

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES**  
**RULES COMMITTEE MEETING**  
**(ANDREW CLARK, CHAIR – SANJENA CLAY – CHRIS JENSEN – DARRIN WILLIAMS)**  
**VIDEOCONFERENCE MEETING**  
**OCTOBER 20, 2025 – 10:00 A.M.**

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

Ms. Mary Schwantes – Good morning. My name is Mary Schwantes. I'm the Division Director for the Division of Funeral, Cemetery and Consumer Services. Today is Monday, October 20, 2025, and it's approximately 10:00 AM. This is a public meeting of the Rules Committee for the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held via videoconference. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting as well as the meeting materials have been made available to all interested persons. Both the link and the call-in number are on the agenda, which has also been published on the Division's website and made available to the public. Ms. Ellen Simon is recording the meeting and minutes will be prepared.

The purpose of the meeting is to conduct the business of the Rules Committee. Specifically, the Committee will continue its revisit of twelve (12) of the eighty-seven (87) rules contained in Chapter 69K, Florida Administrative Code, that it previously reviewed in July and August 2025. The Committee previously determined that these twelve (12) Board Rules should be open for development. Under Senate Bill 108 and newly created Section 120.5435 Florida Statutes, we are currently developing information which will be incorporated in the second of three (3) reports. That second report is due January 1st and must include detail as to what the agency plans for each of the reviewed rules whether the rule should be changed, repealed, or left the same. By April 1st, all rules which the agency determines should be open for development must be open and in the rulemaking process.

As a general rule, please do not utilize your video camera for the meeting unless you are a Committee member, Board counsel, or an authorized Division employee. At this meeting, public comments will be taken during the review of each rule.

Comments should be limited only to that particular rule at that time and ultimately only to the rules which are listed in the agenda, which are the twelve (12) Board Rules which the Committee will be revisiting today. This is the way we're going to handle public comment on each rule. Turn your video camera option on when we have reached the agenda item on which you want to be heard and raise your hand. Don't use the electronic hand raise that's available on the screen. Raise your physical hand to be called upon. Then turn your video camera option off again as soon as your matter has been addressed by the Committee. After comments have been received from those attending with video cameras, we will ask if there are any public comments from those attending by phone. In this way, we hope that all who want to be heard on an issue can be recognized by the Chair to express their concerns.

As always, we need everyone on the call who is not speaking to place their phone or audio feed on mute. The ambient noise coming from someone's phone or audio, which is not muted, causes severe disruption to the meeting. If you are not muted, you may be muted by Division staff and as a result, you may need to call back into the meeting because that may be the only way to unmute your phone. Also, if you are using your computer or smartphone for your audio feed, please remember to speak directly into the microphone on your device. To do otherwise negatively impacts the recording of this meeting.

Just as in a live meeting, persons speaking are requested to identify themselves for the record each time they speak and participants are respectfully reminded that the Committee Chair, Andrew Clark, runs the meeting. Persons desiring to speak should initially ask the Chair for permission and make sure that they are recognized or acknowledged by Chair Clark before they speak. At this time, I'll call the roll. Committee Chair Andrew Clark?

Mr. Andrew Clark – Present.

Ms. Schwantes – Committee member Sanjena Clay?

Ms. Sanjena Clay – Present.

Ms. Schwantes – Committee member Chris Jensen?

Mr. Christian Jensen – Present.

Ms. Schwantes – And Committee member Darrin Williams? Have we heard from Mr. Williams?

Ms. Ellen Simon – We have. Mr. Williams will not be making it to today's meeting.

Ms. Schwantes – And Mr. Chair, does that qualify as Mr. Williams being excused?

Chair Clark – Yes. Thank you, Ms. Simon, for following up with that.

Ms. Schwantes – Mr. Chair, there's quorum for the business of the Committee. For our records, I also need to do a roll call or ask which other members of the Board are present and attending the meeting in the audience. I saw Ms. Peeples earlier. I'm just going to ask the question, is anybody else from the Board, other than those on the Committee and Ms. Peeples, attending this meeting? Hearing none. Mr. Chair, do you want me to go onto the next agenda item?

Chair Clark – Yes, please. Thank you, Ms. Schwantes. Ms. Clay?

Ms. Clay – I just wanted two (2) clarifications based on Ms. Schwantes' comments. If you could clarify for me, I know you said during the public comment people are to raise their hands physically. Is that also the case for those of us on the Board?

Ms. Schwantes – No ma'am. Well, you can, but it's just however you need get the attention of Mr. Chair.

Ms. Clay – Okay. And then my second question was, you said we had three (3) options. One was to change, the other was to appeal, and what was the third one?

Ms. Schwantes – To change it, to leave it alone, so no change in other words, or to repeal.

Ms. Clay – Okay. Got it. Thanks.

Ms. Schwantes – Thank you for asking the questions. Moving on Mr. Chair?

Chair Clark – Yes.

**B. Action on the Minutes**  
**(1) September 30, 2025**

Ms. Schwantes – Included in the materials are the minutes from the September 30<sup>th</sup> Rules Committee meeting. These are for the Committee's review and possible consideration of adoption. Assuming approval by the Committee, they will be presented to the Board for review at its November meeting. Action is needed on these.

Ms. Clay – Mr. Chair?

Chair Clark – Yes, Ms. Clay?

**MOTION:** Ms. Clay moved to approve the minutes. Mr. Jensen seconded the motion, which passed unanimously.

**C. Action on the Report and Recommendations to Board**  
**(1) Report and Recommendations from Meeting on September 30, 2025 – Addendum A**

Ms. Schwantes – This is an action on the report and recommendations to the Board. Included as Addendum A in your materials is the proposed report and recommendations to the Board from the Committee's meeting on September 30<sup>th</sup>. This report sets out the results of the Committee's revisit of sixteen (16) rules last month. You will remember that those were shared

rules. Of the sixteen (16) rules, the Committee determined that no changes were needed to seven (7) of the rules. It also determined that nine (9) rules should be open for development and two (2) of those nine (9) were to be repealed. With your approval of the report, we would like to present it to the Board at its November meeting. Committee action is needed on this plan. It needs to be submitted to the Board for consideration at the Board's November meeting in order to incorporate the information and decisions in the January 1st report.

Ms. Clay – Mr. Chair?

Chair Clark – Yes, Ms. Clay?

**MOTION:** Ms. Clay moved to approve the report and recommendations. Mr. Jensen seconded the motion, which passed unanimously.

**D. Overview of Materials Provided**

**(1) For Committee Use During Meeting**

**(a) Rules Review Workbook Prepared for Rules Committee October 2025 – Addendum B**

Ms. Schwantes – As we get into the details of today's reviews, I wanted to give you a brief overview of the materials that have been provided for this review session. Addendum B is the Rules Review Workbook we need to use today. This is the same format as we have used for the rules revisited at last month's meeting. I took out the tables that we used in the prior months and just kept the comments and the things that are relevant for today. The last table following each rule is for our use today in noting any comments or decisions.

**(b) Written Public Comments Received from Wendy Wiener – Addendum C**

Ms. Schwantes – On Addendum C are the written Public Comments received in preparation for today's meeting. As with the last meeting, we only received written comments from Wendy Wiener on behalf of FCCFA and SCI. No other written comments were received. We can discuss these in detail as we go through the rule review. It should be noted that while Ms. Wiener included a copy of all of the rules being discussed today, she had no proposed changes to some of the rules. And you'll see those rules in which she had changes or no changes listed on Page 1 of Addendum C. Mr. Chair, with your approval, the Committee can now begin its review of the rules on the agenda today. And for this, I suggest, as always, that Committee members look at the workbook, Addendum B, but have Addendum C readily available so that they can consider it as applicable as we go through the process.

Chair Clark – Yes. Thank you, Ms. Schwantes. We can proceed.

**E. Board Rules – For Revisit (12 TOTAL)**

Ms. Schwantes – These are the exact Board Rules that are being presented for a revisit today. There are twelve (12) Board Rules. Because they are Board Rules, although Department may be -- Department counsel that worked on rulemaking may be present for this meeting, I wanted to note that the Department will not be making any changes or suggested changes to any Board Rules. So, we won't have to go through that part of what we did in prior reviews.

**1) 69K-33.001 - Requirements Regarding Handling and Storing of Human Remains**

Ms. Schwantes – This rule is found on Page 3 of your workbook with the tables beginning on following pages and our final table on Page 5. There were no written public comments received on this rule. Committee members?

Chair Clark – We'll open it up for any public comments. Ms. Pettine?

Ms. Lauren Pettine – Hello, Board members. Thank you so much. I'm afraid that the WRW legal team is having a Monday, so Wendy will be taking over at 11:00. I'm here until 10:45, and from 10:45 to 11:00, it's going to be Hank. So once again, you'll be getting a full sweep. We took a look at the language that Mr. Jensen proposed at the previous meeting regarding the bodies stacked on top of each other and making some adjustments to that. Ultimately, in deciding to provide no proposed changes,

we determined that any adjustment, we would need further clarification as to what adjustment is being looked for in order to provide language for that. However, our clients that we're representing for the purposes of providing these proposed rules did not necessarily see need for an adjustment. If you have any questions, please let me know.

Chair Clark – Thank you, Ms. Pettine. Mr. Jensen, I don't know if you want to respond to that. I know on our original meeting you and I seem to agree that there should be something here. I know as a Board member, we see cases where decedents are not covered, they're stacked on top of each other. And certainly, it's not in keeping with dignity and respect. So, I think that's what we originally were just trying to address. But again, you submitted a change, so if you want to talk through that or respond to Ms. Pettine.

Mr. Jensen – Sure. So yes, you are correct. We definitely see this a lot and I don't think it's respectful. So, basically the language that we have there under the light blue section in the workbook, you know, basically says it. All bodies must be covered and kept inside a recognized rigid container or casket as described in Chapter 497. You can also use an alternative container, which is fine, with attached identification of deceased. Bodies may not be stacked on top of each other bodies while in refrigeration or storage, except in times of national emergencies or disasters as declared by the state or federal government. So, that's the language I would like to see. And, you know, then we had the other issue we discussed on the refrigeration. So, both of those are the, you know, kind of what I would like. I don't know what involves legislative and what does not. So, I would have to defer to Ms. Munson on that.

Chair Clark – Agreed. And I have one question, Mr. Jensen. And so definitely the second half, I think, again, is common sense in regard to identifying decedents, not stacking decedents, covering decedents. My only question on requiring the rigid container is, when a case comes in in the middle of the night, you don't know if it's burial or cremation. You put the decedent. Is the thought to go ahead and put them in a rigid container? Because my only concern is you use that container, you find out the next morning it's an embalming and you didn't need the container. So, I don't know, how are you thinking about that? Is it that the container would go in refrigeration or after the family has made their selection of burial or cremation, whatever they've selected, then the decedent would be placed in it? I'm just curious.

Mr. Jensen – Sure. Good question. And the way I'm thinking about that is mainly for leak purposes. As you know, one comes in middle of the night, and we get leaks and different things of that nature. We automatically put all of our deceased in an alternative container. I realize there's a small extra expense for facilities there, but mainly to control leaks and things of that nature. And a lot of the coolers nowadays are one on top of each other. So, if you have someone wrapped in a sheet and you got them on a backboard, you put them on a upper shelf and there's a lot of leaking, you know, it can get down on the bodies below, and I don't think that's respectful either. So that was my thought process on that, was mainly for the leaking aspect.

Chair Clark – And what if, I mean, a protective pouch would work. Again, and I'm thinking more in terms of the family. You don't know what the family's selection is going to be. Is it going to be embalming? Is it going to be -- I agree? The idea of, you know, just wrapping -- and we've -- again, on the Board, we see those images of decedents not covered at all, some wrapped in a sheet. But that's not protective. You think a protective pouch would be acceptable? If it's really about leaking that would contain that?

Mr. Jensen – Yes, absolutely. I think a body bag would certainly work.

Chair Clark – Okay.

Mr. Jensen – As you know, there's varying degrees of body bags, but most all of them would retain any leakage that might occur. That was my intent to try to, you know, make sure a body below didn't get leaked from a body above or something of that nature. And, you know, it just creates a lot of biohazard issues there. So that was the main intent. And I'm fine if you would like to add a body bag as an alternative, that's fine as well.

Chair Clark – Yes. And Ms. Schwantes and Ms. Munson can correct me, but we don't have to finalize the language today. I think directionally, if we have alignment on, you know, next we'll decide we want to keep this rule open and then have some general, I guess, guidance on what we want the language to be. I know I was pretty vocal about the 40° Fahrenheit, you know, for the Division's benefit. That was more so when you're doing an inspection and you see that someone is at 38 degrees, they're close. I've seen instances especially in the summer, you know, individuals, whether it's an inspector or a high volume

care center, the door is open, you know, quite a bit for whatever reason, again, whether it's inspection purposes or just decedents going in and out, and then you test it and then that temperature is not below the 40°. There's nothing wrong with the machine. I'm just trying to -- if there's some reasonableness because I think the Board has done a pretty good job the last couple of years of really asking questions and digging into like, hey, has this like been an issue or did this happen to be July or August in Florida and you know, I think that's the only thing I was trying to differentiate, is there something wrong with the cooler. And then you have instances where, you know, maybe it's at 37°, 38° and, you know, by the end of the day they've called somebody to come fix it. So that's what I was trying to clarify. I don't know if we can do that with this rule, but that's where I was coming from. Ms. Pettine, and then I'll go to Ms. Schwantes.

Ms. Pettine – Regarding storage of human remains, I did do a 50-state temperature matrix and looked at the language that many other states have utilized. And I've seen what boils down to essentially three ways of handling it. One is, as you described, you could utilize the -- I believe the existing disciplinary guidelines do allow for the use of a notice of non-compliance or a reprimand, something that is not a fine or probation for the purposes of discipline in that area. I've seen states also utilize a higher temperature somewhere in the realm of 45°, where they intend for the cooler to be kept at 40°, but give a little bit of leeway for the situations that you described. And then I've also seen the use in a handful of states of language regarding within a range or indicating that a timeframe associated with a higher temperature. If the Board or any of our clients provide more direction on what sort of language they'd be looking for, our office would be happy to provide language at a later state. Thank you.

Chair Clark – Thank you, Ms. Pettine. Ms. Schwantes?

Ms. Schwantes – I'm sorry, Ms. Munson?

Ms. Rachelle Munson – No, Ms. Schwantes, please.

Ms. Schwantes – The 40° is a statutory number, so we would not be able to make changes to that through rulemaking, as you know. As to the situation you described where the cooler is open and it's hot in the summer and all that, our inspectors are aware of that, and they actually test several times in those kinds of situations. It's not a one and done type of a deal. I just wanted to clarify that for the Committee.

Chair Clark – No, thank you. And you're right, the last one that I'm more familiar with, the inspector did a test at the beginning right when they pretty much got on site and it was, I think right over 42°, 43°, but then the location said no one go in the cooler for the next thirty (30) minutes and then tested again, and it was fine. So, thank you for that. Ms. Munson?

Ms. Rachelle Munson – My comment is for general rulemaking and like you've indicated, we don't have to come to any definitive decisions today, but please just keep in mind, for example, if you have something in parentheses in a rule, it's not going to work. So, you're going to need to be more definitive in how you want to define items. (See alternative container) description is not going to pass muster. Also generally speaking for rulemaking, the more concise you can make the language, the better. The lengthier it is, every statement opens it up for additional scrutiny and consideration. So, if you're thinking about making changes, 2G is already fairly detailed. But if you're wanting to expand the details of it to the information that's being presented or suggested, I would just remind the Committee to be mindful as I would remind the Board. I think one of the main purposes for this entire exercise of SB108 is more of a streamlining exercise than not.

Chair Clark – Thank you, Ms. Munson.

Mr. Jensen – Mr. Chair, may I?

Chair Clark – Yes.

Mr. Jensen – On the 40° thing, I was thinking along the lines of you as well, what you had to say there, and also what Ms. Pettine had to say, the up to 45°. There's a mention in there of going back to the days where we issued a ticket, so to speak. One of my biggest issues on the 40° is being in Florida. As an embalmer, I don't see any reason for the 40°. I don't know where that comes from because it's not in any textbook or anything, but I'm okay with it, if it's 42°, 43°. If it goes 45°, then yes, it needs to be something. But I've seen some fines on this, you know, 43° be \$1,200. And that's when I thought, well, maybe it

would be easier on the inspectors instead of having to come back and so forth, okay, here is your \$250 ticket, and if it's like that next time or another time, then it's going to increase from there. So, I don't know. That was one of the ideas that we had on that, because in Florida, there's just no way not to be over 40°. You know, at sometimes during July or August or June, or, you know, even other times, I mean, I just don't know how that's possible at a certain time. And if the inspector just shows up, which is fine, but I'm just looking for a way. I think the fines were getting a little excessive there for that.

Chair Clark – Thank you, Mr. Jensen. And I think to go back to what Ms. Schwantes says, I just pulled it up, I think one of the challenges in regard to the 40° is that it ties to s. 497.386(2), so by statute, it addresses the 40°. I think to go back to some of our other rules this may be in that category of we want to change it but because it's tied to statute, it may take longer. Ms.

Schwantes can correct me if I'm wrong, but it does sound like we're saying the same thing, which is, is there a way -- and as a Board member, I'll just say, while I treat every case on its own merit, it's like, let's apply some common sense here. And if you see someone where they show up and the cooler is at 55°, to me, that's very different than someone who's at 42°. And by the end of the day, they report back to the Division, "Hey, we got it fixed." You know, to me that's just very different. And I also know good operators don't want to be out of compliance, but I know with that, certain doors being open in the middle of the summer, it's very easy to get over that 40° mark. Ms. Pettine?

Ms. Pettine – I've reviewed the disciplinary guidelines and in many sections of the disciplinary guidelines, a separate rule, there are sections where they have brought out certain subsections of administrative code rules or statutory rules. There's currently on line 166 for the 33.001 a broad range of potential discipline involved. You could theoretically resolve this issue by breaking out in that separate rule, a lower fine, like has been done with some other rules there. So, for instance, you'd make line 167, 69K-33.001, and then include the 40°. And that would allow you to have the -- instead of the inspectors granting latitude and having that be a practice that's not necessarily codified in the administrative code. Now that being said, that's not on the table today.

Chair Clark – Right. Thank you, Ms. Pettine. Ms. Schwantes?

Ms. Munson – That was my comment. You're wondering how to fix, but if you want to take it to the disciplinary guidelines, that's an area that can address variation in these temperatures as far as penalty.

Chair Clark – Understood. Thank you, Ms. Munson. Ms. Schwantes?

Ms. Schwantes – Yes, thank you. I just wanted to add that currently in the five-year plan, the disciplinary guidelines are the very last rule to be reviewed. That can be changed as we get closer if the Board wants change, wants to move it up or whatever. The reason it was put there was because by then we will have gone through all of the other rules and know exactly what needs to be changed on the disciplinary guidelines. And for those of you who were with us eight (8), nine (9) years ago now when we did this the first time, going through the disciplinary guidelines, it is a job in and of itself to get the changes to that rule. And we did at that time also, Mr. Jensen, I don't think you were on the Board then, I don't think so if I remember correctly. But the Board, at that point, and the Committee that was involved in all that wanted to remove some of the authority that the Department previously had with regard to reprimands and -- what's the next step? I'm losing it at the moment of the word that we used before where we could send out the warning. It has a title to it. I'm missing it. But the one with like the \$500 charge or something. Because they wanted matters coming back before the Board more often. And so, when we review the rule again, new Board, new members, experience having done this, we have a lot of cases in legal that are a result of those changes. The Board may want to reconsider it at that time. But again, that's not currently scheduled for another few years.

Chair Clark – Right. Thank you, Ms. Schwantes. And I'll just say for the record, knowing that it does tie to statute, I'm comfortable waiting till we get there to address it. It sounds like some of the hurdles to get this rule perfect or at least from my mind, it may take a few extra steps, but in the meantime, allowing the Board again like they have the last few years, is used their judgment because I do think the Board has done really well with these cases. I'm just trying to get ahead of it. So, let's come before the Board.

Ms. Schwantes – One more thing, Mr. Chair?

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Just because I had a senior moment of forgetfulness, it does happen. Staff has reminded me that that document I referred to was called a notice of non-compliance, and we issue them never anymore practically. So that's another reason why I couldn't remember it. So, I wanted to put that on the record. Thank you.

Chair Clark – Thank you, Ms. Schwantes.

Ms. Schwantes – You do need action on this.

**MOTION:** Chair Clark moved to keep this rule open. Mr. Jensen seconded the motion, which passed unanimously.

Chair Clark – Do we need to make a motion on proposed language, Ms. Schwantes?

Ms. Schwantes – No, sir. I don't think so at this time, because there's still some --

Chair Clark – Okay.

Ms. Schwantes – Well, perhaps to indicate that you wanted along the lines of the proposed language that Mr. Jensen previously put that's included in your workbook. But I think it's going to take some tweaking and be brought back to the Committee at some point in the future with some exact language. Does that feel right to you, Ms. Munson, in terms of the approach?

Ms. Munson – Yes, that's fine. That will work.

Ms. Schwantes – Okay.

Chair Clark – And if I heard correctly, I think Ms. Pettine said that if we decided to keep it open, that if I heard her right, she might help. Hearing some of the additional comments with the protective pouch and Mr. Jensen, again, I think you and I are in line that this is about dignity, respect, you know, leaking of decedents on other decedents. Like, that's what we're trying to achieve here. So yes, if we can get some help, additional help and resources on wordsmithing, in fact I'll make that as a motion, that we take the proposed language that was originally submitted with the additional discussion from today and we work towards a better language for 69K-33.001. I'll make that as a motion.

**MOTION:** Chair Clark moved to accept the proposed changes with the additional commentary provided at today's meeting. Mr. Jensen seconded the motion, which passed unanimously.

## **2) 69K-2.003 - Other Official Board Business**

Ms. Schwantes – This is found on Page 5 of the workbook with the tables beginning on the next Page. And the table for our review purposes today is found on Page 7. There were no written comments received to this rule.

Chair Clark – Any public comments? Ms. Pettine?

Ms. Pettine – Ultimately, we looked at the previous comments that Ms. Munson had made and ultimately determined that this appears to be an interest primarily of the Board and has no real effect on our clients in particular. The previous discussion was regarding the Florida Laws and Rules Examination, the grading, proctoring, and reviewing examinations rules. Ultimately our clients have no interest one way or another on how this language goes. Please let us know if you have any questions. Thank you.

Chair Clark – Thank you. Any other public comments? Hearing none. Most of our discussion was around (5), which states all activity of Board members if authorized by the Board when grading, proctoring and reviewing examinations given by the Department. The Board doesn't do that.

Ms. Munson – We were trying to determine whether that is applicable even.

Mr. Jensen – Mr. Chair?

Chair Clark – Mr. Jensen?

Mr. Jensen – Yes. Question for Ms. Munson.

Ms. Munson – Sure.

Mr. Jensen – Would this delete or delineate any authority of the Board?

Ms. Munson – By removing it?

Mr. Jensen – Yes, ma'am. If we were to remove it, I know that it's not a thing anymore and it's very seldom done. But by removing it, would we then handcuff the Board if some weird situation came up? Like say there was a cheating scandal or something crazy. You know, I don't know. I'm just thinking down the road here.

Ms. Munson – Okay, so if you don't do it anymore, it seems like it's no longer relevant. As far as handicapping the Board, the Board is not handicapped against doing anything as long as there is statutory authority for the Board action. So, I was not clear when we initially discussed this whether the removal of this language stopped the Board from doing anything it normally had the authority to do anyway. So, I guess in short response it would not handicap the Board, because you can't do anything without statutory authority anyway. So, removing something that's not applicable, which I'm not even certain if, I mean, I'm not going to say this is statutory authority for this because it's just unclear because I don't know what the Board does with proctoring, grading. I don't know. And Ms. Schwantes would have the greater history of the relevance, but I kind of still didn't get the relevance of that language. Your short answer –

Ms. Schwantes – It has no relevance today.

Chair Clark – Go ahead Ms. Schwantes.

Ms. Schwantes – I'm sorry. I said it has no relevance today. If I'm hearing you correctly, you're proposing deleting subparagraph five and renumbering the remaining paragraphs.

Chair Clark – I see Mr. Jensen shaking yes.

Mr. Jensen – Yes. That is the way I read it also.

Chair Clark – And I do as well. I think the next step would be to entertain a motion, whether it's to keep it open, close, or repeal.

Mr. Jensen – So I'm a little confused on the repeal or change. I suppose keeping it open is that under change or is that under repeal?

Chair Clark – I believe repeal would apply to the whole rule.

Ms. Munson – Exactly.

Chair Clark – Ms. Schwantes correct me if I'm wrong. I believe it would be to keep it open and then we'll vote on that matter. And then we'll discuss the elimination of a particular line within a rule. I think that would be appropriate.

Ms. Munson – Which would be a change.

Chair Clark – Correct.

Mr. Jensen – Going back to what Ms. Clay said in the beginning, or asked the question, change, no change or repeal. I was just wanting to get a little clarification so that I used the right words there. So, Mr. Chair, you're proposing to change the rule?

Chair Clark – I'll make that motion. Yes.

**MOTION:** Chair Clark moved that changes are needed. Mr. Jensen seconded the motion, which passed unanimously. Chair Clark – Ms. Schwantes?

Ms. Schwantes – Mr. Chair, I think you need the second motion now to delete sub (5) and renumber the remaining paragraphs. Those were the only changes I heard anyway.

Chair Clark – Correct. Do we have a motion to that effect?

**MOTION:** Mr. Jensen moved to eliminate (5) and renumber the remaining paragraphs. Ms. Clay seconded the motion, which passed unanimously.

### **3) 69K-5.0015 - Preneed Licenses**

Ms. Schwantes – This rule is found on Page 7 of the workbook, with tables beginning on Page 8. And our table for today is also on Page 8, because the tables begin on Page 7 actually. There were no written comments received on this rule.

Chair Clark – Thank you, Ms. Schwantes. Are there any public comments? Ms. Pettine?

Ms. Pettine – Ultimately, the comments that we provided on previous meetings were regarding the six (6) words, including the not-for-profit corporation. As these seem to have very little effect on industry practices, we ultimately did not provide revised language. However, it may be the Board's pleasure to make adjustment to it one way or another which we would support. So please let us know if you have any questions.

Chair Clark – Thank you, Ms. Pettine. Any other public comments? Hearing none.

Mr. Jensen – So Mr. Chair, just to recap where we're at here, there's no public comments, no proposed changes or anything. So, do we just vote no change?

Chair Clark – That is an option. It seemed to be that the main concern was around the non-for-profit piece. And that came from Ms. Wiener. And so, it sounds like you're not making any recommendations. So yes, what you said.

**MOTION:** Mr. Jensen moved that there be no changes. Ms. Clay seconded the motion.

Chair Clark – Ms. Munson?

Ms. Munson – I just want to be clear with that because I remember there being a fair amount of discussion about this at a previous meeting. So, are we saying that this whole not-for-profit reference is good language? Because that was the discussion, and I'm not clear.

Chair Clark – Ms. Pettine?

Ms. Pettine – Ultimately in our latest review of the rules, we took a look at the rules as our role as a representative of industry. We discussed with our clients at FCCFA and SCI and ultimately our comments are primarily provided, not necessarily to clean up the rules, one way or another. Wendy's earlier comments about the statutory authority for the language of nonprofit companies because it does not place the limitations associated with it. But ultimately, in providing our recommendations, the language doesn't appear to be affecting our clients to a degree that we felt it was necessary to make adjustment. The Board may still determine that since that is not a restriction that's been placed in the law, there could be some adjustment necessary to the rule. It's just from our relatively limited perspective on this latest set of comments. If we had a client that was interested

or was being affected by this rule, I do think that we would've provided removal of those six (6) words. But as it stands in our review of discussing with our clients, that was not necessarily the case.

Chair Clark – Ms. Munson?

Ms. Munson – Ms. Pettine just highlighted how it affects her clients. Again, my question is directed to the way the language, this not for-profit is referenced. I mean, it's singling out not-for-profit, right? Is that reference even accurate, like to just have that pulled out. And that's probably more Departmental consideration and Board consideration because I honestly did not know.

Mr. Jensen – Mr. Chair, I would like to hear what Ms. Schwantes says about that. I agree that it's kind of a Department thing and I'm wondering that myself.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Yes. Honestly, it's not something that we have addressed or have an opinion on one way or the other. I think in prior meetings, Ms. Wiener was pretty adamant about some of this, and so it was not something that we delved into further. I don't think there's a problem leaving it the way it is. But it's really up to the Committee.

Ms. Munson – Only reason I'm mentioning it is the sentence reads, *“Nothing here in shall prohibit a corporate preneed licensee from selling preneed contracts to corporate subsidiaries or other entities with common ownership in excess of 50% of the voting stock or common membership in the case of not-for-profit corporations.”* So, in the cases that are not not-for-profit corporations, is there a separate consideration? And if so, is that addressed? That's just a part of it that I was not sure of, because if it is signaling not-for-profit in those cases, what about cases that don't apply to that reference? That was my only question with it.

Ms. Schwantes – I don't have an answer for that.

Chair Clark – Mr. Jensen, does that answer your question?

Mr. Jensen – No, sir, not really. Just to kind of, the way I look at this is I like the non-for-profits, if they're going to sell preneed and so forth, I want them to be under the same stringent rules that a regularly licensed funeral home is. Even though they're non-for-profit, we all know how that works. You know, if they make too much money, they just send the money up the line to the executives. So, it's kind of a catch 22. I see you don't want to root out the good ones that are true non-for-profit. But I mean, there are some shady characters that lurk around the Florida Peninsula. So, I don't know, is it covering everything? That's why I wanted to hear from the Department. I don't know.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Yes. Yes, sir. I do not remember where this has come up, in all honesty, over the last number of years anyway. If you are concerned that there, not be an equal stance for the not-for-profit, then I would suggest leaving it alone.

Chair Clark – Ms. Pettine?

Ms. Pettine – I believe that the operative discussion that was had about this was the fact that it's a corporate agent. I don't know that that's necessarily as common as it once was. So ultimately, whether it's a for-profit or not-for-profit, the use of the corporate agent and the common membership with a corporate agent, I believe that that basically reduced this down to situations that are rarely a problem. If you wanted to eliminate the not-for-profit corporation word, we certainly would be in support of that consistent with Wendy's previous comments. It's just as we've discussed with our clients, less common than I believe either of us assumed initially.

Chair Clark – Thank you, Ms. Pettine.

Mr. Jensen – Mr. Chair?

Chair Clark – Mr. Jensen?

Mr. Jensen – Yes. Make a motion for no change.

Ms. Clay – We already had a motion on the floor.

Mr. Jensen – We did?

Ms. Schwantes – For no change. Mr. Jensen, you made it that earlier.

Mr. Jensen – Okay. My apologies. Everybody is having moments today. That was mine.

Chair Clark – It's all right. So, would you like to change your motion to no change?

Mr. Jensen – Yes. Ms. Schwantes, you know, pretty much answered my question there with, if that was my concern, then probably no change would be the best way to go. And I saw Ms. Munson shaking her head to the affirmative. So, it's a little convoluted for me, but that's kind of what was in my mind. So, I would say no change. Yes. That's my motion.

Chair Clark – And I'll second that.

Ms. Clay – Oh, hold on. We had a motion on the floor with a second. What was that motion?

Chair Clark – I didn't know it was seconded. I thought it was just -- go ahead Ms. Schwantes?

Ms. Clay – I seconded it.

Ms. Jill Peeples – Mr. Clark, this is Jill Peeples. Mr. Jensen made a motion for no change and Ms. Clay seconded it. And then there was discussion. So, on this particular rule, there was already a motion and a second.

Chair Clark – Thank you, Ms. Peeples.

Ms. Peeples – Helping you out, Ms. Clay.

Ms. Clay – Thank you.

Chair Clark – All right. We have a motion for no change, and it's been seconded. All those in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – Any opposed? And that motion carries.

#### **4) 69K-6.001 - *Grave Spaces; Definition Limited***

Ms. Schwantes – This rule begins on Page 9. It is a very short rule, beginning on Page 9 with the tables following immediately after. Written comments were received. You'll find those written comments in Exhibit C, Page 4.

Chair Clark – Any public comments?

Mr. Henry Thompson – I do, well on behalf of our clients. WRW Legal and our clients recommend deleting this rule simply because it's reiterative of the law. The definition is almost the exact same, and the final sentence doesn't really affect anything.

Chair Clark – Thank you, Mr. Thompson. Any other public comment? Hearing none.

**MOTION:** Ms. Clay moved to open the rule for repeal. Chair Clark seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you, sir. Just to note that when you see this in the minutes and such, it will say that the vote was to open the rule for repeal. You'll have an open for development and open for repeal. So, and I'm making note of that when we go through all of them at the end, I can tell you how many are open and how many of those open ones will be repealed.

**5) 69K-6.0015 - *Definition of Established Adult Grave Space***

Ms. Schwantes – This rule begins on Page 10 of the workbook with the tables immediately following. And the table for today is found on Page 11. Written comments were received on this. You'll find them in Exhibit C on Page 4.

Chair Clark – Any public comments? Mr. Thompson?

Mr. Thompson – Thank you. Same thing as last rule, this rule just restates the law for the most part. I don't believe there's any significant changes from the law, so therefore we recommend deletion.

Chair Clark – Thank you, Mr. Thompson. Any other public comments? All right. Hearing none.

**MOTION:** Ms. Clay moved to open the rule for repeal. Mr. Jensen seconded the moved to repeal this rule. Mr. Jensen seconded the motion, which passed unanimously.

**6) 69K-6.0016 - *Definition of Developed Area***

Ms. Schwantes – This rule is found on Page 11 of the workbook with the tables immediately following. Written comments were received. They're found on Exhibit C, Page 5.

Chair Clark – Thank you. Any public comments? Mr. Thompson?

Mr. Thompson – We just have a couple minor adjustments, mainly deleting the reference to twenty (20) years ago, and deletion of the language that includes four (4) or less. It's inconsistent with the above language. Sorry, the language in 2(b) that says the addition of four (4) or less, we think that it's a little bit inconsistent with 2(a). So, we recommend changing the language in 2(b) to match the language in 2(a) regarding the number of grave spaces.

Chair Clark – Thank you, Mr. Thompson. Ms. Munson?

Ms. Munson – You deleted 6.0015. So of course, in sub (1) you'll have to delete that reference as well.

Mr. Thompson – Yes, that's the proposed language. Sorry about that.

Ms. Schwantes – Ms. Munson, those are struck out in the exhibit.

Ms. Munson – I'm sorry, Ms. Schwantes. You said something was struck out?

Ms. Schwantes – The comment that you made about deleting the reference to 69K-6.0015 is struck out in the exhibit, in the proposed language from Ms. Wiener's comment.

Ms. Munson – Following up on the comment that the minutes were going to reflect it.

Ms. Schwantes – Okay.

Ms. Munson – I'm curious what the sentence will read. A developed area in a cemetery is a garden or other specifically defined area in which there is an established adult grave space, period?

Chair Clark – Ms. Munson I've made a comment in a previous meeting that somehow that should tie to 497.274 because it actually defines the standard. If we eliminate, which we've recommended repealing 69K-6.0015, for me, I don't know how you do it, but I think it needs to tie back to the statute, which is 497.274. Again, I don't know if that answers your question, but in

my mind it's just tying that first sentence with the statute. I think is important because we're in theory we're eliminating 69K-6.001 and .0015. And that was my intent and was to just tie it back to statute. We don't need these extra rules. Does that help Ms. Munson or no?

Ms. Munson – No, it does. I'm just reviewing 497.274, if that's what the rule is going to reference. That's all.

Chair Clark – Okay. Hearing no other public comments.

Mr. Jensen – Mr. Clark?

Chair Clark – Mr. Jensen?

Mr. Jensen – Yes. Can you put what you said in a motion, please? I agree with what you said.

**MOTION:** Chair Clark moved that changes are needed. Mr. Jensen seconded the motion, which passed unanimously.

Chair Clark – And then I'll make a motion to accept the proposed changes that Mr. Thompson spoke of. And in thinking of the final revision, I would tie sub (1) to s. 497.274, which is the definition of adult grave space and the standards of adult grave space within the statute. I'll make that as a motion.

**MOTION:** Chair Clark moved to accept the proposed changes that Mr. Thompson spoke of and tie this rule to s. 497.274. Ms. Clay seconded the motion, which passed unanimously.

Ms. Munson – And my only clarity is that you agree to the four (4) to ten (10) spaces. You agree to that language?

Chair Clark – I'm good with that, yes.

Ms. Munson – Okay.

Ms. Schwantes – Moving on, Mr. Clark?

Chair Clark – Yes, ma'am.

#### ***7) 69K-6.002 - Care and Maintenance of Existing Cemetery***

Ms. Schwantes – This rule is found on Page 13 of your workbook with the tables immediately following. This is basically a one (1) sentence rule. And written comments were received. They're found on Exhibit C, Page 5.

Chair Clark – Thank you, Ms. Schwantes. We'll open up for public comments. Mr. Thompson?

Mr. Thompson – We recommend deletion or repeal of this rule. It's just unnecessary. This requirement is baked into law and other areas to the best of my knowledge.

Chair Clark – Thank you, Mr. Thompson, any other public comments? Hearing none.

Mr. Jensen – Mr. Chair?

Chair Clark – Yes?

**MOTION:** Mr. Jensen moved to open the rule for repeal. Ms. Clay seconded the motion, which passed unanimously.  
Chair Clark – Ms. Munson?

Ms. Munson – Asking for your indulgence. I wanted to make sure that I have clarity. And I know we're not doing the specific rule language now, but I'm going to be working on rule language because that's going to be the next step for this. I'm just curious if I can just hop back to the previous Rule 6.0016 just for my personal knowledge.

Chair Clark – Yes.

Ms. Munson – And, that sentence in 2(a), I want to make sure that it is consistent with what the statute says. So an understanding what 2(a) says, The addition of an area consisting of not more than ten (10) adult grave spaces that are created within fifty (50) feet of an adjacent section or garden that contains grave spaces developed prior to or after October 1, and which is mapped and has internal reference markers that the statute that says 274 that talks about adult grave spaces. Adult grave spaces, this is 274.3 established prior to October 1, are not required to meet the standards established under this section for the dimension or separation of grave spaces. I just wanted to make sure that those two (2) are not contradictory in any way.

Chair Clark – So in my opinion, they're not. I think 274 is defining what a grave space is. And I feel like sub (2) is defining a developed area. The grave space definition obviously falls within a developed area. That's just my initial thought to your question is that they're not competing definitions. Mr. Thompson?

Mr. Thompson – I was just going to also say under 2(a), the language that we recommend striking is developed prior to or after October 1, 2005. So, 2(a) already in the rule as it stands, applies to grave spaces developed both before and after October 1st, 2005.

Ms. Munson – And I didn't know if grave spaces that applied to before October 1 was in any way inconsistent. That's the part that I wasn't sure about. But you're saying that it's not.

Mr. Thompson – I don't believe so because currently this rule affects both. I don't think so because it currently -- I don't -- sorry, trying to make sure I'm phrasing everything correctly here. The rule in its current -- that deletion of that language in 2(a) is mainly just to save space. Because the way it's written, it still affects all grave spaces. When that language is gone, it's going to affect the grave space regardless of when it was constructed. Am I making sense?

Ms. Munson – You're making sense. And we don't have to do it right now. But I just wanted to make sure that if it was constructed prior to October 1, and I know we're talking about developed areas, it's just the statute just references grave spaces prior to October 1, not having the same considerations. So, again, we'll address it when we carve out the language, but I just wanted that to be front of mind. Because when we come back to it, we're coming back to it with specifics.

Mr. Thompson – Got you.

Chair Clark – That's a good question. Thank you, Ms. Munson. Ms. Schwantes?

Ms. Schwantes – Yes, sir.

#### ***8) 69K-6.004 - Safekeeping of Records***

Ms. Schwantes – This is found on Page 14 of your workbook. Written comments were received to this. They're found on Page 6 of Addendum C.

Chair Clark – Any public comments? Mr. Thompson?

Mr. Thompson – Yes. We are recommending deleting the current sub (2) and sub (3) and replacing them with an electronic storage method, which is backed up routinely to offsite storage. And then renumbering current sub (4) to sub (3). This is primarily to future proof recordkeeping efforts. We're not sure, nobody knows what's going to be developed in the future, and we just are trying to future proof the rule set in ten (10), fifteen (15), twenty (20) years that there's a new computer storage method or just a new storage method in general that you should use or should reasonably be able to be used, we don't have to come back and do this in that amount of time. We're just trying to future proof the rule here, mainly.

Chair Clark – Thank you, Mr. Thompson. Ms. Peeples?

Ms. Peeples – Thank you, Chair Clark. Mr. Thompson, can you clarify what you mean by an offsite storage? What is the definition of that?

Mr. Thompson – I believe that's the same definition as it's currently used, other than location. My understanding is that this is mainly to be used for cloud services, such as backing up offline with cloud or something like that. We can work on developing an actual definition though, if the Division would like.

Ms. Peeples – I think we're probably going to need to further define that, those two words, because as a 470 Board member coming now over to 497, I come from the old school where we had, as you see behind me, we got paper boxes, bankers boxes. Okay? So, we have offsite storage, which is in a storage facility. Okay? Which is what my father, Mr. Peeples, still requires us to do. So, you're going to have some of your more seasoned funeral directors and owners and cemeterians that are going to be in that same mode, as well as I know there's one cemetery here in Jacksonville that still has offsite storage of all their records. So just for clarification, if you'll put that in your notes, please, sir, for maybe clearing up that terminology. Like if we say offsite or say cloud storage or something of that nature. Just a thought. Thank you, Mr. Chair.

Ms. Wendy Wiener – Hi guys.

Chair Clark – Thank you, Ms. Peeples.

Ms. Peeples – Hi, Ms. Wiener.

Chair Clark – Hi, Ms. Wiener. Welcome.

Ms. Wiener – I joined just at the very tail end of that. Will you humor me? Are we talking about safekeeping of records?

Chair Clark – We are, yes.

Ms. Peeples – Mr. Chair, may I update Ms. Wiener on my comment?

Chair Clark – Yes, Ms. Peeples.

Ms. Peeples – Thank you. Good morning, Ms. Wiener.

Ms. Wiener – Hi.

Ms. Peeples – My comment was Mr. Thompson, which Mr. Thompson, Ms. Pettine filled in for you excellently this morning.

Ms. Wiener – Of course.

Ms. Peeples – The comment on this particular rule, 69K-6.004, where repealing the public comments by your organization was to repeal (2), repeal (3), then in the new (2) state an electronic storage method, which is backed up routinely to offsite storage. I was just relaying that being from a 470 Board member to a 497 and the length of time our family has been in business; we do have offsite storage. So, at the beginning it says electronic storage, then it says offsite. For those that are seasoned, it's going to be kind of a little bit, how do we define the definition if we want to say maybe electronic cloud storage instead of offsite storage?

Ms. Wiener – Sure. Well, we didn't eliminate (3), which is to have a duplicate copy of the records referenced in the rule that are kept at an offsite location. So that would still permit the storage method as you were calling for the old timers. That would certainly still be available. It's tricky because no matter what you do with this; it's going to be a bit vague no matter what. The fact that offsite was already built into this rule, and at some point, it had passed muster was what left us with using offsite in paragraph two above. And I think by offsite there, right this minute in 2025, we mean something like cloud storage or microfiche or microfilm or something that you could use. But I don't know that that's what will mean in 2030.

Ms. Munson – What do you want it to mean now though, Ms. Wiener? What are you suggesting the rule means now? Because whatever you're suggesting it means now is how you write it, and then in 2030 you rewrite it.

Ms. Wiener – Okay. So, I guess if that's the case, could we say something like an electronic storage method, which is backed up routinely to –

Ms. Munson – Can't do routinely. You know that already. That word is going to be gone.

Ms. Wiener – Say that again?

Ms. Munson – Routinely is going to be out of there. You're going to have to quantify that.

Ms. Wiener – Okay. Which is backed up to cloud or –

Ms. Munson – And we can play with it later, but again, I'm just giving the heads up as to what -- because Ms. Peeples was correct and what that offsite -- I read it and wasn't sure exactly what it meant. And I knew I couldn't rely on what it meant when this rule initially was initiated eons ago. So that's just what I just wanted to -- I'm just putting an opinion for what we think.

Ms. Wiener – Are we likewise concerned about the reference to offsite location in (3) or because it's hard copies, we think that's okay?

Ms. Munson – I tell you what, when you open this up, I'm not going to be surprised that they ask you a question what do you mean by offsite? Because it passed muster years ago, I'm not going to say it's going to pass muster this time. So, would I be concerned? Probably.

Ms. Wiener – Would you think that the language and electronic storage method, which is backed up to an additional electronic storage or using additional electronic storage means and for the –

Ms. Munson – Something like that. Something like that.

Ms. Wiener – Yes. For the hard copy, like to an offsite physical location such that we can make it clear that (2) relates to electronic storage and (3) relates to physical storage, something like that? Do we think - Mary is going to say no, or maybe not.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Thank you. I do have a problem with what you just said with regard to the electronic being backed up to another electronic, because that's basically unless you say something about another location, offsite or whatever to indicate that it's somewhere out of the city even, then that's the same thing as saying, I'm going to back up my computer to Ellie's computer down the hall. Okay? I do think that if the Committee wants to go this route, I do think that there's some definite wordsmithing that needs to be done on how to phrase the electronic. And it is a problem, as you indicated and as Ms. Munson was talking about, too, it is a problem that we're not going to call it cloud in 2035. It's going to be named something else.

Ms. Wiener – Right. Right.

Ms. Schwantes – Another robust term used by them. It very difficult to wordsmith language regarding the electronic saves in such a fashion that would apply even five (5) years down the road, ten (10) years down the road. I do think Ms. Munson is right, that you're going to have to come back and change it. But those were my comments regarding your theme. I would suggest that if the Committee is interested in having this open for development to develop language regarding electronic storage, that that be basically the two (2) motions.

Ms. Munson – And remove the quotations around the word secure, please.

Ms. Schwantes – Yes.

Chair Clark – And I was going to ask, Ms. Munson, are there other industries, like I'd be interested to see what insurance companies are doing. There's got to be other rules or other language out there that we may be able to borrow.

Mr. Jensen – Mr. Clark?

Ms. Wiener – By the way, I think records that are deemed secure is in the current rule. I don't think that's something –

Ms. Munson – I'm just saying, you're opening it up –

Ms. Wiener – I don't disagree, but I don't think we made a change there, so –

Ms. Munson – Yes. And that's why –

Ms. Peeples – Mr. Clark, thank you. Ms. Wiener, you are correct. In the current rule, it states which have not been audited by the Department, must be filed and kept in a secure manner. That word secure is by itself, then it says period. For purposes of this rule, "secure" means, and it has four items. So, Ms. Wiener, you are correct, it's in the current rule. But there's two words of secure. One is in quotes, one is not.

Ms. Wiener – Okay. We'll keep working on that and try and come up with like what a general term is for like cloud storage sort of thing. I mean, none of us are super techie, so we're a little out of our depth there, but we'll work on that one.

Ms. Munson – Mr. Clark?

Chair Clark – Ms. Munson?

Ms. Munson – Just while looking at it, and we're almost done with these rules. I can't believe it. While looking at how to play with the words, wordsmithing it as you will, keep in mind that whatever we put in the rule, that it's going to give consideration to would any offsite location pass muster with the Department. Like, I kept it in a box in my garage, because that's an offsite location, right? So, I want to make sure that when you're working with how you want it to read, that no matter where it is, as long as it's not the office or something, it's okay. Because if there's going to be a situation where it's not okay, that place just didn't seem secure but all it asked me to do to be secure was put it in my son's bedroom. I mean, so just keep that in mind when you're wordsmithing.

Ms. Wiener – Okay. Sounds like a plan.

Ms. Peeples – Mr. Clark?

Mr. Jensen – Mr. Clark?

Chair Clark – Ms. Peeples, we'll go with you and then Mr. Jensen.

Ms. Peeples – Okay. Thank you. One point of clarification for the record to Ms. Wiener, I am not an old timer.

Ms. Wiener – That was your phrase. Not mine.

Ms. Peeples – No, ma'am I said seasoned, ma'am. So, I am not an attorney, but I will correct you. Okay? Yes, I said seasoned, because that means you've been marinated and you've been sitting for a while, so you've soaked up all the juices and all of the good things. But anyway, I go back, there was a funeral director/cemeterian here that had a burial vault at a local cemetery with four (4) different graves that he would go put his records in and bury them. Okay? So, we've got a little bit of the previous, we want to be where we are today and go future. So, thank you all for indulging me in those words of offsite storage. Great comments, Ms. Munson, by the way. Thank you.

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

Mr. Jensen – Kind of along the same lines as what Ms. Peeples said, we need to make sure somewhere in there that these records are immediately available. If they're buried in a burial vault, I don't know that that's immediately available. So that is really what we're trying to accomplish here. And add for future ways of storage, like electronic and so forth. Mr. Clark, I believe that was your original intent on reading the notes here. So, they definitely need to be immediately available.

Chair Clark – Thank you, Mr. Jensen. And you're right, my original comments were just to modernize the rule. I know what microfilm is, but a lot of people, newer people to the industry do not, so? And, Ms. Peeples, to your point, that's why I was referencing there are aspects of our industry that is not modernized. So, this is a chance and that's why I was saying maybe there's other industries that have already defined how to keep file secure offsite. Like, that's why I brought that up. But I think it's been a good discussion, and I think directionally we know where we want to go. So, at this point, the next step would be to entertain a motion to change the rule for the Committee's consideration.

**MOTION:** Mr. Jensen moved that changes are needed. Chair Clark seconded the motion, which passed unanimously.  
Ms. Wiener – Mr. Chair, can I ask a question?

Chair Clark – Yes.

Ms. Wiener – Ms. Munson, would you be amenable, or of any of the others, when I get a draft of this going can I pass it by you first to see what you think? I mean, you're the one with the experience dealing with getting these rules past JAPC. Before we bring it back to the Committee. Like, can I send it to you early and you can go, "Yes, I think that might work," or, "No, that won't work" and then I can submit it back to Mary?

Ms. Munson – If the Board and the Department so approves, I have no problem. I work at their leisure.

Ms. Wiener – Mr. Clark, would you agree to that?

Chair Clark – Yes, I'm supportive.

Ms. Wiener – Okay. Sounds great. Thank you. I have some ideas, but I don't want to -- the goal here is not to turn these like six (6) times on every meeting. So, if we can at least have an idea of whether we think it's specific enough, then I think that will help this process.

Chair Clark – Thank you, Ms. Wiener. Based on that, Ms. Schwantes, I know we just voted to change this rule, so would it be appropriate to entertain a motion to acknowledge that the proposed changes are still being worked on? And, again, I think directionally we all are in alignment, but how will we make a motion for Ms. Wiener just to work on it and get back to us?

Ms. Schwantes – Perhaps just vote that the proposed draft needs further wordsmithing to modernize, and Ms. Wiener will re-propose that at a subsequent meeting, something like that. Will that work for you, Ms. Munson?

Ms. Munson – Yes. I mean, or you can just say you're voting to leave it open for change, as we did consistently with the other rules, because we're going to be wordsmithing all of them in the interim.

Ms. Schwantes – Essentially, you're voting to modernize. That's really what you're looking at. You want to modernize the rule to accommodate the use of electronic methods.

Ms. Munson – I guess my point was, if you don't say anything except leave it open, it doesn't negate Ms. Wiener's authority to wordsmith.

Ms. Schwantes – Correct.

Ms. Munson – Because it's open for that purpose.

Chair Clark – So does that mean we don't need a further motion?

Ms. Munson – Yes, you're leaving it open.

Chair Clark – Okay.

Ms. Munson – Yes.

Ms. Schwantes – Should we go on?

Chair Clark – Yes.

Ms. Schwantes – Yes, sir.

***9) 69K-6.0054 - Written Contracts Required***

Ms. Schwantes – This rule begins on Page 15 of the workbook, and today's table is found on Page 16. There were no written comments received on this rule.

Chair Clark – Any public comments? Hearing none.

Mr. Jensen – Mr. Clark, just to understand this rule, the same as the last rule, we're just looking to add some wordsmithing to modernize everything, correct?

Chair Clark – I think that's up for discussion. I know the previous discussion centered around the term sales journals. I know that was discussed previously but for Ms. Wiener's representation, there's no recommended changes.

Mr. Jensen – Well, I mean, sales journals back in 1995 were common practice. I don't know if they are so much today, so I guess we would need to keep it open for change to try to modernize, you know, ways to do that. I can remember we had to have a person that sat there with a journal all day long, you know, entering everything in. Maybe not all day, but it was significant amount of hours. So, I would certainly like to keep it open to modernize it a little bit, kind of along the same lines as the last rule.

Chair Clark – Is that a motion, Mr. Jensen?

Ms. Wiener – Where is sales journal in this rule? I don't see this in this rule.

Chair Clark – The last sentence of (1).

Ms. Schwantes – That's the very last sentence, Ms. Wiener.

Ms. Wiener – Yes. I see.

**MOTION:** Mr. Jensen moved to keep this rule open. Ms. Clay seconded the motion, which passed unanimously.

Ms. Wiener – Yes, you could simply strike that sentence and that would accomplish your purpose for sure. And we probably meant to do that. I might have just missed this one. I didn't have that written in my notes from our last meeting. Had I submitted a comment, it would've been to strike that sentence.

Chair Clark – Well, Ms. Wiener, I think Ms. Coney had said that SCI does use that term, but she agreed it's an outdated practice, but they are currently keeping sales journals, but I don't know that the sentence is needed the way it's written.

Ms. Wiener – No, because if you're requiring that they be serially numbered and filed in numerical sequence, I mean, that's in essence the exact same thing. If SCI is keeping a sales journal, my guess is its electronic anyway, so I think the sentence above it does that trick.

Chair Clark – Yes, I agree. Ms. Munson, I saw your hand up.

Ms. Munson – I was just going to note for the record that whatever the Board decides to do with the rules is not going to be based on what any particular group is currently doing. Whatever the rule is, that group will comply to the language of the rule. I didn't want you to think you have to keep language and a rule because someone was using a sales journal.

Chair Clark – Yes. Thank you, Ms. Munson. Just to clarify, I mentioned that because I know Ms. Wiener represents SCI, that was all. That was my only intention of calling that out. Ms. Peeples?

Ms. Peeples – Thank you, Chair Clark. Just from personal experience here at our firm, the agreements do have a numeric number, but they are not in chronological order. So, because there's a number of firms that utilize the same process with the same entity that we do throughout the state you know, it's kind of like, for instance let me just kind of caveat real quick, is on the rule about the Consumer Protection Trust fund. When you have to do that report every three (3) months, it asks you do you keep chronological numeric agreements in your possession? It's something of that. I'm just kind of going off the top of my head. So that's something we kind of need to look at there, because this particular entity we work with, they generate a number and then Firm C may get the next number, then Firm D may get the next number. So, they're not chronologic. Kind of like how FSI when we first started would give us twenty (20) agreements at one time that were number one (1) through twenty (20), and they were just to us. Or IFDF used to give us agreements. So that's just something we need to just kind of clarify on the wordsmithing part as we're kind of talking about this. Thank you, Mr. Clark.

Chair Clark – Thank you, Ms. Peeples. Ms. Wiener?

Ms. Wiener – I think what Ms. Peeples is referring to, there is covered in the sentence immediately above, "The contracts are serially numbered and filed in numerical sequence." So, in the past, I know Ms. Peeples is aware during the examinations, they get confirmation from FSI or IFDF to Peeples Funeral Home, they receive contracts one (1) through twenty (20), and to CEJ South, they receive contracts twenty-one (21) through forty (40). So, they're looking for those serial numbers, but they don't necessarily -- because there's not a reference to chronological here, I think the second sentence does cover that. And I don't think that's become -- that's never the issue that comes up in the -- all of the examinations that I see, frankly.

Ms. Peeples – Mr. Chair, may I?

Chair Clark – Yes. Go ahead, Ms. Peeples.

Ms. Peeples – Thank you. Thank you, Ms. Wiener. I guess what I'm just trying to bring up, because this particular rule goes back for history of 1973, '75, '76, '81. So, kind of going back to us talking about the previous discussion of the previous rule on a couple of rules back about electronic media, offsite storage, things of that nature, we still have a lot of folks that request twenty (20) agreements at a time, and they get twenty (20) in order. So, it's just something just for purposes, and thank you for indulging me in and participate the time. Thank you, Mr. Clark.

Chair Clark – Thank you, Ms. Peeples. Ms. Schwantes, we voted, and it's been approved to change. Do we need to do anything further?

Ms. Munson – No, sir.

Chair Clark – Okay. Alright.

Chair Clark – Okay. Ms. Schwantes?

Ms. Schwantes – Yes, sir. Moving on.

#### **10) 69K-6.007 - Criteria for Burial; Disinterment; Reinterment**

Ms. Schwantes – This rule is found on Page 16 of the workbook, and the table for today's use is found on Page 18. There were no written comments received on this rule.

Chair Clark – Thank you, Ms. Schwantes. Any public comments?

Ms. Peeples – Chair Clark?

Chair Clark – Ms. Peeples, go ahead.

Ms. Peeples – Thank you. This is one that with previous, I think it was maybe in the July Rules Committee meeting, sub (1)(a) where it says an original completed burial transit permit, there is no such item anymore. You know, it says an original burial transit, but then also it talks about a disinterment permit. So, if you go to sub (4)(a), it says all require permits. So those are two (2) things we need to kind of address if the Committee feels the need to address on this particular rule. Because sub (1)(a), you cannot get an original completed barrel transit permit, which was issued when the original burial was completed. And then there is no disinterment permit anymore, which we go with sub (4)(a), which is all required permits. Thank you.

Chair Clark – Thank you, Ms. Peeples. Ms. Weiner?

Ms. Wiener – To me, that actually lines up because it's contemplating a burial, an interment, an entombment or inurnment. For that, you would need a burial transit permit. But because there's not one required for disinterment, I think this language was changed not that long ago to all required permits, acknowledging that there was no longer a permit required. So that would simply be if there's not a required permit, then you don't need one. And to Ms. Peeples, she's correct. There is no such thing as a disinterment permit anymore, and you don't need a burial transit permit to disinter. But I think all required permits -- the language doesn't hurt to have it there.

Chair Clark – Thank you, Ms. Wiener. Ms. Peeples?

Ms. Peeples – If I may, if I can give my time real quick to Ms. Munson, then I'll come back to me. Ms. Munson?

Chair Clark – Okay, no problem.

Ms. Munson – Okay. I was just wondering for clarity purposes is it better to just have a section that says, for burial criteria, because it covers three (3)? So, for burials, A, B, C, D; for disinterment, A, B, C, D; as far as any permitting and for reinterment, A, B, C, D or whatever. Will that provide greater clarity? It's kind of like a rewording of how this rule is written, which would of course open itself up for change.

Ms. Peeples – Chair Clark?

Chair Clark – Ms. Peeples, go ahead.

Ms. Peeples – Okay, thank you. Ms. Munson, I guess kind of, and Ms. Wiener, kind of the comment that I'm making is sub (1)(a) states an original completed burial transit permit. We have had in the last year a number of families that utilized other firms for the original either burial, interment, entombment, inurnment. So, we were not the original firm that served the families, but they are going from that particular private cemetery to the national cemetery. So now we are the firm that's completing the disinterment, disentombment, disinurnment, whatever it may be, at the family's request. So, we don't have access to a completed original burial transit permit. Now, if it had been a family or a situation that we had handled from November 1, 1968, to current, I have boxes right back here. I can take you to the particular box, to the folder, and I can give you that original burial permit that we still keep for every case that we handle now. So, I think it needs a little bit of maybe wordsmithing or maybe a deletion of that item of sub (1)(a), because if you're the second firm coming into this, you won't have access to that. But just my comment. Thank you.

Chair Clark – Ms. Wiener?

Ms. Wiener – But if you're doing a disinterment, you don't need the ones from (a), you don't need an original completed burial transit permit. For a disinterment you would -- it would say all required permits, but there are none required. So, we could add all required permits or any required permit or required permits, if any, if we wanted to make that change or because there

are no permits required for disinterment, we could just strike (4)(a), which could also resolve that issue, making it clear that, correct, you're not expecting people to go back and get the original burial transit permit if they're doing a disinterment.

Chair Clark – Ms. Peeples?

Ms. Peeples – Thank you, Chair Clark. Ms. Wiener, I kind of see where it's kind of going now is it says a cemetery may not perform. So, it's talking about, and I guess kind of my hang-up is an original complete, it's like when somebody says, I need an original death certificate to handle something for my loved -- my decedent loved one. Okay? There's no original, there was never an original. They were all death certificates that were at the health Department that they ordered certified copies. So, I guess there, it just needs to say a completed burial transit permit period. You know, maybe strike that wording. And then I think as you kind of mentioned on (4)(a) where it says all required permits, I've had several people come up to me at cemeteries, several licensees since they were either participating or heard about the July meeting where we were talking about disinterment. And they said, we don't know what's required, what's not required. You know, that's what we're trying to do is to make it a little bit easier for people to kind of follow and do. So, they all required permits in (4)(a) just may I comment to the group is here in Duval County, in Jacksonville, where I'm located, the city does not require anything, but other cities or counties may require something that's not appropriate to my county. You know, that's not a state item. So just for clarification purposes. Thank you.

Ms. Wiener – So would you recommend, Ms. Peeples, adding, like any required permit, changing all to any?

Ms. Peeples – That would be great. And then if we could maybe –

Ms. Wiener – Strike original from (1)?

Ms. Peeples – Yes ma'am.

Ms. Wiener – I can make those two (2) changes for the next go round as well as the -- in my next set of comments, I'll also include the strike for that sentence up in 0057.

Ms. Peeples – Thank you, Ms. Wiener. Thank you, Chair Clark.

Chair Clark – Thank you, Ms. Wiener. Thank you, Ms. Peeples.

Mr. Jensen – Chair Clark?

Chair Clark – Mr. Jensen?

Mr. Jensen – Yes. I am here. I'm on my phone. I don't know what happened. I somehow miraculously lost my internet connection on my computer, but I am here via phone if that's acceptable.

Chair Clark – Yes, Mr. Jensen. Thank you. And then based on that conversation, I agree with Ms. Peeples and Ms. Wiener where the two (2) of you ended up on the proposed changes. So, I'm going to make a motion to change this rule.

**MOTION:** Chair Clark moved that changes are needed. Mr. Jensen seconded the motion, which passed unanimously. Ms. Munson – No opposition. I'm not voting. So just whenever you see a parenthesis or anything like that, that's a distinguishing character, I would suggest you remove it.

Ms. Wiener – Yes.

Chair Clark – Thank you, Ms. Munson.

Ms. Wiener – Okay. Yes, ma'am. Got it, on it.

**11) 69K-6.008 - Minimum Standards for Interment**

Ms. Schwantes – This is beginning on Page 18 with the table for today's use on Page 19. No written comments were received.

Chair Clark – Any public comment?

Ms. Wiener – We couldn't think of what it was that we were going to change about this.

Chair Clark – It was redundant, is what we decided.

Mr. Jensen – Yes. It had to do with the twelve (12) inches. Yes, so 497.274(1) also talks about the 12-inch requirement. Soil shall measure no less than twelve (12) inches. I think I was the one that brought it up. I'm okay to withdraw my concern because I think the difference is this has to do with a waiver. And that is not considered in 274.

Ms. Wiener – Correct.

Chair Clark – So, I have no proposed changes. Mr. Jensen, just to clarify, I know I brought this up because the amount of soil is covered in 497.274. Where this is different is if there needs to be a waiver for whatever reason. So, I'll make a motion for no change.

**MOTION:** Chair Clark moved that there be no changes. Ms. Clay seconded the motion, which passed unanimously.

Ms. Munson – Chair Clark, may I just make a comment.

Chair Clark – Ms. Munson?

Ms. Munson – I just wanted to clear for the record that although we are not making any changes to 6.008, the title of that rule is *Minimum Standards for Interment*. That rule does not really address anything except maybe the title should be waiver of minimum standards. I don't know. But I just want you to know if they look at it, they may -- anybody looking at that rule be like, what are the minimum standards for interment? I don't know by reading that rule what they are. But I do know what I would need to consider for waiver, and that's just an FYI.

Ms. Wiener – I can propose a change to that too. Like waiver of interment coverage or something that makes it relevant to what it actually is.

Ms. Munson – I was just putting it out there because I just want you to know the title of your rule doesn't address the language of the rule. And I'm not saying you'll catch it, but I don't want anyone to say, we talked about this, and we didn't even think about that. So, I'm putting it in the sphere for thought. And you don't have to -- whatever the Board decides to do.

Ms. Wiener – If you want to move to open this rule, I can work on that language. And this will be another one I can run past Ms. Munson. I'll probably run them all past her, whatever changes, unless it's just something that was super clear, like we talked about before we strike original and change all to any, but otherwise I can certainly work on that and run it around with her, see what we come up with.

Chair Clark – Thank you, Ms. Wiener. Ms. Munson, would we need to change or reopen that vote, or is it okay?

Ms. Munson – Yes.

Chair Clark – So I'll make a motion to go back to 69K-6.008 and open the rule for a change in the title.

Ms. Clay – That's fine. I believe I seconded your original.

Chair Clark – Thank you, Ms. Clay. We have a motion and it's been seconded. All those in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – Any opposed? And that motion carries. Thank you, Ms. Munson.

**12) 69K-6.009 - Identification Tags – Acceptable Materials, Locations, and Methods of Affixing**

Ms. Schwantes – This rule begins on Page 19. It is a long rule with the table beginning on Page 22. Written comments were received. They are found on Addendum C, Page 8.

Chair Clark – I'd like to open it up for public comments.

Ms. Schwantes – This is one that changes were proposed on.

Chair Clark – Thank you, Ms. Schwantes. Ms. Wiener?

Ms. Wiener – Thank you. This was the rule we've talked about off and on over the years. And so in looking at potential revisions to this rule, what my team came up with ultimately was simply to instead of having all of the different categories identified, which are not all of the ways that you can identify either whatever type of merchandise, whether it's a casket or an urn or whatever that we would instead make this more specific by making it general. So, merchandise containing human remains or cremated remains shall be identified using a method, which will not degrade over time. We toyed with permanent. I don't -- permanent isn't really permanent. I don't know. And then affixing it in a way that it's visible or can be detected versus electronic or technological means. Ms. Munson may say these terms are all like too vague to pass muster. There are other ways to identify things other than what's on this long list now, which just copies the same thing over and over and over and over and over again. So, I'm certainly open to discussion on the concept, but the thought was let's make this do what the actual title says, what's acceptable and where does it have to be, and then see where we go.

Chair Clark – Thank you, Ms. Wiener. Any other public comments? Hearing none.

**MOTION:** Ms. Clay moved that changes are needed. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Wiener – Is there a conversation on this one? Guidance? Ms. Munson, thoughts?

Ms. Munson – No, I think that there will be lots of thoughts, but there's such a major change substantively to this that I think is being recommended. I would, again, just think in terms of streamlining more than anything else as guidance. It's a lot.

Chair Clark – And Ms. Wiener, I'll add. The only other comment or thought I had when I read your proposed change is to perhaps consider defining where to affix this. I do think I like that how you -- where we attach, I guess is the only other thing that if we can structure that, I know there were for casket, for example, if you're doing a disinterment, it might be helpful to look at one (1) or two (2) places. Is there thread, you know, which Batesville has the casket insert or is there a tag? That's the only other thing is to maybe put some guidelines on or having some standards of where to affix.

Ms. Wiener – Got it.

Chair Clark – I know it says visible, but –

Ms. Wiener – Yes, the thing about this rule is it seems like it's a lot, but it's just the same information on several of them. It's just the same. It just takes up a lot of space. It's not that it's so much content, which is why we were trying to streamline it.

Ms. Munson – I mean, the opening sentence in and of itself has some issues with it possibly being deemed a little vague because just, I mean, in reading it a couple of times, merchandise containing human remains or cremated remains shall be identified using a method. I guess it's for anybody to determine what that method will be that will not degrade over time. That's very broad. That's just so broad. Such identification shall be affixed to the merchandise in a method which is visible, or which can be detected via electronic or technological means. And I have no idea what that means.

Ms. Wiener – Well, that's meant to cover what's in (6) right now, which is an electric identification marker encased in plastic, which uses the passive radio frequency signal. I don't know if anybody actually uses that anymore, but they used to have like

these little disks that they would sell that would go in caskets or in vaults, and you could pick it up with a metal detector -- not a metal -- like a little machine, and it would read the thing. It was my client who came up with that thing that he was marketing, and so we actually got the rule changed years ago to include that in there. But I imagine now that there are other mechanisms by which merchandise is identified. So, the original assignment was to streamline and modernize this, this is what we talked about. So, I don't know for those of you, Chair Clark, Mr. Jensen, who else is on here? Is Todd on here? Ferreira? No. What other means are there? Like plastic? Plastic non-corrosive metal encased in plastic plasticized paper. Like, what are people doing at cemeteries now?

Mr. Jensen - If I may, Chair Clark? I've seen some cemeteries just put a tag on the outside. So, you know, a matter of fact one of your -- probably your largest client, Ms. Wiener, uses that method, which I don't particularly agree with because it's biodegradable. So, you know, I'm not really sure. But the wave of where everything is going is electronic as far as that. I've seen them with scanners like they use at the supermarket where they get a barcode, you know, on a thing. And that seems to be the direction that a lot of things are going. That technology is pretty expensive now, but as time goes on, I think it'll get a little more acceptable. That's all I have to add.

Chair Clark - Yes, thank. And Ms. Wiener, I was just going to echo Mr. Jensen. I'm seeing more barcodes than QR codes because you can, you know, store a lot more data than a card would name, date of death, that kind of thing. So, but as far as attaching it, it's still what I've seen is still a lot encased in plastic and tied in some manner. Ms. Peeples?

Ms. Peeples - Thank you, Chair Clark. Ms. Wiener, we use -- I don't know if you can kind of --

Ms. Wiener - I can see.

Ms. Peeples - Okay. This is from a company that we use a sharpie that we write on. So, it asks for the name, date of birth, date of death, and it gives our funeral home name as well, Peeples/Prestige, which is our crematory name. So, when a loved one decedent comes into our care, whether it's at transfer, as well as coming into our facility here, they get one at transfer, they get one here. We have four (4) types of identification that we do, especially for our crematory, but also, we put this on the casket and the burial vault, whether the casket is a third-party item or we sell it, or the burial vault is a third-party item or a cemetery product, we still put our identification on there. So, it lasts. And we recently had a disinterment last year of a casket that we started this, in probably the early 90s, and it was the type of item that was for what plant producers, manufacturers used, so it finally has kind of gotten to this to where it has like the little aspect that goes. But anyhow, so this is kind of what we use. We tried the QR code thing, and it doesn't work. So, thank you, Chair Clark.

Chair Clark - Thank you, Ms. Peeples. Ms. Schwantes?

Ms. Schwantes - Thank you.

Ms. Wiener - I mean, we could leave this rule alone or maybe add something, change the language of (6), where it makes reference to that electronic identification marker to either take it away from being specific to the passive radio frequency or add something else. I just hate to keep adding and adding and adding to this rule, but I don't know.

Chair Clark - Ms. Wiener, I think the Committee is saying we are agreeing change needs to be made. And I actually like your proposed language. It certainly condenses and I think it's very effective. My only comment is --

Ms. Wiener - Not where.

Chair Clark - It's just one of several, is to put some guidelines or guardrails on where to affix it.

Ms. Wiener - Okay.

Chair Clark - I meant my only, I think if there's some way to standardize, and obviously give options, but that was my only comment. But I do think this rule needs to be changed. Ms. Schwantes?

Ms. Wiener - Okay.

Ms. Schwantes – Yes, from a regulatory perspective I certainly understand where we're going with this, and that the language there has a lot of repetition in it. But if it's possible to put examples in there, or some -- in other words, I do think you need to include some specificity to avoid the broadness of the proposed first sentence.

Ms. Wiener – Okay. I'll work on this one and send this one also along to Ms. Munson and she can share it with the Division. We'll try and work on this back channel a little bit so that we have something approvable or closer to approvable when we come back.

Chair Clark – Thank you, Ms. Wiener.

Ms. Schwantes – Mr. Chairman, continue?

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Yes, sir. That completed the review of the twelve (12) Board Rules on today's agenda.

#### **F. Summary Regarding Meeting Results and Future Plans**

Ms. Schwantes – So this is what I have. I'm just going to go down the list by Rule:

- 69K-33.001 – open for development
- 69K-2.003 – open for development
- 69K-5.0015 – no change
- 69K-6.001 – repeal
- 69K-6.0015 – repeal
- 69K-6.0016 – open for development
- 69K-6.002 – repeal
- 69K-6.004 – open for development
- 69K-6.0054 – open for development
- 69K-6.007 – open for development
- 69K-6.008 – open for development
- 69K-6.009 – open for development

So out of the twelve (12) Board Rules visited today, we have three (3) repeals, one (1) no change and the remainder open for development. And that is the information that we will, assuming Board approval, use for the January 1<sup>st</sup> report. So as discussed, the September 30<sup>th</sup> minutes and Committee report that you previously approved will be presented to the Board at its November meeting.

Ms. Wiener – Ms. Schwantes was the no change rule 5.0015?

Ms. Schwantes – It was.

Ms. Wiener – Thank you.

Ms. Schwantes – We're going to be presenting for the November meeting for review and approval to the Board for those other things. And then we do not currently have another Committee meeting scheduled. And with the short work months coming up due to the holidays, I would like to propose the following: that the Committee delegate the responsibility of reviewing the minutes and the report from today's meeting to Committee Chair Clark, and then with his approval of those items, we would then present them to the Board at its December meeting. That would give us Board approval on all items needed for the January 1<sup>st</sup> report. We would of course need action to do that. And then if that's the case, this Committee does not need to meet again until December or early January to continue work on the open rules that might be needed prior to the statutes April 1<sup>st</sup> deadline of completing the rules development of these rules.

Chair Clark – Thank you, Ms. Schwantes. Ms. Clay?

Ms. Clay – I'm wondering if they can be sent to the entire Board and we have an opportunity to review and then Chair Clark be empowered to then do as you've suggested.

Ms. Schwantes – Ms. Clay, you froze during part of that, and I didn't catch all of it.

Ms. Clay – Okay, can you hear me now? It's saying the organizer is experiencing technical difficulties. Can you hear me?

Ms. Schwantes – Chair Clark, can you hear Ms. Clay?

Chair Clark – Yes, ma'am.

Ms. Clay – Can you hear me?

Chair Clark – Yes.

Ms. Wiener – Yes.

Ms. Clay – Should I repeat it?

Ms. Schwantes – Please.

Ms. Clay – I was asking if all the members of the Board can have access to what you're sending Chair Clark. I'm not opposed to Chair Clark being the official representative, but I would like to take a look at what's being presented to Chair Clark.

Ms. Schwantes – So to paraphrase, you're wanting the members of the Committee to have access to what we send Chair Clark?

Ms. Clay – Yes. Sorry, the Committee. Not the Board. The Committee.

Ms. Schwantes – And because it would go for Board approval?

Ms. Clay – Yes. Just for our review and we can contact Chair Clark if we have some concerns.

Ms. Munson – Contact the Department?

Ms. Clay – I thought Chair Clark was the one being –

Ms. Munson – But the Board members can't talk to each other.

Chair Clark – I see Ms. Schwantes just dropped.

Ms. Peeples – Chair Clark. I think since Ms. Bryant is not there, I think they're fixing to lose at 12:00. I think they just lost -- we just lost Ms. Simon, Ms. Grant and Ms. Schwantes.

Chair Clark – And Ms. Munson.

Ms. Peeples – And Ms. Munson.

Ms. Clay – Okay. Am I the only one who has a message that says the organizer is experiencing technical difficulties?

Ms. Wiener – Oh, Ms. Simon is back. Here they are. They're back.

Ms. Schwantes – Sorry about that. At least it was at the end of the meeting or just about. Okay. I have actually forgotten some of what Ms. Clay said. Of course, I'm trying to fix all of that. So, Ms. Clay, if you don't mind it. Could you repeat that again?

Ms. Clay – Okay. So, what I was asking is if the members of the Committee could have an opportunity to review via email the information and then if we have some concerns, we can contact staff. Otherwise, Chair Clark can represent us as you've suggested. I'm just asking for a step before that step.

Ms. Schwantes – Ms. Munson, does that work for us?

Ms. Munson – Yes, it does. I mean, you're concerned about timelines, so you just set the timelines that work for the Department.

Ms. Clay – Okay.

Ms. Schwantes – Good. I have no problem with that. I just wanted to make sure that we don't need to have another Committee meeting to get to the point where we can get it before the Board at its December meeting because that's critical.

Ms. Clay – Yes, I'm not suggesting that the timeline be changed. You can just give us a day if that.

Ms. Schwantes – Okay.

Chair Clark – Ms. Clay, would you like to make that as a motion?

Ms. Clay – No.

Ms. Munson – I don't even know if -- I don't even know –

Chair Clark – Ms. Schwantes said we needed action.

Ms. Munson – Yes, but the action, I think she wanted to make sure the ultimate delegation be approved for you to sign off on it, to take it to the Board, which I think you guys have done. And Ms. Clay was just asking when you send it out to him in enough time, send it to them. Give them a day. If they have any comment to Ms. Schwantes, they'll give her a buzz.

Chair Clark – So we don't need a motion for me to approve?

Ms. Schwantes – You do.

Ms. Munson – I thought you did already. So, if we haven't done that, then yes. Take a motion for that. I thought you were talking about [multiple speakers].

Ms. Clay – So, the motion would be that the Chair ultimately would provide the approval to proceed to the Board for approval?

Ms. Munson – Yes.

Ms. Schwantes – You would be delegating authority to the Chair to approve.

**MOTION:** Ms. Clay moved to delegate the responsibility of reviewing the minutes and the report from today's meeting to Committee Chair Clark, and then with his approval of those items, we would then present them to the Board at its December meeting. Mr. Jensen seconded the motion, which passed unanimously.

Chair Clark – Ms. Wiener?

Ms. Wiener – Ms. Schwantes and Ms. Munson, what sort of an internal deadline would you like me to work on to get a draft over to Ms. Munson of the changes that we talked about today?

Ms. Schwantes – Mr. Chair, may I?

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Sure. In my mind, that depends on whether this Committee wants to meet in December. Because if we're going to meet in December, then we would need proposals before Thanksgiving, certainly. If the Committee feels like it wants to meet in December to cover -- let me rephrase this. I think that Ms. Munson and I are in agreement that the rules that we have voted to repeal, once approved by the Board, we can move forward with those. So already the Board has approved the Committee's recommendation on I think two (2) repeals and we could move forward on those. But the ones that require change, there are some that it looks like that we're further along with. It was removing a paragraph or something like that, and those are fairly simple, but the ones that Ms. Wiener is talking about are going to take more development and more work. We would have to meet no later than January in order to meet that April 1st deadline. With the process being the way it is. Whatever we do in January, if we wait that long, would still have to go before the Board for review and approval in February. Is that right, Ms. Munson? Does that sound right? But that would only give you a couple of months to get through the process, or they just have to be open by April 1st, right?

Ms. Munson – Yes, they have to be open. That's it. Because however long it takes get into the process is going to be very much impacted by JAPC and their letters and whatnot, so.

Ms. Schwantes – Okay. So, we do have time in other words. It just depends on when this Committee wants to meet again.

Chair Clark – Ms. Wiener, did that answer your question?

Ms. Wiener – No, Chair Clark, we still need the Committee to say if they want to meet in December or not. If they want to meet in December, then Ms. Schwantes said I need to be back and forth with Ms. Munson before Thanksgiving. That's totally fine. If the Committee does not want to meet in December, then that changes our timeframe somewhat. So now it's a question to you.

Chair Clark – Thank you. Ms. Clay?

Ms. Clay – Considering the fact that we now know that it's not absolute that we need to do January submissions, I move that our next meeting be in January.

**MOTION:** Ms. Clay moved that the next Committee meeting be held in January.

Chair Clark – Ms. Schwantes, are you okay with it? It sounds like for April, we just need to know which rules are open. We don't need the final language. Are you okay with that?

Ms. Schwantes – No, sir. I am, and I'm not. For January 1st is when you need to know which rules are open and we have that language. I mean, we have that information as of the review today, once it's approved by the Board in December. We're just assuming Board approval at this point. We have that information that we will need for January 1<sup>st</sup>. From there, we just have to have anything that we want open for development by April 1<sup>st</sup>. And thank you for that clarification because I wasn't really sure whether that meant we had to rush to get through it by April 1<sup>st</sup>, or just open it, but that's correct.

Ms. Munson – And the reason we're not doing it at the November meeting is because we need the minutes for the meeting and they might not be ready for the November meeting.

Ms. Schwantes – Absolutely. We do not have time between when the packet has to go out for November. The September stuff is going before the November Board, and then the October Committee results will go before the December Board.

Chair Clark – Ms. Clay?

Ms. Clay – Okay. So that being the case, what is the preference of staff?

Ms. Schwantes – My preference would be to have the next Committee meeting in mid-January, and I would ask the Committee members and others interested on the call to let me know what dates they're available.

Ms. Clay – Wasn't that what I suggested that we meet in January?

Ms. Schwantes – You did. The only thing I did was pull out mid-January. I don't want to do it right around the Board meetings.

Ms. Clay – Oh, I wasn't determining which time in January. Just the month. So, would you like me to rephrase the motion to say mid-January?

Ms. Schwantes – It's up to you.

Ms. Clay – I think my motion can stand as it is if there's a second.

Ms. Munson – Yes, because I don't know when we're saying it mid-January.

Ms. Schwantes – That's fine.

Ms. Munson – But if you say January, that motion is fine.

Chair Clark – Mr. Jensen, I know Mr. Williams isn't here.

Mr. Jensen – Second. I'm good with most anything. It depends on if it's going to be in person or Zoom. I assume it's still going to be on Zoom. So, Zoom is pretty easy for me, so it doesn't matter where I'm at. I'm pretty good with anything.

Chair Clark – Thank you, Mr. Jensen. We have a motion and it's been seconded. All those in favor to say aye.

Committee members [Unison] – Aye.

Chair Clark – And any opposed? And that motion carries. Does that work Ms. Wiener? Is that a little better?

Ms. Wiener – Yes, it does. Just a note for planning purposes, I will not be able to attend an in-person meeting in January. So, Zoom totally great. That totally works for me.

Chair Clark – Thank you.

Ms. Wiener – And Ms. Munson, I'll still plan to get you these drafts before the Thanksgiving holiday. That way there's plenty of time and we can go back and forth as much as we need to. And then by the time we roll up to the January meeting, we'll have some language that we at least feel like might get by somebody.

Ms. Munson – I think that's a plan to get the language to the Department as early as possible, and then it is just sitting with them.

Ms. Wiener – Got it.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Those were the end of the summary.

#### **G. Chair's Remarks**

Ms. Schwantes – Mr. Chair?

Chair Clark – Just to continue thanks for everyone who's helping us on the Committee to navigate this. I know it's a new process, but going back to where we started, fast forward to today, we're finding our rhythm, so thank you all.

#### **H. Adjournment**

Ms. Schwantes – Are we adjourned, Mr. Chair?

Chair Clark –We are adjourned. Thank you.

Ms. Schwantes – Thank you.