272(8) provides that in lieu of the pre-construction trust fund, the cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator. The licensee has submitted for approval of a performance bond in lieu of a pre-construction trust. The Mausoleum project and its bond is summarized on the coversheet in your Board package. The Cemetery agrees to complete the construction in accordance with the terms of the construction agreement with Mausoleums USA, Inc. The Division recommends approval of the aforementioned pre-construction performance bond without conditions.

Chair Peebles – Mr. Brandenburg?

Mr. Brandenburg – Madam Chair, I'd like to disclose my affiliation with SCI Funeral Services of Florida LLC, and that affiliation will not affect my ability to reach a fair and unbiased decision.

Chair Peebles – Thank you, Mr. Brandenburg. Board members?

MOTION: Ms. Liotta moved to approve the performance bond. Mr. Clark seconded the motion, which passed unanimously.

(2) Recommended for Approval with Conditions

(a) Monument Retail Sales Agreement

1. Key West Memorials LLC (Key West)

Ms. Simon – This item will be removed, and the intention is to place it on the May agenda

(b) Request(s) for Transfer of Trust

1. FPG Florida LLC (F060727) (Orlando)

Ms. Simon – Please bear with me as describing a trust transfer tends to take a little bit of time. In 2022, the Board approved acquisitions by FPG of four (4) funeral establishments and two (2) cinerator facilities all related to Beckman-Atlantic Funeral Homes & Crematory Inc, (Beckman), Atlantic Mortuary & Cremation Service Inc (Atlantic), and Griffith-Cline Funeral and Cremation Services Inc (Griffith), as well as the licensing of two (2) locations as preneed branches under FPG's preneed main license (F060727). FPG acquired all the assets and liabilities for the funeral and preneed for these locations.

FPG now seeks approval of the transfer of the following: the FSI 1993 Trust Agreement (70/30 trust) for Atlantic, Griffith, and Beckman, under Argent Trust Company (Argent) to the FPG Florida, LLC Merchandise and Services Trust Agreement under Regions Bank (Regions); and the Independent Funeral Directors of Florida Master Trust Fund A Agreement (90/10) for Beckman, under Argent to the FPG Florida, LLC Alternative Preneed Funeral Trust Agreement under Regions. If approved, Regions is or will be trustee, all as more specifically set out in Ms. Bokhary's correspondence dated February 16, 2023, which is included in your Board package. The Division recommends approval of the proposed trust transfers as identified above subject to the following conditions:

- 1) That the representations of FPG, as set forth in Representative's correspondence dated February 16, 2023, be deemed material to the Board's decisions herein.
- 2) That within ninety (90) days of this Board Meeting Regions provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - ⊙ A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trust to be transferred pursuant to Representative's correspondence, dated February 16, 2023.
 - ⊙ A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in Representative's correspondence, dated February 16, 2023.

- ⦿ Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Representative's correspondence, dated February 16, 2023.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional ninety (90) days.

Mr. Clark – Madam Chair?

Chair Peeples – Yes, sir, Mr. Clark?

Mr. Clark – I'd just like to state my affiliation with Foundation Partners Group of Florida, and I'll recuse myself for this matter.

Chair Peeples – Thank you, Mr. Clark. Board members?

Mr. Brandenburg – Madam Chair?

Chair Peeples – Mr. Brandenburg?

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

2. Milam Funeral Home Inc (F019213) (Gainesville)

Ms. Simon – Again, this may be a little lengthy. Milam seeks approval of a proposed trust asset transfer as more specifically set forth in correspondence dated February 8, 2023, which is a part of your Board package. Milam seeks approval of the transfer of the following: the FSI Master Trust Agreement (dated 2/6/78), the 88 Trust Agreement (dated 7/2/90) and the Preneed Funeral Trust Agreement (dated 1/31/94) to the First Amended and Restated Agreement and Declaration of Trust of IFDF Master Trust Fund Agreement. Milam also seeks the transfer of the Security Trust Master Trust Agreement (dated 7/19/85) and the First Florida Trust Agreement (dated 11/4/16) to the First Amended and Restated Agreement and Declaration of Trust to the IFDF Master Trust Fund A Agreement (dated 2/1/19), respectively. If approved, Argent is or will continue to be the trustee, all as more specifically set out in the previously mentioned correspondence. The Division recommends approval of the proposed trust transfers as identified above subject to the following conditions:

- 1) That the representations of Milam, as set forth in the representative's correspondence dated February 8, 2023, be deemed material to the Board's decisions herein.
- 2) That, within 90 days of this Board Meeting, Argent provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - ⦿ A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trust to be transferred pursuant to the representative's correspondence, dated February 8, 2023.
 - ⦿ A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in the representative's attached correspondence, dated February 8, 2023.
 - ⦿ Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in the representative's attached correspondence, dated February 8, 2023.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

Chair Peeples – Thank you, Ms. Simon. Board members?

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

R. Related Items

- (1) *Application for Monument Establishment Retailer and Monument Retail Sales Agreement*
 - (a) *Recommended for Approval with Conditions*
 1. *P&G Memorials LLC (Tampa)*

Ms. Simon – An application for monument establishment retail licensure was submitted on February 3, 2023. The application was incomplete when submitted. A completed application was received on March 10, 2023. A completed background check revealed no criminal history for its listed principal. If approved, Applicant will operate as a monument establishment retailer at the address listed on your coversheet. The Division recommends approval subject to condition that the establishment passes an inspection by a member of Division Staff.

Chair Peeples – Board members?

MOTION: Ms. Clay moved to approve the application subject to condition that the establishment passes an inspection by a member of Division Staff. Ms. Liotta seconded the motion, which passed unanimously.

2. P&G Memorials LLC (Tampa)

Ms. Simon – And in combination with that application, P&G Memorials LLC also submitted an application for a monument establishment sales agreement. And that agreement is included within your Board package and the Division recommends approval subject to the condition that two (2) full size print ready copies are received by the Department within sixty (60) days of this Board meeting.

Mr. Brandenburg – Madam Chair?

Chair Peeples – Mr. Brandenburg?

Mr. Brandenburg – In reviewing the monument establishment sales agreement, I believe that it has to contain an agreed upon delivery date. I did not see that. Did I miss it?

Chair Peeples – Ms. Simon?

Ms. Simon – On Page 4 of your Board package the statement is, “furthermore, I agree to a delivery and/or installation date no later than.” It’s at the bottom.

Mr. Brandenburg – Bu there’s not a date on it.

Unidentified person – You can fill in the blank with the date.

Chair Peeples – Mr. Brandenburg, I think that maybe the entity that has presented this form is stating that depending on the date of the agreement, then the actual delivery date will be inserted in that particular line, on Page 4 of the agenda item at the bottom underneath the bold print.

Mr. Brandenburg – I saw that.

Chair Peeples – Does that assist with your question, sir?

Mr. Brandenburg – I’m not sure that I see an agreed upon delivery date, even in the terms and conditions.

Chair Peeples – If you all will give me just one moment.

Mr. Brandenburg – I’m just not used to seeing it there. It’s usually on the order form. Thank you.

Chair Peeples – For the record, I went and took my computer to Mr. Brandenburg, and I reviewed with him on Page 4 where the area was listed. It is not in the upper portion of the agreement. It’s in the lower portion where the signatures will take place. And Mr. Brandenburg stated that that answered his question. So, what’s the Board’s pleasure?

Mr. Clark – Madam Chair?

Chair Peeples – Mr. Clark?

Mr. Clark – I want to note that on Page 4, number 19, it says, “Due to their weight and size, monuments require professional insulation. A setting fee of (insert amount) based on weight of stone.” I think it's more appropriate because they're going to talk about the cost, that the cost be on Page 3. Perhaps they plan on putting that in under description and price, but to me that's very vague. I think there's a better way to clearly note what the setting fee will be, on the contract, versus in the terms and conditions.

Chair Peeples – We have a comment by Mr. Clark regarding Page 4 of your agenda item, (19), that he would suggest that if this item should be approved, that we go back to the entity to let them know that that item number needs to come up in Page 3 to where it's more readily viewable. Ms. Simon?

Ms. Simon – I'm sorry. If there's going to be a motion to accept this contract, we can ask them about it. But I need to have direction in that if they do not want to do that, is this motion denied? Is it a condition of this motion to change the contract to meet that? I just want to understand. And that hasn't been a motion yet.

Mr. Clark – Well, I'll clarify. I wasn't making a motion. I was calling it out. And depending on the motion, then I'll vote.

Ms. Munson – If I may, Chair?

Chair Peeples – Ms. Munson?

Ms. Munson – If it is the pleasure of this Board, the motion can be stated as such where the application is approved subject to the conditions as stated, including the requirement that the item be added to Page 3, where it will be clearly identified in the purchase price. I think that's what Mr. Clark is suggesting. I don't want to misspeak.

Mr. Clark – That could be. I wasn't making a motion. I was calling it out. I'm not trying to be difficult.

Chair Peeples – Board members?

MOTION: Mr. Ferreira moved to approve the agreement subject to condition that two (2) full sized print-ready copies are received by the Department within sixty (60) days of this Board meeting and that item 19 of Page 4, which is the terms and conditions, be moved to Page 3, which passed unanimously.

S. Executive Director's Report
(1) Operational Report (Verbal)

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

Ms. Schwantes – May I, Madam Chair?

Chair Peeples – Yes, ma'am.

Ms. Schwantes – Thank you. So good morning, Board members and welcome to Tallahassee. As you all know, we had planned to have a Rules Committee meeting yesterday. Unfortunately, due to scheduling conflicts, that had to be moved and I'll discuss that further on. But I wanted to thank you all for being here. I want to talk about the legislative session first. We are well into the 2023 legislative session, about a month in. It's scheduled to end on May 5th, so about a month more to go. And we're following a number of bills. In the interest of both time and clarity, we provided a separate sheet listing the bill numbers and a brief definition of each of the bills. And while I'll mention all the bills that are listed to this report verbally, I only plan to go in detail on a few. So, if you all will look at the handout that was provided that says Legislative Session 2023-Bill Summary.

The first several bills that are on there, we have discussed in prior meetings. And you all will be familiar with these bills because they are repeats of bills from prior sessions. So, I just wanted to cover them very quickly. The first one, which is HB401/SB604 on Sovereign Immunity, is a bill that would raise the limits for any actions against the State that are filed in

court. The impact on Chapter 497 is very minimal. Section 497.167(7), Florida Statutes, provides that any person under contract to the Department who performs duties of Chapter 497 serves as an agent of the Department in determining sovereign immunity protection. So, it references Section 768.28, Florida Statutes, which is the subject of the bill that we're talking about. If passed, these bills would reenact Section 497.167 for the purpose of incorporating any amendments that are made to Section 768.28. The status, the House Bill is pending, but it's temporarily postponed in the second of its three (3) committee stops, and the Senate Bill has been referred to the first of its three (3) committee stops. Keep in mind that with only one (1) month left to go, where each of these bills is in the process of going through its three (3) committees can impact whether or not the bill actually passes. So, since we're only halfway in basically, there's still a chance that some of these could pass as long as they're making progress through the committee stops. I just wanted to point that out.

The second bill on here is HB1061/SB0060 is on Animal Cremation. This is also known as "Sevilla's Law". It requires a provider of companion animal cremation services to provide certain individuals and entities with a written description of services. There are other details to it that are provided in the summary. And again, this is one that we have seen in prior years. It has no impact on Chapter 497, but I know that a number of industry professionals are watching this for other reasons. The status is on the House Bill, it's in the first of its three (3) committee stops and the Senate Bill, has been referred to the first of its three (3) committee stops, so it still has ways to go.

The next bill, HB0049/SB0430 on Abandoned and Historical Cemeteries creates the Historic Cemeteries program within the Division of Historical Resources of the Department of State. This is a follow up bill to recommendations of the Task Force on Abandoned African American Cemeteries, which was created by Governor DeSantis in 2021, and it submitted its final report in December of that year. So, this is the follow up bill on that. I believe this is the second year that this bill has been proposed. If it's passed, the bill would change the definition, within our Chapter 497, of a legally authorized person contained in Section 497.005 to include a member of a representative community organization. And if you're looking at that section, this is like the very lowest tier in all the tiers that you go down through for the legally authorized person. It would be the very lowest, very bottom one, but hopefully theoretically it would make it easier for the moving of graves, etc. as needed in the repair and maintenance of the effected cemeteries. Perhaps eliminate some of the need for publication and other matters. Status is the House Bill has passed the State Affairs Committee on March 31st, which was the third of its three (3) committee stops. The Senate Bill is now in the second of its three (3) committees. So, this bill is well on its way this year.

Next bill to discuss is HB1515/SB0170 on Local Ordinances. This has to do with setting and assessing reasonable attorney fees and costs and damages in certain civil actions filed against local governments. The impact on Chapter 497 is extremely minimal. Section 497.270 (3)(a), which speaks on the minimum acreage and sale, or disposition of cemetery lands would be amended to conform the cross-references and also make any needed technical changes. One of the changes that you frequently see when the Legislature changes a statute is that it will change the word "shall" to "must", and that's one of the changes here. So minor changes if it passes. The House Bill, it passed its third committee on March 23rd, and it's now placed on the second reading on the House floor. The Senate Bill passed the Senate floor on March 8th and it's now in messages with the House. This bill is likely to pass.

HB7011/SB0032, Florida statutes-2023. This began as a committee bill, and it deletes provisions that have expired or become redundant or have had their effect, served their purpose, corrects schematical issues, etc. For our purposes of our chapter, it corrects a statutory reference contained in Section 497.260(1)(i), so that it now references the correct statute regarding the definition of a state university. So, status is in the House, it was laid on the table and referred to the Senate Bill. In the Senate it passed on the floor, was presented to the Governor and the Governor approved this bill on March 24th. So, it should go into effect.

HB1231 is titled End of Life Options-2023 and SB0864 is titled Death with Dignity, but essentially the same language is included in them. These established procedures to allow an adult who has mental capacity and who has terminal condition and who makes fully informed decision that he or she no longer wants to live to obtain medication to end his or her life. And it provides requirements for healthcare providers, etc. It has no impact on Chapter 497. Again, we just include this and are following it because we know that members of the death care industry are following this, and this is one of the bills that we know the Department of Health in particular is following. Mr. Jones referenced it at the last Board meeting. The House Bill is in the first of its three (3) committees. The Senate Bill was referred to the first of its three (3) committees. Again, let me point out that even though a bill has not gone all the way through the process and these committees, there's still a month to go.

The next bill close to our heart is HB487/SB1158, which is our Department of Financial Services Agency bill this year. There are no provisions specifically changing Chapter 497 in this bill. So, I want to be sure that everybody understands that. The Department's agency bill always covers a wide variety of duties which are handled by the Department, including the licensing of insurance agents. And the impact on Chapter 497 is not direct. Like I said, there are no changes directly to 497 included in this bill. However, the bill proposes changes to section 626.321, which has to do with limited licenses and registration. I'm sure you all are aware that within our Department, the Division of Agent and Agency Services, issues licenses to insurance agents. This would provide a limited insurance license to sell preneed funeral agreement insurance. It is only for the insurance covering prearranged funeral information or cemetery arrangements or any combination thereof, which are funded by insurance and offered in connection with a preneed establishment licensed under our chapter. The limited license could be issued without examination only to an individual who also holds a valid preneed sales agent license under our chapter and who files the correct applications and pays the fees to the Department for the limited license. The status on this bill is that within the House, it is in the second of its three (3) committees and in the Senate, it is in the second of its three (3) committees. We certainly, of course, hope that our agency bill passes and expect that it will.

The last bill that I want to talk about, and I want to spend a little bit more time on it. This one is unusual, and we just heard about this and found out about it last week. So again, this is one that has two (2) different names depending on whether it's in the House or the Senate. In the House it is HB1443 entitled Disqualification from Licensing, Permitting or Certification based on Criminal Conviction. In the Senate it is SB/1124 and it is titled Employment of Ex-Offenders. So, what these bills do is they create state level procedures by which agencies and licensing boards must abide in their determination whether to grant or deny a license, permit or certification to pursue, practice or engage in an occupation based on an individual's criminal conviction. The bill places an enhanced burden on agencies to prove by clear and convincing evidence that the applicant has not been rehabilitated based on the applicant's current circumstances and mitigating factors set forth in the bill. It provides additional notice procedures. It authorizes a person to petition the state agency for a binding agency decision as to whether the person's criminal record would disqualify him or her from obtaining the license. The bill creates a process an agency must follow to make its decision, and again, this also applies to licensing boards. And any decision that a petitioner is not qualified is binding, barring any material changes after that. So, for years we have looked to the possibility of legislation to help clarify our existing statutes in Chapter 497 in terms of giving the Board and of course the Department guidelines in our recommendations to the Board and the Board in making its decisions on any new individuals who have criminal background. And we have looked to strengthen those guidelines by providing more detail. What this bill does in some ways is good in that it does refer to, it provides a specific statutory reference in terms of certain crimes, felonies, it refers back to a statute in Chapter 700 that specifies what is a felony for purposes of disqualification. But it also puts more of a burden on the licensing agency entity to review with specificity each individual that comes before it. And there are exceptions to even the list of felonies and such. And it also still has the vague, what I consider to be somewhat vague language that the conviction or the criminal background must relate to the occupation. We have something similar in our statutes. I know you all are all familiar with it. So, in some extent it's good because it does give more guidance in terms of what's a crime, what's not a crime, etc. But then it takes it further. And I think this is of concern to Board, so let me back up.

I want to be sure that you all understand that Chapter 497 and the death care industry professionals are not listed, named, mentioned in the bill. However, every Department of Business and Professional Regulation (DBPR) occupation that it licenses is. This impacts our Division of Agent and Agency Services. This impacts the Department's Fire Marshal, I believe, in one of the sections that relates to the Fire Marshal and such. So, even though we're not named specifically in the bill, there's a good chance, by the time it passes, that we would be or that it would come around again in another year, and we get caught up in that. And what the bill does that takes it beyond just giving clear guidance, it sets up a procedure. Again, I just read to you from a staff analysis where it's harder for the licensing to disqualify an applicant based on criminal history. You cannot use vague language like good moral character, anything like that in any kind of denial. It has to be very, very specific. Of perhaps greater concern is this procedure that it sets up for a preliminary review of an application. So even while a person who's been convicted is incarcerated, they can apply or ask for us to review an application, at no charge to them, and any result that comes from the Board is binding on us at a later point in time. So that's a great concern. Again, there's no charge. So that impacts our budget. Right now, it's undetermined what we would need, but I can tell you that we would definitely need additional staffing and additional funding and upgraded systems. Finally, the bill requires that every Department reports to the Governor annually on the number of applicants that fit into each of these categories. Whether it was a routine application, or I shouldn't use that term, but whether it was one of the preliminary applications is what I'm getting at. And what happened with the results of that, you don't necessarily name the person that applied, but you have to get specific enough to name the crimes that were involved and what was the result. Not only do you report it to the Governor, but you also report it on your

website. And so, for many divisions and agencies, that also means an upgrade to their systems as it would for us too, to allow us to record that information going forward. So, this bill is of concern in many ways, and I think that it's well worth the Board's time to take a look at that in more detail. Status of it is in the House Bill, it's in the first of its three (3) committees, but in the Senate it's in the second of its two (2) committees, so it has moved much further in the Senate. And as you all know, a lot of times if it passes one House, what they'll do is they will send a message to the other House, whatever they conform the bills, and it makes it easier to pass. Okay, so that is the end of the legislative summary. Are there any questions on any of this? Mr. Williams?

Mr. Williams – Yes. So, two (2) questions. So, on the last bill, would this be retro with previous applicants, in terms of those that have already received their licensing and they're up for renewal? Would we then review it during that process? Would they get tied up in that kind of review during that renewal piece?

Ms. Schwantes – Madam Chair, you don't mind if I go back and forth with the Board members on this, do you?

Chair Peebles – No ma'am.

Ms. Schwantes – Thank you. To answer that question, Mr. Williams, normally the bills are not retroactive, and I have no reason to believe that they are. Here I do not know though from what you've said whether an individual applicant would have some other means of using this bill if it passed to try to come back to us. I just don't know how to answer on that one.

Mr. Williams – Yes, of course. In reference to HB0049, the Abandoned Historical Cemeteries, would that run through your Division, or would there be a separate Division it's ran through and then housed in your Division? I'm just trying to get some clarity. For example, my mother is buried in what I would call an unincorporated non-regulated cemetery, but it has some issues going on. So, would they qualify for like this program, in terms of an abandoned historical cemetery and what actually qualifies them to be historical in essence?

Ms. Schwantes – Thank you for asking that question. It would not be with this Division. This sets up authority and hopefully funding for a new program within the Division of Historical Resources, which is the Department of State. And then they still have to fund it, I believe, but that's in progress. What this may end up doing though is something that we've seen requested a long time, and that's some sort of a general record filing system, whatever, I can't think of the terminology for it correctly right now, but of all cemeteries. And this may end up leading to that, but I don't have any way of knowing that right now. All I can tell you is it sets up the Historical Resources Division with the authority and funding for this. And I know that they're looking at potential new positions and such are also included in the bill. Any other questions? Did that answer yours?

Mr. Williams – Yes, ma'am.

Ms. Schwantes – Okay.

(2) FCCS Financial Statements (Informational)

Ms. Schwantes – It's our annual financial statement review time. So, in your packet, you were provided with financial statements, as we've been providing for the last six (6) years to the Board. The format remains the same. The format used for the statements is the same as that presented in the last several years. The format and the numbers presented are the result of, as always, numerous hours of work between Division and Department budget staff translating legislative budget information and general ledger codes into a more usable format for our purposes. These are presented for the Board's information only at this point. No Board action is required. However, as always, we appreciate input and questions on any of these matters and if there are questions to which I can't respond now, I will get answers to you after the Board meeting or at the next Board meeting. So, the reports are submitted to meet statutory requirements, specifically 497.141(1)(b) provides that we shall at least every other year provide the Board with estimates as to projected costs, budget, etc. And of course, in doing this, every year, we are more than meeting that requirement.

So, let's look at income first. Remember, our fiscal year runs from July 1st to June 30th and we're now in FY22/23. So, if you'll take a look first at the regulatory trust fund, which is the RTF balance sheet. This shows the actual information for FY16/17 through FY21/22, with projected information through the end of this fiscal year. The main points on this, you'll note that the

ending balance continues to swing up and down each year, as pointed out in prior year reports. This is in part a result of the swing in our licensing fee income, since some licensees only renew every other year, and the income reflects that swing. The projected end of year balance at the end of this fiscal year is about \$5.2 million. The primary purpose of this balance sheet is to provide detail on the income and revenues and show the impact on the overall ending balance in the Regulatory Trust Fund. As a reminder, the Regulatory Trust Fund is what this Division uses for its operational expenditures, and we'll get into that further when we look at the budget. Revenues - Although there appears to be an increase over the past two (2) years, the preneed fees have been generally consistent over the years, averaging around \$674,000 per year until the past few years. Over the full seven-year period, fees would average about \$725,000 per year. Other fees and licensing fees swing back and forth. The interest earnings remain small over the past few years. They're projected to be less than \$62,000 for FY22/'23. They've decreased significantly since the high of \$171,000 in FY19/20. And we have to continue to plan as if they're going to continue to decrease, because again, we do conservative planning for this at least to not increase significantly in the upcoming years. As before, we've tried to provide a general description of items in areas where we use a term within the State, which may not be a common term. For example, State Refunds in the non-operating category are refunds to licensees on overpayments, etc. Any questions about this sheet?

Let's move on then to the Preneed Funeral Contract Consumer Protection Trust Fund (CPTF), which shows historical information from July 1, 2011, through June 30, 2022. The main points here to look at are the total balance for FY21/'22 was \$9.38 million, which was higher than the prior year by about \$19,000. That's the lowest increase in years in that, but it's still an increase and that likely is primarily due to the lower interest rates. As far as revenues go, showing revenues coming into this, in preneed fees, we receive in the CPTF a dollar per contract. They were higher this past fiscal year than in immediately prior years, but they remain fairly consistent over the years. If you disregard the high year of \$193,000, which was received in FY13/14, the income from fees continues to average a bit over \$114,000 per year. Generally, they've not shown a great growth over the years, with the exception of FY13/14, and we still don't have an explanation for that. In this last fiscal year, the fees increased approximately \$36,000 from the prior years, which is the highest income from preneed fees that we've seen since that FY13/14 time period, and it does represent a growth in the number of preneed contracts sold. Honestly, we can only guess that that might be related to the pandemic, that people were doing more preplanning. You all in the industry might have a better idea of why that is the case. Until this last year, the bulk of revenue has come from interest earnings, which have varied significantly over the years. I've already talked about the interest earnings are decreasing. The total revenue through these years generally exceeded \$250,000 with two (2) exceptions. There was a larger increase to \$408,000 in FY19/20, and the overall revenue for this last fiscal year was smaller than that. That's partly because I think overall, even though there might have been more preneed sales, more preneed contracts sold, the interest income decreased. And so therefore, that's why we ended up with that. The expenditures, the claim payments historically run between \$55,000 and \$85,000 per year, at least until the years after 2014. There have been higher claim payments in recent years. The footnotes on the bottom of the page show the failures, closings and/or revocations, which impacted the claim payments in those years. Last year's claim payments totaled \$183,478, which was an increase of approximately \$66,000 from the prior year. So bottom line, the income coming in is historically sufficient to cover the claims expenses. This trust is building up in the trust funds over the years. However, that's probably more a result of the interest income over the years than it is the sales. And again, we have to continue to plan that there will be a decrease in interest income. Questions?

Let's move on to something more pertinent to the Division operations anyway. So, the next thing to look at is the FCCS budget for fiscal years, and I'm not going to read through all these fiscal years, but basically it runs through FY18/19 to the current fiscal year. The main points on this, is this sheet shows detail on the operating and non-operating aspects of our Division's budget over the timeframes mentioned. Actual information is provided for, well until this fiscal year, and then projected information is presented for this fiscal year with actual expenditures provided through the end of the calendar year, just so that you have a good glance of where we are currently within this year's budget. As a reminder, the operating budget is the budget that this Division can control, and every year we make recommendations for changes to that budget. The non-operating budget is critical to us, of course. That is our legal support, IT support, administrative support, but this Division does not control the non-operating budget. That is an agency-wide established item. Each year, the Legislature approves our operating budget in the General Appropriation Act. During the year, that amount may be adjusted by combined efforts of our budget office and the legislative staff and committees. For example, you'll see that the adjusted appropriation amount for the operating budget for FY21/'22 was about \$2.5 million. Now let's look at the FY21/'22 year. These are actual expenditures, actually at the end. The operating category, the adjusted appropriation was about \$2.52 million. Our actual expenditures were \$2.1 million, which was, and I want to point out, mostly a result of vacancies. So, we came in under budget by \$411,000 last year, which is great, but again, mostly a result of vacancies and travel savings. In the non-operating category, the

appropriation was \$1.2 million, but the actual expenditures decreased from prior year to \$851,000. So, within that category, we came under budget by \$387,000. Bottom line is that both operating, and the non-operating budgets came in under budget last year by almost \$800,000, again, because of vacancies primarily, but also the reduction in the non-operating budget, which we don't control. If you look at the projected and actual expenditures for this fiscal year, we still anticipate coming in under budget at the end of the year by about \$363,000. I'm going to go back and say it again, vacancies. That has a great, great impact on this. Any questions with regard to the budget?

Mr. Ferreira – Yes ma'am.

Ms. Schwantes – Sure.

Mr. Ferreira – The non-operating category, is that figure dictated to you guys? What I mean, is that a line item that's dictated by the State?

Ms. Schwantes – Well, the Department sets what the non-operating budget is agency-wide. So, for example, we are...

Mr. Ferreira – You said the Department? How many sub-departments are in that roughly, just for my information?

Ms. Schwantes – Off the top of my head, I think there's about twenty (20) divisions.

Mr. Ferreira – Oh wow, okay.

Ms. Schwantes – Honestly, it's on the website.

Mr. Ferreira – Okay.

Ms. Schwantes – We've got to look and that's just totally off the top of my head.

Mr. Ferreira – Okay.

Ms. Schwantes – There's quite a number of them.

Mr. Ferreira – So, they take whatever that number is, and they divide it up and say, you guys are responsible for this much money and then they spilt it up?

Ms. Schwantes – They have a specific formula that is used.

Mr. Ferreira – Okay.

Ms. Schwantes – And I'm actually not even sure what the formula is at this point.

Mr. Ferreira – Okay.

Ms. Schwantes – It does change from time to time, but it is dictated to us as you indicated.

Mr. Ferreira – Okay.

Ms. Schwantes – So, we do not have any control in that whatsoever. And since you brought it up, I don't know why there was a change in the non-operating category, why it decreased so significantly this last year from prior years. It is expected to be back at regular high rates again this year.

Mr. Ferreira – Okay.

Chair Peoples – Ms. Schwantes?

Ms. Schwantes – Yes ma'am?

Chair Peeples – May I ask a question? Where are we on staff fulfillment, staff vacancies? Where are we right now in the Division office?

Ms. Schwantes – That's a great question. When we were before the Board last month, we had seven (7) vacancies. Coming into the month we had filled one (1), so six (6) vacancies. We have one (1) that has just been approved, one (1) that is pending approval, and then we have four (4) vacancies, two (2) of which are advertised, and we'll begin interviews shortly.

Chair Peeples – Another follow up question is regarding the Consumer Protection Trust Fund balance. Has it ever been requested to try to receive any funds from that area? I noticed that we are still kind of increasing. Can you enlighten us to kind of what's been the history of that?

Ms. Schwantes – Yes ma'am. Legislatively, approximately six (6) years ago, I think it was in 2018 the Department initially included in its agency bill a provision that would enable us to receive funds from the CPTF account for our operations. And at that point in time, I want to be clear on this, our Division systems are still not updated and are still outdated and not supported and still a problem. But at that particular time, we had hopes of using the CPTF funds to upgrade some of these systems or to replace them, is what it amounts to. That ended up coming out of the agency bill due to concerns from associations, the public and legislators. I'm not sure where all it came from, but there was concern about using funds from a trust account that is set up for the benefit of consumers, even though what we do also benefits consumers. I understand. So, it came out of the agency bill and has not been addressed since to that extent. I think the concerns remain about that.

Chair Peeples – Thank you, ma'am.

Mr. Ferreira – So, if you don't mind, let's go back to the top, Page 1, if that's okay. I just want to get an idea. So, the income, preneed fees, can you explain that? Because there's preneed fees down in Page 2.

Ms. Schwantes – Okay. Within the regulatory trust fund, every time a preneed contract is sold, we receive \$6 that goes to the Regulatory Trust Fund. From the sale of a preneed contract, we also receive \$1 that goes into the Consumer Protection Trust Fund. So that's why it appears twice.

Mr. Ferreira – Okay. So other fees, the next item, can you give me an example of what other fees would be?

Ms. Schwantes – Which page are we looking at?

Mr. Ferreira – Page 1. I just want to write down the revenue.

Ms. Schwantes – The projected Regulatory Trust Fund balances?

Mr. Ferreira – Yes ma'am. Under other fees.

Chair Peeples – Under revenue, under Page 1.

Ms. Schwantes – Oh, I was on the wrong sheet. Thank you.

Mr. Ferreira – What I'm trying to do is trying to determine how we come up with this budget by the bucket, individual buckets.

Ms. Schwantes – Probably to get into that kind of detail, I would need to go back and talk with our budget analyst just to make sure.

Mr. Ferreira – Okay.

Ms. Schwantes – But the preneed fees, then you have the licensing fees, you have actually even fees for the sale of the pamphlets that are given for the preneed consumers and stuff. So, I would really prefer, if you have further detailed questions, I'm glad to get that information to you, but I'd rather make sure I'm getting it accurately from the accountants.

Mr. Ferreira – Okay. That's fine.

Ms. Schwantes – I tend to paraphrase, and I don't want to do that if we're going to get that detail.

Mr. Ferreira – Well, I think in the future to be able to help the Division, we need to know that, you know, where those fees come from and how we can help.

Ms. Schwantes – Okay. I think everything is pretty well delineated on here so that you can tell what it is, but I can understand why you're asking about the other fees, and I don't see a specific footnote for that, so I can get that information for you. Any other questions on that? Okay. I think we left off looking at the last sheet, which is the Projected Regulatory Trust Fund Balances. The main points on this final page, and it goes back historically quite a way, is to show not only where we have come from, but what we envision the future might look like in terms of what will be left in the Regulatory Trust Fund for our benefit. Our industry, our Division, is self-funded from the industry at this point. Having said that, and I've pointed this out before, they are huge economies in being part of a larger Division. For example, we are able to use state cars and the state car payments do not come from our budget. So, there are things that we benefit from that are not part of industry payment into our operations, for lack of a better way of putting it right now. So, the top table on this page shows the current structure where we have assumed absolutely no changes to our outdated information technology. And no additional staffing or infrastructure changes. No additional services, so status quo. Overall, the Division costs continue to significantly impact the RTF balance over the years by decreasing the balance. And I sometimes refer to the RTF as our savings account, just because that's kind of a common thing we all think about. Our savings account is dwindling.

In prior years, we estimated that the decrease would be roughly \$200,000 to \$300,000 each year, over the course of the years going forward. Legislative changes to salary and other matters which are outside the Division's control, such as increases in the non-operational budget that's outside the Division's control, and the significant interest income decrease, it's been a huge impact. The significant decrease in interest income can all impact where we are going in the future. And as a result of all of that, we're now looking at a decrease of about \$500,000 per year. So, currently we're estimating that the Regulatory Trust Fund balance will be approximately \$164,000 at the end of FY29/30. And I did not point out that right now our balance is around \$5 million. So, you can see where this is going, and we will be negative after that, heading into negative balance numbers. As we said, again, that assumes no changes. The bottom table, which shows the results with some infrastructure and other necessary changes made during the years, but still no upgrade to our IT systems, that is a huge expenditure, and we really don't even know right now what it would cost. Anyway, that bottom table shows that the RTF balance would decrease even faster, hitting a negative balance by FY29/30. So, the statement continues to illustrate that status quo is not a long-term solution to our operational or funding concerns. Most fees have not been increased since 2005 and sometimes longer ago than that. And as we continue to research, we're certainly open to input regarding long-term funding options. We hope to be able to address these issues in the next years through rulemaking, legislation or other efforts as needed. And certainly, within the Department we have internal conversations about different options that might be available. It's premature to go into a lot of that now, but anyone from the industry is welcome to contact us.

Chair Peeples – May I ask another question?

Ms. Schwantes – Yes, ma'am.

Chair Peeples – Have you done a study for a projection to upgrade the IT system to see what it would cost? Has that report been completed just to kind of bring back to us what it would be to upgrade?

Ms. Schwantes – Yes ma'am. That's a great question as well. So as far as the cost to upgrade the IT systems, there has not been a study done on just what it would cost just to do the Division's IT systems. We are again part of a huge Department, and our systems are very similar in many ways to those used by other Divisions. For example, FACS-DICE, which is the system that's used on the continuing education, is also used by the Fire Marshal's office. We also have our ALIS system, which is the main database that contains a lot of the licensing information, is also used by the Division of Agents and Agency Services. So, when

you're looking at upgrading the systems at this point, it would be better, again, taking advantage of being part of the economies of a larger organization, if our systems are upgraded at the same time theirs are. And so, to that end, our Office of Information Technology within the Department is looking at upgrades to these systems within different Divisions. So, I don't have an answer just as to what the cost would be for the Division. And I don't have an answer as to what the cost would be for the Department because it's still underway. The last I talked with the director of OIT, they had just gotten funding for a study is what it amounts to. And so, they're in the process of hiring and getting the right contract on Board to do the study.

Chair Peebles – Thank you, ma'am.

Ms. Schwantes – Thank you, ma'am.

Mr. Ferreira – One of the things, if I can make a comment, one of the things I've never totally understood was, you know, half of the funeral homes in our state don't write prearrangements, don't have preneed accounts, don't have licenses. So, these numbers are based on half of those people. Half of the funeral homes in this state are paying this. The rest of them aren't. So, we need to think about that. We need to think about attaching the other half to help pay these fees. So, there's roughly 200,000 deaths in the state every year. So, attaching a small fee to an at-need contract is certainly a way to help. So, I think it's something to look at. I don't like the idea that half of us is paying these fees and the rest of them aren't.

Ms. Schwantes – Thank you, Mr. Ferreira. And actually, that is one of the ideas that has been discussed within the Department, certainly as an option potentially down the road. And then also I'll just say that there's a possibility of general revenue. So, when you look at the different options like that, you can also take a look at what other states do. And what you've mentioned is something that there are other states that do charge a fee per at-need contract.

Mr. Ferreira – And I know it's not popular.

Ms. Schwantes – No.

Mr. Ferreira – For any of us it's not popular, but, you know, I certainly see that before I see, you know, we only have \$9 million in the other fund, and it wouldn't take very long for a big company to fail and that \$9 million would be gone quick. So, there's different things to think about.

Ms. Schwantes – And again, that is one of the items that came up when we looked at potentially using some of the money from the CPTF for our OIT needs years ago, was the concern over a large failure. So, all good points. Mr. Brandenburg?

Mr. Ferreira – For years, there's been concern of a sweep of the Consumer Protection Trust Fund. Is that still rumored or should we not worry about that?

Ms. Schwantes – So, I've not heard any rumors about any kind of attempts, but I know you all have all been in the industry and watching politics for so many years. And certainly, I've been within the Department for over thirty (30) years now, and you never let it not be a concern, I guess is the best way to say it. But there's certainly no rumor now. And that is something that came up years ago when we were looking at trying to get money from the CPTF and it is one of the reasons why in the end, it was removed from the agency bill was one of those concerns. So, you all have raised all the concerns that came up at that time regarding our use of funds from the CPTF. Does that answer your question?

Mr. Ferreira – I have a question. I noticed that the earnings are steadily falling on the funds. Is there a way to reinvest it? Do we have different investment options or are we stuck basically?

Ms. Schwantes – Well, I'm glad you raised that as well. The Regulatory Trust Fund, our funds are sitting as part of the Regulatory Trust Fund, but all funds that are within the state like that are controlled by the state treasury. And so, it is not something that this Division can decide, oh, we're going to move it to another stockbroker. That's something that just doesn't happen.

Mr. Ferreira – So, all 26, all those, all those funds are just state funds?

Ms. Schwantes – All state funds are handled through the State and through investment policies and practices of the State.

Mr. Ferreira – And it keeps falling?

Ms. Schwantes – I can't address that better.

Mr. Ferreira – Okay.

Ms. Schwantes – When we get interest and it's high, we get a great deal of interest again because the economies are being part of that. But the economy is what it is right now. So, any other questions on that? Thank you, Board members.

(3) Proposed Board Meeting Schedule FY23-24 (Action)

Ms. Schwantes – I want to turn next to the proposed Board meeting calendar for FY23/24, which begins on July 1, 2023. And if the Board, some of the Board members will remember, we were trying to propose three-year calendars and with the pandemic that just became impossible. So, we're just doing one fiscal year at a time at this point. Generally, Board meetings occur the first Thursday of every month. Exceptions are made in June and July due to the preneed license renewal schedule, which as you all know, is at the end of June, and the July 4th holiday. Also, in your proposal you'll see that the meeting in October for 2023 will be the second Thursday of the month. That is to allow for religious observances or holidays. So that will be unusual. Not the first Thursday of every month in that month. Prior to the pandemic, the Board held one (1) meeting per year in conjunction with an association conference. These meetings were rotated among the FMA, IFDF and FCCFA. The year that the pandemic hit, the meeting was scheduled to be held at the FCCFA conference. As you know, however, the Board did not meet in person that year and has not held meetings at any of the conferences since. I do want to point out that the FCCFA has been extremely generous in reserving space for us each year since. And so, this year we are recommending a return to that rotation. If approved, this means that the July meeting for 2023 will be held in person on Thursday, July 13th at 1:00 PM in conjunction with the FCCFA conference, which will be at the Marriott Water Street in Tampa this year. Along those lines, you're going to see that there are two (2) proposed June 2024 meetings. And this is again, kind of bringing it to the Board for discussion and consideration. The first is marked TBD (to be determined) on your schedules as we did not have full information ready when the calendar was printed. The FMA, which would be the next association if we go back to the rotation, has offered to host our Board meeting during their conference that month. This will be in 2024. The date of the Board meeting, if we go back to that rotation of that Board meeting, would be Monday, June 17, 2024, and would take place at their conference, which is being held in Tallahassee that year. That Board meeting would involve disciplinary matters and all licensing matters except for the preneed renewals. The preneed renewals are best to be discussed towards the end of the month, which saves some time. So, the preneed renewals will be discussed closer to the renewal date at a second Board meeting, which would be held by video conference on Thursday, June 27, 2024. If that June 2024 meeting schedule is approved, then we're going to recommend that there be no July 2024 meeting. So, if we have two (2) meetings in June 2024, then there would be no meeting in July, and we'd go back to our normal schedule again in August of 2024. Any questions on this or any discussion about the proposal?

Mr. Ferreira – The first meeting is what date? The first June meeting?

Ms. Schwantes – The first June meeting, and this would be clarified of course, and whatever the Board decides would be published, but it would be Monday, June 17th. They're all public meetings, of course. The FMA conference is usually around Father's Day, which would be June 16th.

Mr. Ferreira – Okay.

Ms. Schwantes – And so, we've already talked with the representatives from the FMA. And again, they're happy to host us again if there's interest.

Mr. Williams – I have a question.

Ms. Schwantes – Yes sir?

Mr. Williams – Is it possible, I know you all did a great calendar, but is it possible to go back to the pre-pandemic Board schedule calendar? Because I think many times, well at least for me, we have some long agendas, some long discussions with matters that come before the Board that I think in-person meeting would be more conducive than a telephonic or virtual type meeting. Granted, you don't know when you're going to have a long agenda when the calendar is posted. But I think if we could consider maybe having more in-person because I think when I came on the Board, we had an in-person meeting every two (2) months or something like that. Just want to know if those options are available. What's your thoughts?

Ms. Schwantes – Just to clarify, the meeting schedule years ago before the pandemic was the Board met every month. Every other month was by telephone and in between there were in-person meetings and the meetings, the in-person meetings occurred throughout the state. Of course, the pandemic changed that, and we were able to do the virtual meetings. There are positives and negatives to both. Positives of course is being able to see you all. Sometimes discussions are easier. Certainly, when we talk about Rules Committee meetings or other committee meetings of that nature in person can be better. As far as the discipline goes, as you mentioned, from the Board's perspective, it might be easier when you can actually see the person and talk with them. That also though, requires them to travel and come out of pocket cost to it. And so, we've had a lot of compliments regarding the virtual meetings and the fact that we're doing so many more. This question came up last year and I kind of informally polled Board members as to how many in-person meetings were recommended. And the general consensus was no more than three (3) a year. So, I think that all the Board members current today were passed last year, I believe. I think it might have been right before some of the changes. But anyway, two (2) to three (3) meetings per year, and so that's kind of what we're gauging from based on this. What we have looked at, if we go back to the rotation, would be one (1) meeting per year in conjunction with an association meeting, which can be anywhere through the state. It just happens to be next year will be in Tallahassee again. And the Board has requested generally to have one (1) meeting in Tallahassee during legislative session in years past. So, it is your Board, and it is up to you. There are costs involved though as well.

Mr. Ferreira – That's what you're thinking about.

Ms. Schwantes – Pardon?

Mr. Ferreira – That's what you're thinking about.

Ms. Schwantes – I'm always thinking about the cost, always thinking about cost.

Mr. Ferreira – As soon as he asked that, I knew where that was going.

Ms. Schwantes – The other thing that we have looked at and this is really difficult, because I know as in the funeral industry, you all have conquered this with the hybrid where you have people in person and you're also able to do video with funerals and stuff. We have not had good success in looking at any kind of hybrid meeting yet and how it would be conducted, particularly when you're looking at disciplinary matters. So that question comes up a lot. So, I was trying to just get it out there first.

Mr. Williams – And I guess the only reason why I'm bringing it up going back to something early in the meeting. Mr. Clark brought it up in reference to just conversation in general with the colleges in reference to concerns they're having. And I know I thought it was very beneficial as we made the various stops through at the various colleges so that we can bridge that connection and see what their concerns are. And possibly we can kind of work at hearing their concerns in person. And I think we need to have a deeper conversation in reference to issues such as renewal and, you know, the one-year mandate. I think it's a deeper conversation we could have in reference to that, but just I think it was more beneficial in terms of the older way. I understand the cost, I truly do. That's where I'm at, I guess.

Ms. Schwantes – And what Mr. Williams is referring to is one of the things that we did, and it really only started about six (6) years ago, but certainly since he's been on the Board, one of the things we were doing where we were also rotating one meeting a year among the various mortuary schools in Florida. And if the Board wants another in-person meeting, we could try to set something up again, having one at the schools. When polled last year, the preference seemed to be having it with the associations rather than at the schools. And so again, I'm trying to gear towards what was indicated to me. The two (2) to three (3) meetings a year, one (1) in Tallahassee, one (1) with the association, a third if necessary. I did want to talk to you about

Rules Committee. Your idea earlier that you asked about for the Rules Committee meeting that is coming up, we will make sure to invite the mortuary school representatives. So, I did want to go back to that.

Mr. Ferreira – So, the comment that Mr. Clark and Mr. Williams are making, I like the feel. I think we as a Board need to become partners with our colleagues and, you know, I think putting us out there like that appears that we're, you know, more of a partner together than more than a dictator or something like that. So, I mean, we got to make tough decisions. And we all understand that, but I think being able to be involved in some of these schools and some of that makes us look more like a partner.

Mr. Clark – I'll add to that. I think a lot of the students that I speak to, they don't feel like they have a voice, right? And not that the Board needs to be the voice of anybody, but I think there's a way to create a forum where they can be heard outside of contacting the director of the program, and we only have a couple schools here in Florida. They want to be able to share their challenges with someone. Again, the Board doesn't need to be a voice, but if there's a way to think about creating an outlet with them so that if anything else we have awareness of what the challenges are for them to graduate, I think that's positive.

Mr. Ferreira – Maybe creating a liaison, you know, or something like that where students can go to. Someone that can bring information to us possibly. Things like that.

Ms. Schwantes – Well, I'll bring it back to the Board. What is the Board's pleasure on this? If we are to reach out to one of the schools, the last one on the rotation, which we never got to, was the Jacksonville School. And that would, in general, we were using the October as the month for travel on that. So, if that is something that the Board is interested in doing, I would make that recommendation that we look for that the October meeting as being the one in Jacksonville and try to go back to that rotation.

Mr. Ferreira – It sounds good.

Chair Peeples – Sounds good to me.

Ms. Schwantes – But that's again for your discussion pleasure. So, I do need Board action on the calendar in some fashion, whether you need to one amend it, leave it as this, with the addition of the FMA conference next June.

Mr. Clark – I'll make a motion to approve with the condition that Ms. Bryant sends us meeting invites because those are very helpful.

Mr. Ferreira – Yes.

Ms. Schwantes – We can do that. And it doesn't even need to be a condition.

Mr. Clark – Okay, great.

MOTION: Mr. Clark moved to approve the meeting schedule. Ms. Clay seconded the motion.

Chair Peeples – Is there any discussion on the motion? Hearing none, all in favor say aye.

Ms. Schwantes – Madam Chair?

Chair Peeples – Yes ma'am?

Ms. Schwantes – I just want to clarify, because there was discussion about this. Are you including in your motion and second that we tried to have the October meeting in-person in Jacksonville with the college there?

Mr. Clark – Yes.

Ms. Schwantes – Okay. I just wanted to be sure.

Chair Peeples – Thank you, Ms. Schwantes. We have a motion and a second. Is there any discussion?

Mr. Williams – I'm sorry. So, I'm all in favor of the said motion, but I would like to offer a friendly amendment to the motion. If we have meetings such as this in terms of in-person with not much disciplinary matters coming before the Board, could we have an option to do a virtual aspect and I guess that would save the Division funding, you know, per se. Is it easy to transition from an in-person to a virtual if we see that the agenda doesn't have much action per se?

Ms. Schwantes – The way that this works, because we have monthly Board meetings. You all know that staff, and that includes our legal team are very busy during the month, putting together the matters and the agendas go out a week before the meeting. So, in this case, for example, it was not known that there was not going to be any disciplinary matters before the Board until write up on time to send out the agendas, which is too close to the meeting to publish it in accordance with the law. So that's how that ended up happening. And if we had advance notice of it, we might be able to make changes, but we have to make sure that we are complying with publication notice requirements.

Mr. Ferreira – Can you restrict disciplinary action only in in-person meetings?

Ms. Schwantes – Again, the problem with that, that you run into, you're going to have complaints with people having to travel when they could do it virtually.

Ms. Munson – And expense.

Mr. Brandenburg – That's the way it was done in the past. Every other month in-person. We didn't have disciplinary cases come before the telephone calls.

Ms. Simon – It's been fortunate. One thing that came out of COVID, I can't say anything was fortunate that came out of COVID, but the Zoom capabilities or whatever platform we use, it's extraordinary. And I think one of the reasons why we did the discipline in person at the time was we weren't able to see anything because we were on the phone. So, we were not able to see the licensee and we were not able to talk directly. Well, that's one of the benefits now of Zoom and Zoom has become replaceable with in-person meetings.

Ms. Schwantes – {Inaudible} legislative changes to enable us to do that.

Ms. Simon – Exactly. So, in my mind, a lot of it is about the cost. I know how much extra it costs to have in-person meetings throughout the year and I appreciate the thought of becoming partners with the community and things of that nature, but I think that could be done a different way and wouldn't add to the expense that we're seeing right now. Even going from three (3) meetings in person to four (4) meetings in person it's a dramatic expense. And we've already gone through the budget and our budget doesn't look great. So, it might not look even at the same level if we do more meetings.

Ms. Schwantes – So, Ms. Simon, again, you all clearly know that we do look at expense a lot. Having a meeting every other month was running about \$50,000 a year if it was in person. More importantly to me, we're talking about outreach to the community and about networking. To me that made sense. If we were to go back to rotations, we were talking about at the schools and the associations when they host us, that does cut back on our expenses some. But take a look at this room, at the number of people in the room and the number of people, most of us here are Department staff. On the calls, we average at least sixty-four (64) people, and that should be taken into consideration too. So again, it is the Board's decision, it is up to the Board on your discussions, and we will be happy to make arrangements with whatever we need to do. But those are some of the concerns and there are pros and cons, like I said to any of this.

Chair Peeples – We have a motion, and we have a second. Is there any further discussion? Hearing none. All in favor of the motion, say yes.

Board Members – Yes.

Chair Peeples – All opposed? Motion carries.

Board of Funeral, Cemetery, and Consumer Services
 Board Meeting Schedule FY 2023-2024

2023 Board Meeting Schedule (Tentative) (July - December)

July	August	September
Thursday, July 13, 2023 Tampa FL FCCFA Annual Conference	Thursday, August 3, 2023 Videoconference https://meet.goto.com/LaTonyaBryant/boardvideoconferenceaugust (872) 240-3412 Access Code: 236-680-349	Thursday, September 7, 2023 Videoconference https://meet.goto.com/LaTonyaBryant/boardvideoconferenceseptember (571) 317-3112 Access Code: 871-771-957
October	November	December
Thursday, October 12, 2023 Videoconference https://meet.goto.com/LaTonyaBryant/boardvideoconferenceoctober (571) 317-3122 Access Code: 871-984-717	Thursday, November 2, 2023 Videoconference https://meet.goto.com/LaTonyaBryant/boardvideoconferencenovember (571) 317-3112 Access Code: 238-487-589	Thursday, December 7, 2023 Videoconference https://meet.goto.com/LaTonyaBryant/boardvideoconferencedecember (571) 317-3122 Access Code: 871-959-717

2024 Board Meeting Schedule (Tentative) (January - June)

January	February	March
Thursday, January 4, 2024 Videoconference https://meet.goto.com/LaTonyaBryant/boardvideoconferencejanuary (571) 317-3122 Access Code: 871-873-797	Thursday, February 1, 2024 Tallahassee FL Location: TBD	Thursday, March 7, 2024 Videoconference https://meet.goto.com/LaTonyaBryant/boardvideoconferencemarch (571) 317-3122 Access Code: 296-619-877
April	May	June #1
Thursday, April 4, 2024 Videoconference https://meet.goto.com/LaTonyaBryant/boardvideoconferenceapril (872) 240-3212 Access Code: 525-590-021	Thursday, May 2, 2024 Videoconference https://meet.goto.com/LaTonyaBryant/boardvideoconferencemay (408) 650-3123 Access Code: 525-685-221	TBD In-Person Location: TBD
June #2		
Thursday, June 27, 2024 Videoconference https://meet.goto.com/LaTonyaBryant/boardvideoconferencejune (872) 240-3212 Access Code: 525-779-397		

Chair Peebles – Could we do real-quick, a 10-minute restroom break please?

Ms. Schwantes – That’s the pretty much the end of mine, but I thought maybe one, two statements more.

Mr. Brandenburg – We’re almost finish.

Chair Peeples – It is 12:07. Let's come back at 12:17 and we'll finish up really quickly. Thank you.

Ms. Schwantes – Thank you.

*****BREAK*****

Chair Peeples – We’re going to call the meeting back to order. It is 12:18, and I’ll turn it back over to Ms. Schwantes for her last item.

Ms. Schwantes – Thank you, Madam Chair. The Rules Committee Meeting will be in-person in Tallahassee on June 8th @1pm, Department of Revenue CCOC. It is a public meeting. Further details on the meeting will be provided and also posted on our website. All Board members are definitely encouraged to attend. We will make sure to invite representatives from the mortuary schools, as well. Our next Board meeting will be held by videoconference on Thursday, May 4th at 10:00am, and that ends the Executive Director’s report. Thank you, Madam Chair, and thank you, Board members.

Chair Peeples – Thank you, Ms. Schwantes. Ms. Simon?

(4) Report: Payment of Disciplinary Fines and Costs (Informational)

Ms. Simon – This is informational only. I realize a couple of items may be confusing in that there is a line item that says the matter was sent to the OGC for failure to pay and it says it was paid in full, and it is because it was sent to the OGC for failure to pay, that led to this matter being paid in full. I just wanted to keep it on the agenda one more time so the Board members could see that indeed this individual did pay in full. Typically, I try to leave matters on the agenda for only three (3) to four (4) months, assuming payment is made. You will not see those items next month. Does anybody have any questions concerning this report?

Chair Peeples – Thank you, Ms. Simon.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 Date of Board meeting: April 4, 2023
 Date report was prepared: March 24, 2023

Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
Lawrence J. Epps, Jr. D/B/A Epps Memorial Funerals	Mar-23	282706-21-FC	\$1,500	4/17/2023		
Lawrence J. Epps, Jr.	Mar-23	282708-21-FC	\$1,000	4/17/2023		
David Engh	Mar-23	300621-22-FC	\$1,000	4/17/2023		
Gallaher American Family Funeral Home, LLC	Mar-23	300620-22-FC & 301222-22-FC	\$2,000	4/17/2023		
D&L Removal and Transport, Inc.	Feb-23	300633-22-FC	\$500	4/3/2023	Paid in Full	
Rosalind Ann Pinder	Jan-23	294356-22-FC & 295162-22-FC	\$2,000	3-Mar-23	Paid in Full	
Melinda Mezeline Jackson	Jan-23	287709-21-FC	\$1,250	3/3/2023		Sent to OGC for failure to pay
American Removal Service LLC	Jan-23	297735-22-FC	\$1,000	3/3/2023		Relinquished license
Carl J. Carnegie d/b/a Carnegie's Monument Sales and Service	Jan-23	297725-22-FC	\$300	3/3/2023	Paid in Full	
Ray Williams Funeral Home, Inc.	Jan-23	283180-21-FC	\$2,000	3/3/2023	Paid in Full	

	Jeffrey Lynn Rhodes	Jan-23	283184-21-FC	\$1,250	3/3/2023	Paid in Full	
	Richard L. Macon, Inc. db/a Freeman Funeral Home	22-Nov	280688-21-FC & 287726-21-FC	\$5,000	1/1/2023		Sent to the OGC for failure to pay
	Richard L. Macon	22-Nov	282871-21-FC	\$1,500	1/1/2023	Paid in Full	
	Ryan James Swann	22-Nov	296092-22-FC	\$1,000	12/16/2022	Paid in Full	Sent to the OGC for failure to pay
	Swann's Mortuary	22-Nov	296091-22-FC	\$1,000	12/16/2022	Paid in Full	Sent to the OGC for failure to pay
	Family Funeral Home & Cremation Services	22-Nov	280010-21-FC	\$1,000	1/4/2023	Paid in Full	
	Mercedes Miranda	Oct-22	283185-21-FC	\$2,300	12/16/2022	Paid in Full	
	Northstar Funeral Services of Florida, LLC db/a Homestead Crematory	Oct-22	283185-21-FC	\$3,000	11/28/2022	Paid in Full	

ES 3-24-2023

T. Chair's Report (Verbal)

Chair Peoples – Yesterday I got to spend some time at the Board office, and I also got to meet some of the team that I may have talked to by phone, and it was an enjoyable visit. I think I always say this on our Zoom meetings, but in-person, I hope I've told each of you personally thank you. Board members, thank you. Division Director, Assistant Director, team, Ms. Munson, Mr. Griffin, Ms. Marshall, your team, thank you all for all that you do, because I think we have a good combination of folks and I hope that we make sure the consumers are taken care of in the State of Florida. So, thank you. Ms. Simon?

U. Office of Attorney General's Report
(1) Attorney General's Rules Report (Informational)

Ms. Simon – Ms. Munson?

Ms. Munson – This is provided for informational purposes only. Thank you.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
APRIL 2023**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-5.007	Conversion Procedures	08/04/2022	08/19/2022	08/29/2022	09/15/2022	10/18/2022	11/07/2022

V. Public Comments (Verbal)

Ms. Simon – Does anybody here have anything to say for public comment? Yes, Ms. Pettine?

Ms. Lauren Pettine – Hi. I'm Lauren Pettine. I've been working at WRW Legal the past five (5) years now. In terms of public comment, I just wanted to say we did a lot of discussion in terms of doing more in-person meetings. That can be very cost-

prohibitive on our clients in terms of both, the costs associated with representation, but also the cost of losing an FDIC for a day or two as it may tie into travel cost, lodging cost. So, in terms of both the cost on the Board and from the Board side, we'd also like you to consider the cost from the individuals that have to come to these Board meetings as well. Thank you.

Ms. Simon – Is there any other additional comment under the Public Comment section? Hearing none. Madam Chair?

W. Administrative Report

The information was provided on the agenda.

X. Disciplinary Report

The information was provided on the agenda.

Y. Upcoming Meeting(s)

- (1) May 4th (Videoconference)
- (2) June 8th (Rules Committee Meeting – Department of Revenue CCOC, Tallahassee)
- (3) June 29th (Videoconference)

Chair Peeples – Ms. Schwantes mentioned we have May 4th videoconference, June 8th Rules Committee, and June 29th videoconference. The team updated me yesterday that this will be my first June meeting with the Preneed Renewals, so make sure you have chocolate, make sure you have food, and we'll have plenty restroom breaks, because it will be a long meeting that day. So, please make sure it's on your calendar. We'd like to have everybody present and participating. So, please take that into consideration.

Z. Adjournment

Chair Peeples – We are adjourned. Thank you.

The meeting was adjourned at 12:23.

DIVISION OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
Regulatory Trust Fund (RTF) Balance Sheet
Fiscal Years 2016-2017 through 2022-2023

	Actual FY 2016-2017	Actual FY 2017-2018	Actual FY 2018-2019	Actual FY 2019-2020	Actual FY 2020-2021	Actual FY 2021-2022	Projected FY 2022-2023
Beginning Balance	\$ 4,581,025	\$ 5,034,830	\$ 5,093,900	\$ 5,242,184	\$ 5,041,671	\$ 5,235,584	\$ 5,662,033
Revenues¹							
Preneed Fees	723,675	648,991	679,846	660,768	676,680	891,540	796,565
Other Fees	743,177	282,306	725,449	264,382	809,580	297,696	609,025
Licenses	1,752,702	1,868,585	1,636,314	1,838,185	1,716,367	1,920,363	1,624,357
Fines and Penalties	161,847	106,015	112,254	88,476	181,002	183,379	100,204
Interest Earnings	71,449	89,509	120,703	171,032	80,418	45,938	61,784
Sale of Goods/Services (Public Records)	8,235	5,930	6,330	5,328	6,522	6,920	6,250
Sale of Vehicle	-	-	-	-	-	-	-
Refunds		173	650	161	-	512	225
Total Revenue	\$ 3,461,085	\$ 3,001,509	\$ 3,281,546	\$ 3,028,331	\$ 3,470,569	\$ 3,346,347	\$ 3,198,410
Less Expenditures:²							
Operating Category							
Operating (based on historical expenditures and currently approved budget)	(2,032,467)	(2,043,221)	(2,164,510)	(2,254,230)	(2,161,634)	(2,106,910)	(2,640,355)
Total Operating Category	(2,032,467)	(2,043,221)	(2,164,510)	(2,254,230)	(2,161,634)	(2,106,910)	(2,640,355)
Non-Operating Category							
Transfer to Administrative Trust Fund (DFS Agency Support)	(687,312)	(656,057)	(709,606)	(733,845)	(875,000)	(582,303)	(776,532)
State Refunds (Refunds to Licensees on overpayments, etc.)	(9,696)	(7,935)	(4,927)	(1,298)	(3,909)	(3,499)	(3,000)
Service Charge to General Revenue (Revenue Fee payable to General Revenue)	(272,371)	(241,589)	(259,470)	(243,208)	(276,638)	(259,008)	(255,855)
Other Adjustments (Administrative Assessment/Treasury Matters)	(5,518)	(6,042)	(5,912)	(6,228)	(5,615)	(6,519)	(6,178)
Total Non-Operating Category	(974,896)	(911,623)	(979,915)	(984,579)	(1,161,162)	(851,329)	(1,041,565)
Total Expenditures	\$ (3,007,363)	\$ (2,954,844)	\$ (3,144,425)	\$ (3,238,809)	\$ (3,322,796)	\$ (2,958,239)	\$ (3,681,920)
Accounting Adjustments (Prior Year Certified Reversions and other adjustments)	83	12,406	11,163	9,964	46,140	38,341	16,017
Ending Balance	\$ 5,034,830	\$ 5,093,900	\$ 5,242,184	\$ 5,041,671	\$ 5,235,584	\$ 5,662,033	\$ 5,194,540

¹Revenues include fees from e-commerce transactions, certifications, exams, filings, fingerprints, inspections, unlicensed activity, and fees collected for preneed contracts; licenses for a variety of services including preneed sales agents, preneed branches, monument dealers, embalmers, embalming facilities, cinerator facilities, cemeteries, funeral directors, funeral establishments, etc.; interest earnings on investments; and penalties.

² Operating Category Expenditures based upon Operating Category Budget as approved in General Appropriation Act

DIVISION OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
Preneed Funeral Contract Consumer Protection Trust Fund (CPTF)
Historical Information 7/1/2011 - 6/30/2022

	FY 2011-2012 ¹	FY 2012-2013	FY 2013-2014	FY 2014-2015 ²	FY 2015-2016 ³	FY 2016-2017 ⁴	FY 2017-2018 ⁵	FY 2018-2019	FY 2019-2020	FY 2020-2021	FY 2021-2022
Beginning Balance (from prior year Trial Balance/General Ledger)	\$ 8,101,140	\$ 8,232,198	\$ 8,409,683	\$ 8,597,165	\$ 8,650,132	\$ 8,745,843	\$ 8,825,677	\$ 8,881,821	\$ 8,983,562	\$ 9,213,834	\$ 9,367,880
Revenues:											
Preneed Fees	99,041	100,691	193,268	115,476	117,436	120,573	107,936	113,795	110,092	112,831	148,590
Interest Earnings	197,219	154,291	93,228	136,886	133,891	137,720	157,032	217,576	298,512	160,521	79,605
Total Revenue	\$ 296,260	\$ 254,982	\$ 286,496	\$ 252,362	\$ 251,327	\$ 258,294	\$ 264,968	\$ 331,371	\$ 408,604	\$ 273,352	\$ 228,195
Less Expenditures:											
CPTF Claim Payments	(156,954)	(82,208)	(82,655)	(192,102)	(139,407)	(167,619)	(197,635)	(207,182)	(175,628)	(117,573)	(183,478)
Administrative Assessment on Investments (Treasury Investment Charges)	(9,860)	(9,988)	(10,185)	(10,369)	(10,444)	(10,545)	(10,599)	(10,696)	(10,896)	(11,140)	(11,253)
Refunds						(676)	(70)	(29)	-	-	-
Total Expenditures	\$ (166,814)	\$ (92,196)	\$ (92,840)	\$ (202,471)	\$ (149,851)	\$ (178,840)	\$ (208,304)	\$ (217,906)	\$ (186,524)	\$ (128,713)	\$ (194,731)
Estimated Ending Balance	8,099,502	8,394,984	8,603,339	8,647,056	8,751,608	8,825,297	8,882,341	8,995,286	9,205,643	9,358,473	9,401,344
Other Adjustments	1,612	10,489	(6,175)	3,077	(5,765)	380	(521)	(11,723)	8,192	9,406	(14,390)
Actual Ending Balance (from Trial Balance/General Ledger)	\$ 8,232,198	\$ 8,409,683	\$ 8,597,165	\$ 8,650,132	\$ 8,745,843	\$ 8,825,677	\$ 8,881,821	\$ 8,983,562	\$ 9,213,834	\$ 9,367,880	\$ 9,386,954

Larger Failures/Closings/License Revocations Impacting CPTF Claims Payments

¹ FY2011-2012 - Brant Funeral Services, LLC d/b/a Brant Funeral Chapel

² FY2014-2015 - JGR Funeral Services, Inc.; and Funeraia Nacional Sur Corporation d/b/a Funeraia La Catolica, Inc

³ FY2015-2016 - Cunningham's Funeral Home; and EA Stevens Funeral Home, P.A.

⁴ FY2016-2022 - Cemetery Professionals, LLC [Beaches Memorial Gardens]

⁵ FY2017-2022 - Cemetery Professionals, LLC [SW Florida Funeral & Cremation]

DIVISION OF FUNERAL, CEMETERY, AND CONSUMER SERVICES (FCCS)
FCCS Budget Fiscal Years FY2019 - 2020 / FY2020 - 2021/ FY 2021-2022/ FY2022-2023

	FISCAL YEAR 2019 - 2020			FISCAL YEAR 2020 - 2021			FISCAL YEAR 2021-2022			FISCAL YEAR 2022-2023				
	PROJECTED AND ACTUAL EXPENDITURES			PROJECTED AND ACTUAL EXPENDITURES			PROJECTED AND ACTUAL EXPENDITURES			PROJECTED AND ACTUAL EXPENDITURES				
	General Appropriation Act - Amount Approved: \$2,322,568 ¹			General Appropriation Act - Amount Approved: \$2,368,098 ¹			General Appropriation Act - Amount Approved: \$2,512,676 ¹			General Appropriation Act - Amount Approved: \$2,533,403 ¹				
	ADJUSTED APPROPRIATION	ACTUAL EXPENDITURES	ACTUAL BALANCE ²	ADJUSTED APPROPRIATION	ACTUAL EXPENDITURES	ACTUAL BALANCE ²	ADJUSTED APPROPRIATION	ACTUAL EXPENDITURES	ACTUAL BALANCE ²	ADJUSTED APPROPRIATION	FY PROJECTED EXPENDITURES	6/30/23 PROJECTED BALANCE ³	12/31/22 ACTUAL EXPENDITURES	12/31/22 ACTUAL BALANCE ⁴
OPERATING CATEGORY														
SALARIES AND BENEFITS (INSURANCE; RETIREMENT)	\$ 1,794,893	\$ 1,794,893	\$ -	\$ 1,867,726	\$ 1,779,890	\$ 87,836	\$ 1,900,253	\$ 1,733,495	\$ 166,758	\$ 2,029,751	\$ 1,852,923	\$ 176,828	\$ 885,692	\$ 1,144,059
OTHER PERSONAL SERVICES (NON FTE EMPLOYEES)	67,092	39,181	27,911	67,239	34,815	32,424	67,933	26,529	41,404	69,039	67,239	1,800	13,679	55,360
EXPENSES (BUSINESS OVERHEAD EXPENSES)	291,827	262,433	29,394	326,327	193,689	132,638	351,327	200,369	150,958	351,327	327,639	23,688	127,457	223,870
OPERATING CAPITAL OUTLAY (EQUIPMENT OVER \$1,000)	9,500	-	9,500	-	-	-	-	-	-	-	-	-	-	-
ELECTRONIC COMMERCE FEES (BANK FEES FOR CREDIT CARD TRANSACTIONS)	39,100	32,700	6,400	39,100	36,000	3,100	39,100	19,712	19,388	39,100	18,500	20,600	6,450	32,650
CONTRACTED SERVICES (BOARD COUNSEL; TEST ADMINISTRATION)	99,549	89,575	9,974	99,549	76,888	22,661	121,549	93,277	28,272	121,549	83,049	38,500	39,565	45,900
OPERATION OF MOTOR VEHICLES (STATE VEHICLES ASSIGNED TO FCCS)	8,700	928	7,772	8,700	4,580	4,120	8,700	4,072	4,628	8,700	6,000	2,700	632	8,068
RISK MANAGEMENT (INSURANCE FOR DIVISION OPERATIONS)	19,820	19,820	-	20,131	20,131	-	14,682	14,682	-	4,877	4,877	-	4,877	-
LEASE / LEASE PURCHASE EQUIPMENT (COPIERS)	4,162	3,023	1,139	4,162	3,968	194	4,162	4,077	85	4,162	4,067	95	1,439	2,723
TRANSFER TO DMS FOR HUMAN RESOURCES SUPPORT (PEOPLE FIRST SYSTEM)	11,677	11,677	-	11,673	11,673	-	10,697	10,697	-	11,850	11,850	-	5,925	5,925
TOTAL OPERATING CATEGORY	\$ 2,346,320	\$ 2,254,230	\$ 92,090	\$ 2,444,607	\$ 2,161,634	\$ 282,973	\$ 2,518,403	\$ 2,106,910	\$ 411,493	\$ 2,640,355	\$ 2,376,144	\$ 264,211	\$ 1,085,716	\$ 1,518,555
NON-OPERATING CATEGORY														
TRANSFER TO ADMIN TRUST FUND (DFS AGENCY SUPPORT - LEGAL, INFORMATION TECHNOLOGY, ADMINISTRATION)	\$ 850,000	\$ 733,845	\$ 116,155	\$ 875,000	\$ 875,000	\$ -	\$ 875,000	\$ 582,303	\$ 292,697	\$ 776,532	\$ 776,532	\$ -	\$ 296,479	\$ 480,053
STATE REFUNDS (REFUNDS TO LICENSEES ON OVERPAYMENTS, ETC.)	20,000	1,298	18,702	17,000	3,909	13,091	17,000	3,499	13,501	17,000	3,000	14,000	1,440	15,561
SERVICE CHARGE TO GENERAL REVENUE (REVENUE FEE PAYABLE TO GENERAL REVENUE)	340,000	243,208	96,792	340,000	276,638	63,362	340,000	259,008	80,992	340,000	255,855	84,145	99,277	240,723
OTHER ADJUSTMENTS (ADMINISTRATIVE ASSESSMENT/TREASURY MATTERS)	6,688	6,228	-	6,688	5,615	1,073	6,688	6,519	169	6,688	6,178	510	539	6,149
TOTAL NON-OPERATING CATEGORY	\$ 1,216,688	\$ 984,579	\$ 231,649	\$ 1,238,688	\$ 1,161,162	\$ 77,526	\$ 1,238,688	\$ 851,329	\$ 387,359	\$ 1,140,220	\$ 1,041,565	\$ 98,655	\$ 397,735	\$ 742,485
TOTAL OPERATING AND NON-OPERATING CATEGORIES	\$ 3,563,008	\$ 3,238,809	\$ 323,739	\$ 3,683,295	\$ 3,322,796	\$ 360,499	\$ 3,757,091	\$ 2,958,239	\$ 798,852	\$ 3,780,575	\$ 3,417,709	\$ 362,866	\$ 1,483,451	\$ 2,261,040

¹ General Appropriation Act - approved budget amounts only involve Operating Category items
² Difference between Adjusted Appropriation and Actual Expenditures
³ Difference between Adjusted Appropriation and Projected Expenditures
⁴ Difference between Adjusted Appropriation and Actual Expenditures from 7/1/2022 to 12/31/22

DIVISION OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
PROJECTED REGULATORY TRUST FUND BALANCES

PROJECTED REGULATORY TRUST FUND BALANCES (with NO projected additional operating expenses)¹

	Actual FY 2016-2017	Actual FY 2017-2018	Actual FY 2018-2019	Actual FY 2019-2020	Actual FY 2020-2021	Actual FY 2021-2022	Projected FY 2022-2023	Projected FY 2023-2024	Projected FY 2024-2025	Projected FY 2025-2026	Projected FY 2026-2027	Projected FY 2027-2028	Projected FY 2028-2029	Projected FY 2029-2030	Projected FY 2030-2031
Estimated Beginning Balance	\$ 4,581,025	\$ 5,034,830	\$ 5,093,900	\$ 5,242,184	\$ 5,041,671	\$ 5,235,584	\$ 5,662,033	\$ 5,194,540	\$ 4,299,617	\$ 3,816,107	\$ 2,921,184	\$ 2,437,674	\$ 1,542,751	\$ 1,059,241	\$ 164,318
Total Revenue	3,461,085	3,001,509	3,281,546	3,028,331	3,470,569	3,346,347	3,198,410	2,931,445	3,198,410	2,931,445	3,198,410	2,931,445	3,198,410	2,931,445	3,198,410
Operating Expenditures	(2,032,467)	(2,043,221)	(2,164,510)	(2,254,230)	(2,161,634)	(2,106,910)	(2,640,355)	(2,640,355)	(2,640,355)	(2,640,355)	(2,640,355)	(2,640,355)	(2,640,355)	(2,640,355)	(2,640,355)
Non-Operating Expenditures	(974,896)	(911,623)	(979,915)	(984,579)	(1,161,162)	(851,329)	(1,041,565)	(1,186,013)	(1,041,565)	(1,186,013)	(1,041,565)	(1,186,013)	(1,041,565)	(1,186,013)	(1,041,565)
Accounting Adjustments (prior year certified reversions/other)	83	12,406	11,163	9,965	46,140	38,341	16,017	-	-	-	-	-	-	-	-
Estimated Ending Balance	\$ 5,034,830	\$ 5,093,901	\$ 5,242,184	\$ 5,041,671	\$ 5,235,584	\$ 5,662,033	\$ 5,194,540	\$ 4,299,617	\$ 3,816,107	\$ 2,921,184	\$ 2,437,674	\$ 1,542,751	\$ 1,059,241	\$ 164,318	\$ (319,192)

¹ Assumes revenue and expenditures do not change after 2024. Additionally, assumes NO changes to information technology or FCCS infrastructure.

Projected Operating Expenditures for FY 2023-2024 assumes funding of Legislative Budget Request

PROJECTED REGULATORY TRUST FUND BALANCES (WITH projected additional operating expenses)²

	Actual FY 2016-2017	Actual FY 2017-2018	Actual FY 2018-2019	Actual FY 2019-2020	Actual FY 2020-2021	Actual FY 2021-2022	Projected FY 2022-2023	Projected FY 2023-2024	Projected FY 2024-2025	Projected FY 2025-2026	Projected FY 2026-2027	Projected FY 2027-2028	Projected FY 2028-2029	Projected FY 2029-2030	Projected FY 2030-2031
Estimated Beginning Balance	\$ 4,581,025	\$ 5,034,830	\$ 5,093,900	\$ 5,242,184	\$ 5,041,671	\$ 5,235,584	\$ 5,662,033	\$ 5,194,540	\$ 4,299,617	\$ 3,816,107	\$ 2,921,184	\$ 2,437,674	\$ 1,542,751	\$ 1,059,241	\$ 164,318
Total Revenue	3,461,085	3,001,509	3,281,546	3,028,331	3,470,569	3,346,347	3,198,410	2,931,445	3,198,410	2,931,445	3,198,410	2,931,445	3,198,410	2,931,445	3,198,410
Operating Expenditures	(2,032,467)	(2,043,221)	(2,164,510)	(2,254,230)	(2,161,634)	(2,106,910)	(2,640,355)	(2,640,355)	(2,640,355)	(2,640,355)	(2,640,355)	(2,640,355)	(2,640,355)	(2,640,355)	(2,640,355)
Additional Operating Expenditures*				-	-	-	-	(263,563)	(263,563)	(263,563)	(263,563)	(263,563)	(263,563)	(263,563)	(263,563)
Non-Operating Expenditures	(974,896)	(911,623)	(979,915)	(984,579)	(1,161,162)	(851,329)	(1,041,565)	(1,186,013)	(1,041,565)	(1,186,013)	(1,041,565)	(1,186,013)	(1,041,565)	(1,186,013)	(1,041,565)
Accounting Adjustments (prior year certified reversions/other)	83	12,406	11,163	9,965	46,140	38,341	16,017	-	-	-	-	-	-	-	-
Estimated Ending Balance	\$ 5,034,830	\$ 5,093,901	\$ 5,242,184	\$ 5,041,671	\$ 5,235,584	\$ 5,662,033	\$ 5,194,540	\$ 4,036,054	\$ 3,552,544	\$ 2,657,621	\$ 2,174,111	\$ 1,279,188	\$ 795,678	\$ (99,245)	\$ (582,755)

² Additional Operating Expenditures include the following: (Note: Does not include expenditures for new IT systems)

Items	Projected Cost:
Contracted Services based on Three FTEs: Financial Examiner/Analyst I positions	159,801
One OPS position @ 17.00 per hour	35,359
Increase Travel Expenditure	50,000
Information Technology Maintenance	8,000
Federal Reserve Median 2023 Core Inflation @ 2.2% ³	10,403
Total	263,563

³ <https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20210922.pdf>, applied to the 2023 Expenses and Contracted Services.