

MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
RULES COMMITTEE MEETING
(ANDREW CLARK, CHAIR – CHRIS JENSEN – DARRIN WILLIAMS)
JULY 9, 2025 – 10:00 A.M

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

Mr. Andrew Clark – Good morning. I'm going to call our meeting to order. Welcome and I want to turn it over to Ellen Simon for opening comments.

Ms. Ellen Simon – Good morning, everyone. My name is Ellen Simon. I'm the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Wednesday, July 9, 2025, and it's approximately 10 a.m. This is a public meeting of the Rules Committee for the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held in person at the Department of Financial Services, Claude Denson Pepper Building, located on West Madison Street in Tallahassee, Florida. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting, as well as all meeting materials, has been made available to all interested persons. Information relating to this meeting has also been published on the Division's website. Ms. LaTanya Bryant is recording the meeting and minutes will be prepared.

The purpose of this meeting over the next two (2) days is to conduct the business of the Committee. Specifically, the Committee will be reviewing eighty-seven (87) rules contained in Chapter 69K Florida Administrative Code for the purposes of addressing questions on each rule as required by SB108 on Administrative Procedures 2025. SB108 changes portions of Chapter 120, Florida Statutes pertaining to rulemaking as a result of which agencies must file certain specialized reports over the next nine (9) months. We'll get into that in a minute. While this is a public meeting, in order for the Committee to complete its review of the eighty-seven (87) rules, no more than about eight (8) minutes may be spent on each rule over the next two (2) days. In other words, time is tight. For this reason, we are going to hold public comments until the very end of each day of the meeting. At that time, we will ask for public comments. Comments should be limited to rules that are listed on the agenda, which are the rules which the Committee will be reviewing over the next days.

All 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 the Chair each time they speak. During public comment at the end of each day, persons speaking are requested to come to the podium and identify themselves for the record each time they speak. Non-Committee members speaking are also asked to at least initially state your name and spell your last name for the record. This will greatly assist our staff in preparing minutes from the meeting. We'll talk about that when we come to the public comments section of the agenda. If you have not already done so, please sign in to the table located in the back of the room. Be sure to include your e-mail address.

At this time, I would like to address those sitting at the head table and Department staff attending. We have Committee Chair Andrew Clark. Committee member Sanjena Clay has been excused from today's proceeding. We have Committee member Chris Jensen, and we have Committee member Darren Williams. Recognizing other Board members that are here, we have Todd Ferreira. At this point, I do not see any additional Board members. We also have Rachelle Munson, Senior Assistant Attorney General with the Office of the Attorney General. Ms. Munson serves here as counsel for the Board of Funeral, Cemetery, and Consumer Services and therefore for this Committee. From the Office of the General Counsel, we have Kimberly Marshall, Attorney Supervisor and James Ross, Chief Legal Counsel. We also have, from the Division, Ms. LaTonya Bryant, Administrative Assistant III, and Crystal Grant Financial Specialist.

The next item on the agenda is B, an overview of the materials provided. For this, I am going to give you a background and information that may be helpful for you during the meeting and tie it in with the materials you've been provided.

B. Overview of Materials Provided

(1) For Committee Use During Meeting

(a) Rules Review Workbook Prepared for Rules Committee July 2025 – Addendum A

(2) Quick Reference Materials

(a) Updated Designation of FCCS Rules (May 2025) – Addendum B

- (b) SB108 – Administrative Procedures – 2025 – Addendum C*
- (c) Rules Chapter 69K, Florida Administrative Code – Addendum D*
- (d) Chapter 497, Florida Statutes – Addendum E*

Ms. Simon –The agenda for this meeting focuses on the review of 87 rules from Chapter 69K, Florida Administrative Code. The review is to be conducted in accordance with the requirements set out in SB108, Administrative Procedures 2025. Please see Addendum C of the materials provided. This is the most recent version of SB108. This was signed by Governor DeSantis on June 26th and became effective on July 1st. The bill involves a lot of changes to the rulemaking process contained in Chapter 120, Florida Statutes. Among the changes is a new requirement that all agency rules must be reviewed prior to July 1, 2030, and more frequently thereafter. Importantly for now, that means that at least 20% of each of the agency rules must be reviewed each year until all reviews of existing rules are completed by the 2030 deadline. Even more importantly, the first 20% have to be identified by the agency in a report filed by October 1, 2025, with the review completed by, and an agency report filed by January 1, 2026, summarizing the agency's intended action on each rule reviewed. The Department has selected the rules contained in Chapter 69K to be included in its 20% this year. Since seventy (70) of these rules are considered shared rules, this means that the Committee and ultimately the Board will need to review those rules as well.

Please see the updated designation of FCCS rules May 2025, which is Addendum B in your packet. This document is a result of work done by both Board Counsel with the OAG's Office, Department Counsel, and Division staff several years ago in an effort to identify which of the rules in Chapter 69K would be identified as Department rules, which as Board rules, and which as shared rules. In other words, those which are the responsibility of the Board and those that are the responsibility of the Department as well. As I earlier stated, there are seventy (70) shared rules as identified on the updated designation document. Additionally, the Committee will review approximately 20% of the rules contained in Chapter 69K that have been identified as the sole responsibility of the Board. For each of the eighty-seven (87) rules reviewed today, the Committee will be required to address about ten (10) questions. These questions are set out in SB108 but include questions as to whether the rule is consistent with expressed legislative intent, needs any changes, or should be repealed. Examples of those questions are: What is the plan for the rule? Repeal, no change, or change? Is it a valid exercise of delegated legislative authority? What is the current statutory authority? Does it reiterate or paraphrase statutory material? Is it in proper form? Is it consistent with expressed legislative intent? Does it require a technical update? Does it require substantive updates? Does it require updated references to statutory citations? And does it require updated references to incorporated materials?

For reference back to SB108, Addendum C in your packet, the requirements regarding the review process, and these questions to be addressed are set out in the new statute, Section 120.5435, which begins on Page 35 of Addendum C. The questions to be asked are primarily set out in (4) which can be found on Page 36 of addendum C. We have now covered addendum B and addendum C. For a quick reference as we go through the review, your materials will also include a copy of all Chapter 69K, Addendum D, and all of Chapter 497, Addendum E.

Let's now turn to Addendum A, the Rules Review Workbook prepared for today's Committee meeting. For each of the eighty-seven (87) rules to be reviewed, this document sets out the entire rule with a table showing the results of the Department's initial review of the rule, on shared rules only, and two (2) tables for this Committee's use. The first to be used in answering SB108 questions, and the second to be used if changes are needed to the rule. Please see Page 1 of the workbook which provides an explanation of the shared rules and how the Department reviewed these rules. As an example, only at this point, let's look at the first of the rules to be reviewed, which is Rule 69K-1.003, on Pages 1-3 of the rule workbook. You will see that we have highlighted in gray the language that we believe the Department is responsible for within the rule. That is the language that was first reviewed by the Department in its initial review of the rule, which is found on the first table. That table is provided for your information only. The results are subject to change by the Department as a result of this Committee. Our plan is for the Committee to discuss each of the questions. Please feel free to mark in your workbook as we go along. This may make the final review of each rule easier. For each rule, after all the questions have been addressed, I will read the results back to the Committee and the Committee members will have the opportunity to vote on the results. This is done to eliminate the need for vote on each question. Any questions on these matters so far from the Committee members?

Committee members [Unison] – No.

Ms. Simon – Before moving on to the actual review, we have one (1) more item to discuss. Each rule requires information on its statutory rulemaking authority. We have pre-populated those fields based upon a prior review by both the Department's

Office of the General Counsel and Board Counsel with the Office of the Attorney General. This prior review is shown in Addendum B, Updated Designation of FCCS Rules from May 2025. Further changes may be required to this information prior to the filing of the October 1st reports due under SB108. For this reason, it is recommended that the Rules Committee consider delegating authority to Board Counsel and the Board's Executive Director to make any changes to these legal issues which they deem necessary for the Rules Committee's recommendations to the Board and or the October 1st report due under SB108. Mr. Chair, what is the Committee's pleasure on this? Committee action needed depending on what is stated.

Chair Clark – So, I'm comfortable delegating the authority to the Executive Director and Counsel because it still has to go before the Board for final approval. Any additional thoughts or concerns with it? Do we need a motion?

Ms. Simon – Yes.

MOTION: Chair Clark moved to delegate authority to Board Counsel and the Board's Executive Director to make any changes to these legal issues which they deem necessary for the Rules Committee's recommendations to the Board and or the October 1st report due under SB108. Mr. Williams seconded the motion, which passed unanimously.

Ms. Simon – And what that would involve is if rules are being opened, the Department, Division and Board office are used interchangeably often in the rules. And, while we don't want to open up a rule for that purpose only, we may be asking for those minor changes to be made. So, now that we have that taken out of order, now that we have the rules of the game, why don't we begin with the Rules Committee's Rules Review Workshop. Everybody has it in front of them?

Committee members [Unison] – Yes.

C. Shared Rules
(1) 69K-1.003 - Miscellaneous Fees

Ms. Simon – Has everybody had a chance to review 69K-1.003?

Committee members [Unison] – Yes.

Ms. Simon – Is there any need to repeal this rule?

Committee members [Unison] – No.

Ms. Simon – Is there no change required to this rule?

Committee members [Unison] – No change.

Ms. Simon – Is the rule a valid exercise of legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law, which the rule implements.

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to the rule, either technical updates, substantive updates, updates regarding the statutory citations, updates regarding references to the incorporated materials?

Committee members [Unison] – No.

Ms. Simon – This might sound perfunctory, but this is exactly what the statute requires us to do, requires the Board to do, which the Rules Committee is preparing for the Board. So just to reiterate, the plan for this rule is that there should be no change. It should not be repealed. The rule is a delegated exercise of legislative authority. The rule has current statutory authority. The rule does not reiterate or paraphrase statutory material. The rule is in proper form. It is consistent with expressed legislative intent pertaining to the specific provisions of law, which the rule implements. No updates are needed to the rule. Does the Committee agree without recitation?

Committee members [Unison] – Agree.

Ms. Simon – We need a motion in that effect.

MOTION: Mr. Chris Jensen moved to accept the Committee's findings with regards to this rule. Mr. Jones seconded the motion, which passed unanimously.

Ms. Rachelle Munson – Just one comment. Thank you for delegating authority to the Executive Director and myself to make any changes as necessary, bringing it back to the Board for full review. I just wanted to note that, that one question, "Does the rule reiterate or paraphrase statutory material." The way the bill was written is just a little bit odd, but you're going to find that quite a few of these rules may restate the very same language that's in a statute. So, when we're answering that "no, it does not," it's answered in the negative with the caveat and understanding that some of the language, like a \$5 fee for un-licensure, that's written in the statute. So, the way the rule says is a paraphrase or a restatement of it, and I just wanted there to be complete transparency and clarification on this record. What that language could possibly mean is not really clear. So, there's discussion, because some of the rule's kind of just repeat a little bit what statute says, they just do. But I just did not want it to be any lack of clarification as to what that language could possibly mean because the full meaning of it, quite honestly, with all of this in the Senate bill has not been fully, fully, fully expanded or explained. And I just wanted to note that for this record.

Ms. Simon – Thank you, Ms. Munson.

(2) 69K-1.005 - Licensure Application Procedures

Ms. Simon – Has the Committee had the opportunity to review this rule amongst themselves?

Committee members [Unison] – Yes.

Ms. Simon – After a review of this rule, does this rule need to be repealed?

Committee members [Unison] – No.

Ms. Simon – Okay. And in the future, the Chair may say no and may be speaking for the Committee. If anybody on the Committee objects please say so out loud. Otherwise, we're going to simply go on. So, is any change required to this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to the rule, whether technical updates, substantive updates, updates to set references to statutory citations or to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – Just to read back for the Committee. No repeal is necessary. No change is necessary. It is a valid exercise of delegated legislative authority. It has current statutory authority. It does not reiterate or paraphrase statutory material. It is in proper form. It is consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements. And no updates, whether technical, substantive or other, are needed to this rule. Does the Committee vote in favor of the aforementioned rules review results?

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Simon – As I stated, these questions are going to be rather routine, but these questions are important as they are required by SB108.

Ms. Wendy Wiener – What is the highlighting meant to designate?

Ms. Simon – The highlighting is meant to designate which part of the rule is Board, which part of the rule is Department.

Ms. Wiener – The highlighter is for Department?

Ms. Simon – Yes.

Ms. Wiener – Thank you.

(3) 69K-1.008 - Applicants with Criminal Records

Ms. Simon – Has everybody had an opportunity to review this rule?

Committee members [Unison] – Yes

Ms. Simon – If you need time when saying this, please stop me. Is any repeal necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are there any updates needed to the rule, whether technical, substantive, or updated references to statutory citations or incorporated materials?

Committee members [Unison] – No.

Ms. Simon – For Rule 69K-1.008, no repeal is necessary, no changes necessary. It is a valid exercise of delegated legislative authority. The rule has current statutory authority. The rule does not reiterate or paraphrase statutory material. The rule is in proper form. It is consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements. No changes are needed, no updates are needed to the rule. We require a motion regarding these results.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(4) 69K-5.0016 - Preneed License; Financial Requirements

Ms. Simon – Has everybody on the Committee had the opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is there a necessity for a repeal?

Committee members [Unison] – No.

Ms. Simon – Is there a necessity for change?

Committee members [Unison] – Yes.

Mr. Jensen – Question?

Chair Clark – Yes.

Mr. Jensen – On the workbook, it's got pre-checked, yes, on change.

Ms. Simon – Actually, Mr. Jensen, what I'm looking at is the second review, which is for the Rules Committee.

Mr. Jensen – Okay.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is the rule consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates of any type needed to this rule?

Committee members [Unison] – No.

Ms. Simon – So, to reiterate, no repeal is necessary for Rule 69K-5.0016. No change is necessary. The rule is a valid exercise of delegated legislative authority. The rule has current statutory language. The rule does not reiterate or paraphrase statutory material. The rule is in proper form. It is consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements. No updates are needed to the rule. And if the Committee agrees, could I have a motion regarding that?

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Simon – I appreciate that this is not a pro-forma review of the rules, and you understand the necessity under SB108.

Unidentified person – On that particular one, there were no highlights.

Ms. Simon – There are no highlights because this is a Board rule. It does not appear to us that there is any shared responsibility for that rule.

Ms. Munson – It is listed under shared rules and that will be under review.

Ms. Simon – Yes.

Ms. Munson – Let me just clarify. This is not public comments, so I know we can't have the comments on the floor. I understand the question was clarifying and thank you for it. When we go through this, because the executive team and the full Board will be looking at these for the full voting process, and if anything as indicated as identified as a shared rule, and you don't see anything highlighted, Ms. Wiener was kind enough to acknowledge that the clarification is if it's highlighted it's the Department's portion of the rule. So, if there is no highlight, we will revisit to make sure and redefine it, because these rules, quite honestly, and I can openly state for the record, funeral Board rules, there are a lot of shared capacities and sometimes the areas may be a little bit gray. I will be honest with you; we are still going to be very much responsive to the wording of the bill as it's printed and review each of these rules in greater detail. Whether they're shared or not may come out a little bit different in the wash, but by the time of final review, there will be clarification as to whatever changes, if any, would be necessary. The distinction of whether some of them may be shared or not may not necessarily ever come out because I mean, that's just not always very clear. So, if it's highlighted, it's because the highlighted sections are clearly Departmental purview. If there is nothing highlighted, there may be a question as to whether something may or may not be Departmental purview, and that's why they're considered shared. Because they are rules which impact the profession, and whether they fall on the Board's side or the Department's side, sometimes may require just a little closer look. Some of them really do overlap a lot, and that's just complete transparency to the body.

Ms. Simon – Thank you, Ms. Munson.

Chair Clark – Thank you.

Mr. Juhan Mixon – Chair?

Chair Clark – Yes, sir?

Mr. Mixon – Just so I understand the process, all of these rules are going to come back to the Board, and when they come to the Board, then the public or those of us in the audience, if we have recommendations or we have concerns, we're going to go into each rule in detail, or is the Board going to go through the same process that we're seeing right here? You have seventy-eight (78) items on the agenda, and we've got twenty (20) seconds each for an item. I just want to know how that will work.

Ms. Simon – Thank you, Mr. Mixon.

Chair Clark – Ms. Munson?

Ms. Munson – So, just as a quick response to that. This is a public meeting, and the information is being made available so you can take as much time as you needed prior to the meeting. We cannot necessarily say at this point that there's going to be a need for a deeper dive. This is why we're going to give individuals an opportunity at this meeting to provide public comment at the end of the meeting. Many of you are here because there are certain rules that impact your area specifically. So, I'm sure you've looked at those extremely closely. We don't necessarily expect you to look at all the hundreds of rules that may be in our particular profile, but those that impact you, we know you're taking a closer look at. So, are we going to set up another meeting perhaps to go through each rule in detail? We are hopeful that those who are here today and those who are aware of this rulemaking process that's available to all the agencies is doing so independently. At the end of this meeting, the public comment area, since you've done, I'm sure your due diligence prior to this meeting, you can mention some areas for the rules that you are familiar with that you'd like to bring up. But setting aside a separate meeting, unless the Board determines is necessary, may not come to fruition. It's only as needed. This is a very time-consuming process. So, we actually lean into you to do your due diligence to look at those that you feel impact you, that you feel may need some additional rulemaking consideration.

Ms. Simon – And if I may?

Chair Clark – Sure. Yes.

Ms. Simon – And any comments that you feel need to be made, if we can make those during public comment and you will have time at the end of today and at the end of tomorrow. But as stated, this is time-consuming, and we need to go through these as necessary as required by statutes.

Chair Clark – And I would just add if this Committee, through the public comment or subsequent meetings, it's identified that a language needs to change, there'll be a time to develop that for the Board's consideration.

Mr. Mixon – Thank you.

(5) 69K-5.002 - Application for Preneed License

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is any repeal necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary? And that would be technical substantive any change?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – To review the results, with regards to Rule 69K-5.002, no repeal is needed with this rule. No change is necessary. The rule is a valid exercise of delegated legislative authority. The rule has current statutory authority. The rule does not reiterate or paraphrase statutory materials. The rule is in proper form. It is consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements. No updates are needed to this rule. May I have a motion regarding these findings?

MOTION: Chair Clark moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

Ms. Simon – This is not a pro forma review of the rules. Those on the Rules Committee have had the to review these rules before today's meeting.

(6) 69K-5.0021 - Application for Preneed License Branch Office License

Ms. Simon – Has the Committee had an opportunity to review?

Committee members [Unison] – Yes.

Ms. Simon – And with regards to this rule, is any repeal necessary?

Mr. Jensen – I do have a question about this rule, if I may.

Ms. Simon – Yes, sir?

Mr. Jensen – So, under number two, it is talking about the same name. Somehow or another, I think it needs to be clarified a little bit because I ran in this personally myself. If you have a branch and it happens to be licensed in the exact same name as the first, then you don't have to pay the \$150. So, I'm trying to figure out, we need to put some language in there somewhere, because it technically is a branch, but it's not. You understand what I'm saying?

Chair Clark – Yes.

Mr. Jensen – Okay.

Ms. Simon – So you'd like for the Board to review that perhaps?

Mr. Jensen – Well, it needs some clear language. And as you know, I called to you about this one time, so it just needs to be cleaned up a little bit.

Ms. Simon – Okay. So, with regards to Rule 69K-5.0021 there's no repeal necessary. If I say something inaccurate, please let me know. There is a change necessary, and that change is perhaps to (2), regarding the branch offices. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – I am going to go through this and I'm going to ask if the Rules Committee has no objections. I would like to go through this once and see if this works out. I am going to suggest that the Committee does not want to repeal this matter, wants to change it, wants to alter it under (2). The rule is a valid exercise of delegated legislative authority. I do not mean to put words in your mouth. I'm merely shortcutting this. You can interrupt me please if you have any concerns. The rule is in proper form. It is consistent with expressed legislative intent pertaining to specific provisions of law, which the rule implements. Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Updates are needed to this rule and you're discussing substantive updates, correct?

Committee members [Unison] – Yes.

Ms. Simon – Okay. Are any updated references to statutory citations needed?

Committee members [Unison] – No.

Ms. Simon – Any updates referenced to incorporated materials?

Committee members [Unison] – No.

Ms. Munson – Possibly. I only say that because if there's a change to the form because of this additional branch licensure.

Chair Clark – Oh, okay. I see what you are saying.

Ms. Simon – Branch licensure identity, so it's not duplicate. The change probably is going to come to the form where you can just add a check box or something like that. So that's a possibility. I don't know if the Department will change the form.

Ms. Simon – And that would be under 1(a)?

Chair Clark – I believe so yes.

Ms. Munson – The form is under 1(a).

Ms. Simon – This isn't going to work to shortcut it. So, I tried. Okay, so the plan for rule is repeal is not necessary, a change is necessary. It is a valid exercise of delegated legislative authority. It has current statutory authority. It does not reiterate or paraphrase statutory material. It is in proper form. It is consistent with expressed legislative intent pertaining to specific provisions of law which the rule implements. Changes are needed substantively, not technically at this point. No updates are needed to statutory citations. And we are going to look at whether updates are needed to incorporated materials. Can we have a motion regarding the findings of this rule?

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

Ms. Simon – I just want to make sure, for clarification, that when the Rules Committee votes and says that an issue is moved, that you agree with my interpretation of what the Committee results have been and that's what you are voting upon.

Committee members [Unison] – Correct.

Ms. Simon – Okay. Thank you.

(7) 69K-5.0022 - Applications for Transfer of a Preneed License

Ms. Simon – Has the Committee had an opportunity to review this?

Committee members [Unison] – Yes.

Ms. Simon – Is any repeal necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Okay. I'm going to try and go through this. The Rules Committee finds that no repeal of this rule is necessary nor is there any change. The Rules Committee found that the rule is a valid exercise of delegated legislative authority. The rule has current statutory authority. The rule does not paraphrase or reiterate statutory material. The rule is in proper form. If I am putting words in your mouth, please let me know. The rule is consistent with the expressed legislative intent pertaining to specific provisions of law, which the rule implements.

Committee members [Unison] – Yes.

Ms. Simon – There are no updates required for this rule. May I have a motion regarding that summary?

MOTION: Mr. Jensen moved to accept the Committee’s findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(8) 69K-5.0025 - Inactive Preneed Licenses

Ms. Simon – Has the Committee had an opportunity to review?

Committee members [Unison] – Yes.

Ms. Simon – Is any repeal necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed this rule, technical, substantive, updates to statutory citations and the like?

Committee members [Unison] – No.

Ms. Simon – To summarize the plan for this rule is that no change is necessary. No repeal is necessary. The rule is a valid exercise of delegated legislative authority. The rule has statutory authority. The rule does not reiterate or paraphrase statutory material. The rule is improper form. It is consistent with legislative intent pertaining to the specific provisions of law which the rule implements. No changes are needed to this rule, whether technical, substantive, nor statutory citations. May I have a motion with that summary?

MOTION: Mr. Williams moved to accept the Committee’s findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Simon – Thank you.

Mr. Williams – Mr. Chair?

Chair Clark – Yes.

Mr. Williams – Is it possible that if there is a change, that Ms. Simon then repeats everything versus going through it twice?

Ms. Simon – How do you mean?

Mr. Williams – So, if there's no changes or anything that you need to look more into, just go ahead and take the motion after we go through.

Chair Clark – Correct. Yes.

Mr. Williams – And then if there is a change, then she could go through it a second time with making sure our responses are correct.

Ms. Simon – Okay. So, if I may?

Chair Clark – Yes, sure.

Ms. Simon – So, what you're suggesting is I go through, and I put down what the Rules Committee says the first time, and unless there is some type of change needed, then the Committee votes on it without me repeating it?

Chair Clark – I'm good with that if you are.

Ms. Simon – Okay. Then let's move on. Thank you. Great suggestion.

(9) 69K-5.0026 - Preneed License Renewal

Ms. Simon – Is any repeal necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Any change?

Mr. Jensen – Yes.

Ms. Simon – Yes?

Mr. Jensen – Well, the highlighted part here says, "shall reply by mail." Can we do some of this online?

Ms. Simon – Yes that is a great question. Unfortunately, right now our systems will not allow for that. We're trying to do more online, but it is a financial situation, and we do not have the funds. Unless we can somehow infuse that they will be unable to be processed that way by the Department

Mr. Jensen – Okay.

Ms. Simon – Is any change necessary or can any change be made within our boundaries?

Committee members [Unison] – No change.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – The rule is consistent with current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, updated references to statutory citations or updated references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – May I have a motion with regards to the Committee’s findings as to Rule 69K-5.0026?

MOTION: Mr. Williams moved to accept the Committee’s findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Simon – Did that work for the Committee?

Committee members [Unison] – Yes.

(10) 69K-5.003 - Application for Registration of a Preneed Sales Agent

Ms. Simon – Have the Committee members had an opportunity to review?

Committee members [Unison] – Yes.

Ms. Simon – Okay. Is any repeal necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – If no, it'd be appropriate at this time to make a motion as to the Committee's findings with regards to this rule.

MOTION: Chair Clark moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(11) 69K-5.0035 - Termination of Appointment of a Preneed Sales Agent

Ms. Simon – Has the Committee had the opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Okay. Is a repeal necessary?

Committee members [Unison] – No.

Ms. Simon – Is there any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, references to statutory citations, or updated references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for the Committee to make a motion to approve the findings of this Committee.

MOTION: Mr. Williams moved to accept the Committee’s findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(12) 69K-5.004 - Procedures for Licensing a New Cemetery

Ms. Simon – Has the Rules Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal necessary?

Committee members [Unison] – No.

Ms. Simon – Are any changes necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, updated references to statutory citations or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It'll be appropriate that it's time for a motion to be made approving the Committee's findings.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(13) 69K-5.009 - Regulatory Standards for Evaluating Applications by the Board

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It will be appropriate at this time for there to be a motion adopting the Committee's findings as to this rule.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(14) 69K-5.011 - Preneed Sales Agent Renewal

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is any repeal necessary to this rule?

Chair Clark – I do have a question.

Ms. Simon – Okay.

Chair Clark – On sub (2), because this came up recently in a Board meeting, it says the receive date shall be the date stamped on the application when received by the Department. So that is when they open it? We had a case recently where there was a perceived delay between when it arrived and when it was dated by the cashier.

Ms. Simon – When it is dated by the cashier, and that happens and there is not a delay that I know of.

Chair Clark – Okay.

Ms. Simon – It may be a delay perhaps of getting it to the Division, but it's the date stamped by the cashier.

Chair Clark – Okay. Thank you.

Ms. Simon – Okay. Any other discussion as to Rule 69K-5.011?

Committee members [Unison] – No.

Ms. Simon – Is any repeal necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is the rule consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates stated to this rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would now be appropriate for a motion adopting the Committee's findings as to this rule.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(15) 69K-5.012 - Application and Renewal Procedures for Broker of Burial Rights License

Ms. Simon – Is any repeal necessary?

Committee members [Unison] – No.

Mr. Jensen – May I have a minute, Chair, please?

Chair Clark – Yes.

Ms. Simon – I don't even know if I asked the Committee if they have had an opportunity to review this rule.

Mr. Jensen – I guess I'm looking at this and I think we should look at some of the wording here. I realize there's been a little bit of an issue around our state with some of this happening and we need to look at stiffer penalties here for people acting without a license or they are not a cemetery authority or licensed cemetery.

Ms. Simon – Wouldn't that be under discussion of Rule 69K-30.001, which are the disciplinary guidelines? Is that what you're referencing?

Mr. Jensen – Yes. Like I'm looking here on Page 37, and it says a \$5 unlicensed activity fee.

Ms. Simon – Yes, sir.

Mr. Jensen – I understand the penalty part of it, but what does that mean exactly? \$5 unlicensed activity fee? Maybe I'm confused.

Ms. Simon – I believe that the \$5 unlicensed activity fee is in statute, so it is a statutory requirement, but that is not discipline. The discipline would be under 69K-30.001 most often. However, if it is pure unlicensed activity with somebody that is not licensed at all by the Board then it would go through the Department for discipline, as opposed to the Board.

Mr. Jensen – Okay, great. Thank you.

Ms. Simon – Okay.

Ms. Wiener – May I ask a question, Mr. Chair?

Chair Clark – Yes.

Ms. Wendy Wiener – During the public comment, suppose we ask a question that then changes the perception of this Committee as to whether or not to open a rule. Are you going to pull them back? Or how will that work?

Ms. Simon – I expect that we will revisit these questions at that point.

Ms. Wiener – Okay. And so, if there's a handful that we talk about and then you go, oh yes, we don't need to open it, or we do need to open it, then we'll revisit those then?

Ms. Simon – Yes.

Chair Clark – Correct.

Ms. Simon – Back to the application and renewal procedures for broker of burial rights licensure.

Mr. Williams – Mr. Chair?

Chair Clark – Yes?

Mr. Williams – So I'm just thinking about what Ms. Wiener just said. I apologize. So, would it be out of turn, and I know we customarily have public comment at the end, but versus going back and trying to go through the material to go back, could we take the one (1) or two (2) public comments maybe?

Chair Clark – Sure. So, in preparation for the meeting, I talked to Ms. Schwantes about some of our options, just knowing the limited time we have per rule, the thought was to put it at the end. We know there's going to need to be subsequent meetings over these rules. And so, my perspective is if there is comment that says, hey, let's revisit that, we can open it back up in a future meeting, because we want to review it before we submit our recommendation to the Board. So, we'll still absolutely have a chance to go back and change our answers.

Mr. Williams – Okay. Yes, sir.

Mr. Jensen – Mr. Chair?

Chair Clark – Yes?

Mr. Jensen – Just to piggyback off that, I sort of see what Mr. Williams was saying here and I do like to hear what the public has to say or other people in our industry. So is it okay that maybe one of them can raise their hand and say, hey, instead of us having to thumb through all these papers at the end and kind of let me go back and find it. Just say, hey, that's something I would like to talk about. Is that possible or not? Without even having to come to the podium, just raise your hand.

Chair Clark – So, I think knowing the timing that we must have a response by October 1st, I do think there's a substance of urgency here.

Mr. Jensen – Okay.

Chair Clark – My hope is that for public's comments, whoever does come, comes prepared and is efficient with their time. We know that we are going to have subsequent meeting, so on the rules that there is healthy discussion or debate, we can kind of tackle those all at once.

Mr. Jensen – Agree. Okay. Thank you.

Ms. Simon – Okay. Back to 69K-5.012. Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, references to statutory citations, or references to incorporate a material?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee’s findings as to this rule.

MOTION: Chair Clark moved to accept the Committee’s findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(16) 69K-5.0125 - Minium Records to be Maintained by Burial Rights Broker; Inspection of Records

Ms. Simon – Has the Committee had an opportunity to review that rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Is any update necessary to this rule whether technical, substantive, references to statutory citations, or references to incorporate materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee’s findings as to this rule.

MOTION: Mr. Williams moved to accept the Committee’s findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(17) 69K-6.005 – Records

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is there a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee’s findings as to this rule.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(18) 69K-7.005 - Performance Bond – Mausoleums or Below-Ground Crypts

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is the rule consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It will be appropriate at this time for a motion to be made adopting the Committee's findings as to this rule.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

Mr. Jensen – Ms. Simon?

Ms. Simon – Yes, sir?

Mr. Jensen – Just a quick question. I know you're speaking a lot, but everybody has access to what we're seeing here, correct?

Ms. Simon – Everybody does not have access to the rules' workbook material. However, in the back there were some copies made and they were available on a first come basis. And the Committee members and interested persons have been sent all the materials involved in this.

Mr. Jensen – Just a quick question. Since we can see this stuff here, do you have to physically ask every one of these questions or can you ask if there is any disagreement with what's suggested, in the interest of time? I know there's a legal answer to that.

Ms. Simon – That's a good question. With regards to these rules, if there are any changes that need to be made then we can take care of that. But I will assume that at this moment, for most rules, that there's no change only based on what we've already discussed. Okay?

Mr. Jensen – Yes.

Ms. Simon – The other thing that we're assuming is that the rule does not reiterate or paraphrase statutory material.

Mr. Jensen – Yes.

Ms. Simon – And I can ask in totality if the Rules Committee approves those assumptions for each rule, as well as the rest of the material. Ms. Munson?

Ms. Munson – Yes. Technically I guess we can do that. I will share with you the reason I think in the preparation for this, when the Executive Director outlined the rules that we will discuss today, and we allotted the amount of time. We do anticipate there to be some discussion at the end of this session, but we wanted to make sure the record was clear that we kind of hit every rule that we intended to hit. So, just as a time-check, I think we might still be okay as to going over them, addressing them individually. I think it's the 11:00 AM hour now, and we probably by 1:00 would've done everything we needed to do Rules Committee wise. I'm just guessing with the time fashion. I would be more comfortable in just still pulling them up because if we do what's suggested, I think unless there are a couple rules that you may pull out. I want to make sure, because it was so much material, it was just so much material.

Mr. Jensen – What I'm suggesting is we still read each rule, but instead of Ms. Simon having to read every one of these and Mr. Chair there having to answer yes or no to everything, after we read the rule or we see the rule, does anybody have any questions of this or is everybody okay with this, with the suggestions of the check marks here. We're already taking "are updates needed." We're taking four (4) or five (5) of those at once. So why not just take the whole thing? I'm just trying to help, because poor Ms. Simon is going to have laryngitis by tomorrow.

Ms. Simon – I would suggest, Mr. Chair, that we continue the way we are. After we take a break, we could discuss how we'd like to do the rest, but right now, my voice, I appreciate you saying that, but I'm okay with my voice the way things are going.

Mr. Jensen – Whatever you say.

Chair Clark – Well, we're going to take a break at 11:15. Why don't we do that, then we can talk about it.

Ms. Simon – Okay, that sounds good.

Chair Clark – And I do want the record to reflect that our Board Chair, Jill Peeples, has arrived I'm jealous of the variability in the agendas you get compared to the agenda we get. But thank you so much for being here. We're going to take a 10-minute break and we'll be back at 11:25.

*****BREAK*****

Chair Clark – Welcome back. We're going to go ahead and get started.

Ms. Simon – Okay. May I?

Chair Clark – Yes.

(19) 69K-7.010 - Reporting Requirements for Preneed Licensees Utilizing a Surety Bond or Letter of Credit in Lieu of Trusting

Ms. Simon – Has the Rules Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is any repeal necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have any current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to the rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for the Committee to make a motion adopting the findings for this rule.

MOTION: Chair Clark moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(20) 69K-7.0125 - Alternative Form of Security for Permanent Outer Burial Receptacle Manufacturers

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule paraphrase or reiterate statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to the rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for the Committee to make a motion to adopt the findings of this Committee.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(21) 69K-7.015 -Trust Agreements and Trustees

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is any repeal necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have any current statutory -- have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase the statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to the rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for the Committee to entertain a motion adopting the findings.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(22) 69K-9.001 – Advertising

Ms. Simon – Has the Committee had an opportunity to review that rule?

Chair Clark –Yes.

Ms. Simon – Is a repeal necessary of this rule?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is the rule consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to the rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would now be appropriate for the Committee to entertain a motion adopting the findings of the Committee?

MOTION: Mr. Williams moved to accept the Committee’s findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(23) 69K-10.001 - Preneed Funeral Contract Consumer Protection Trust Fund

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee’s findings.

MOTION: Mr. Williams moved to accept the Committee’s findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(24) 69K-10.002 - Disbursement from the Preened Funeral Contract Consumer Protection Trust Fund

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of dedicated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Any updates to the rule necessary in terms of technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate for this time for a motion to be made adopting the Committee’s findings as to this rule?

MOTION: Mr. Williams moved to accept the Committee’s findings with regards to this rule. Chair Clark seconded the motion, which passed unanimously.

(25) 69K-10.003 - Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is this rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with the expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings as to this rule.

MOTION: Chair Clark moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(26) 69K-12.002 - Procedure for Licensing a Monument Establishment

Ms. Simon – Has the Committee had an opportunity to review this rule.

Committee members [Unison] – Yes.

Ms. Simon – Is any repeal necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings as it pertains to this rule.

MOTION: Chair Clark moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(27) 69K-12.003 - Procedure for Submission and Approval of Monument Establishment Retail Sales Agreements

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is any repeal necessary for this rule?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary for this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed for this rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's results as it pertains to 69K-12.003.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(28) 69K-17.0026 - Inactive Status License

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is any repeal necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, references to statutory citations, or references to incorporated material?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings as it pertains to this rule.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(29) 69K-17.0027 - Delinquent License

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for the Committee to entertain a motion adopting the Committee’s findings.

MOTION: Mr. Williams moved to accept the Committee’s findings with regards to this rule. Chair Clark seconded the motion, which passed unanimously.

(30) 69K-17.003 – Fees

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is there any change to this rule necessary?

Committee members [Unison] – No, not at this time.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee’s findings as it pertains to this rule.

MOTION: Chair Clark moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(31) 69K-17.0036- Course Required for Initial Licensure

Ms. Simon – Has this Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Committee members?

Committee members [Unison] – Yes.

Ms. Simon – Is there any repeal to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Are any changes to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to the rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Mr. Williams – Mr. Chair?

Committee members [Unison] – Yes.

Mr. Williams – So, if I'm reading this right, the highlighted portion says additional fee of \$5 per the license.

Ms. Simon – That is not on this rule, Mr. Williams. This is 69K-17.0036.

Mr. Williams – I'm sorry. You can go ahead.

Ms. Simon – Okay. It would be appropriate at this time for a motion to be made adopting the Committee’s findings.

MOTION: Mr. Jensen moved to accept the Committee’s findings with regards to this rule. Chair Clark seconded the motion, which passed unanimously.

Ms. Simon – Mr. Williams, did you want to go back to something?

Mr. Williams – Well, it was the last one.

Ms. Simon – That was 69K-17.003.

Mr. Williams – I just wanted clarity. On the \$5, is this a Division highlighted portion?

Ms. Simon – Where is it?

Ms. Munson – Sub (10).

Ms. Simon – Yes, that is our finding. That's a preliminary finding by the Department.

Mr. Williams – So, for example, (a) would be \$55?

Ms. Simon – Yes.

Mr. Williams – Okay. Thank you.

Ms. Simon – Okay. Good question.

(32) 69K-17.0041 - Continuing Education Provider Requirements

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Chair Clark – Let me take my last question. I know that on Page 73 under updates to the rule, I know there's a couple noted for our consideration. Does that mean, well there's not a change to the rule but there are updates.

Ms. Simon – Well, it appears that in this rule, there may be updates necessary because the rule reference is 69K-14.007 and that does not exist anymore.

Chair Clark – Right.

Ms. Simon – Would that be considered an update or a change, Ms. Munson?

Ms. Munson – Where is it referenced?

Unidentified person – Sub (2). It's substantive.

Ms. Munson – Absolutely a substantive change.

Ms. Simon – Okay.

Chair Clark – So, in reference to “is there a change?” The answer is yes.

Ms. Simon – Okay.

Ms. Munson – For substantive, yes. A substantive update.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to this rule, whether technical, substantive, references to statutory citations, or references to incorporated materials?

Chair Clark – No, to technical and statutory citations. Yes, to substantive and incorporated materials.

Ms. Simon – Incorporated material?

Chair Clark – Yes. So, in (2), we just mentioned there is no 69K-14.007.

Ms. Simon – Is that incorporated in the --

Ms. Munson – It's incorporated because it seems if the form references 14.007 and that form also would need to be updated.

Ms. Simon – Then it is yes to substantive updating, and yes to updated references to incorporated materials?

Ms. Munson – Correct.

Chair Clark – Correct.

Ms. Simon – Okay. It would be appropriate at this time for motion to be made adopting the findings of the Committee as it pertains to this rule.

Mr. Jensen – Clarification please. So that correction was the 61-6.015?

Ms. Simon – Wait.

Chair Clark – No, that's the second one. I think in (3) (b).

Mr. Jensen – So that would need to be in our motion as well, correct?

Ms. Munson – Well the motion doesn't identify where the correction needs to be made. Just that a correction needs to be made.

Ms. Simon – But I implied that you mentioned that, so I can put it down.

Chair Clark – Because there was also a reference to the website. Is the website --

Ms. Simon – Where does it say that?

Chair Clark – It says a problem with reference to Department Rule 61-6.015. Correct website reference, F74.

Ms. Simon – Oh. So, it's there? Okay.

Chair Clark – I think if that's included then we can proceed with the motion, if that's okay.

Ms. Simon – It would appropriate at this time for a motion to be made adopting the findings of the Committee.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(33) 69K-17.0042 - Approval of Continuing Education Courses

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Chair Clark – Yes. In (4), it references Rule 69K-14.007, which does not exist.

Ms. Simon – Really?

Chair Clark – That's what my notes say.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are technical updates needed to the rule?

Committee members [Unison] – No.

Ms. Simon – Are substantive updates needed to the rule?

Committee members [Unison] – Yes.

Ms. Simon – The ones previously mentioned?

Chair Clark – Correct.

Ms. Simon – And are updates needed for references to statutory citations or references to incorporated materials?

Committee members [Unison] – Yes.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings as it pertains to this rule.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(34) 69K-18.001 - Embalmer Intern Training Program

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is any repeal necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is there any change needed to this rule?

Committee members [Unison] – No.

Mr. Jensen – Question here.

Chair Clark – Yes?

Mr. Jensen – This kind of goes hand in hand with the next one here we're looking at. I know we've had some question as to we get a lot of these where they're renewing their internship, and I think we should put some language in there to how far do they do their internship before they have to start over. Because some of them may come back and say, hey, I want to renew

this or start again after they abandon it for a year. I figured we could start over if it's close in a certain period of time. We need to set some parameters there, I think. You understand where I'm going with that?

Chair Clark – Yes.

Mr. Jensen – On this one and the next one.

Ms. Munson – What language is he referring to? Which language, sir?

Chair Clark – I believe (3). Right, Mr. Jensen? We talked about one (1) year of full-time. And again, we've had items come before the Board where they can't maintain that full-time status for whatever reason.

Mr. Jensen – Right.

Chair Clark – I think he's asking that we clarify what does the applicant do?

Mr. Jensen – Well, you know, there's a rule that says they're only allowed one (1) chance in a lifetime.

Ms. Munson – And that's by statute.

Chair Clark – That's statute.

Mr. Jensen – That's the statute. But we waived that several times, but I think we need to do something for a time period there. Like if they abandon it for a certain amount of time, then they have to start the year over. If they're doing a year and they're just running behind or something, then yes, give them three (3) or four (4) extra months.

Ms. Simon – Just to be clear, we've never acted in violation of that statute.

Mr. Jensen – Right.

Ms. Simon – But there has been references to rules being waived after a petition has been filed with regards to that. But you are suggesting that perhaps a couple of months be added to the internship, or some other parameters be made if a request is made to renew internship.

Mr. Jensen – If a request is made, they may renew it for, you know, six (6) months. If they abandon it for a year, and we've had some that come back three (3) years later and say, hey, I already did eight (8) months and now they want to do their other four (4) months. No, I think they should have to start anew.

Ms. Munson – If I may, Chair?

Chair Clark – Yes.

Ms. Munson – We would just need to be careful in modifying a rule language. The petitions that come that allow us to modify rules are based on very specific, special situations for that particular applicant with regard to that rule application to that applicant. But we have to be careful if we change the rule language where it gives the impression that it's working outside of statute. So, we'll have to look at these cases. I would recommend that we look at the rule language more closely. However, in considering any changes to the rule, it should never be different from what statute says. Because if it is, then it's like we are creating a rule without rulemaking authority because the statute says you can only have one, and now we are creating a rule to say, well, if we give you more than no more than four (4) months outside, and that might create a bigger problem.

Mr. Jensen – So what you're saying is basically leave it as is and take it on a case-by-case basis.

Ms. Munson – Definitely case-by-case. We can look at it more closely, but if we're going to tweak it, we just can't tweak it outside of that, which the statute allows us to.

Mr. Jensen – Yes.

Chair Clark – Well, Mr. Jensen. I agree because also some of the applicants are confused about it.

Mr. Jensen – Yes, exactly. There's a lot of confusion.

Chair Clark – So Ms. Munson, if it's okay, I think we just make a note, let's take a look at (5). I said (3), but it's really (5) that talks about an intern failing.

Ms. Munson – Perfect.

Chair Clark – As long as -- if there's a way to obviously align with statute but it makes it more clear for the applicant and the Board, I think that's where you're getting at.

Mr. Jensen – Absolutely.

Ms. Munson – Makes sense.

Mr. Jensen – Thank you.

Ms. Simon – So, in this perspective, the Committee is saying there is a change necessary.

Committee members [Unison] – Yes.

Ms. Simon – Or at least review is necessary.

Ms. Munson – Review. Yes.

Ms. Simon – Is the rule of valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are technical updates needed to the rule?

Committee members [Unison] – No.

Ms. Simon – Are substantive updates needed to the rule?

Chair Clark – Possibly.

Ms. Munson – Correct.

Committee members [Unison] – Yes.

Ms. Simon – Are updated references to statutory citations or incorporated materials necessary?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the findings of the Committee

MOTION: Mr. Williams moved to accept the Committee’s findings with corrections, regarding this rule. Mr. Jensen seconded the motion, which passed unanimously.

Chair Clark – And that was (5).

Mr. Howard Beckham – Mr. Clark?

Committee members [Unison] – Yes?

Mr. Beckham – Howard Beckham, B-E-C-K-H-A-M. I think this deserves more comment.

Chair Clark – We will at the end.

Mr. Beckham – And I’d just like to have it brought back up.

Chair Clark – Absolutely. Thank you.

(35) 69K-18.002 - Funeral Director Intern Training Program

Ms. Simon – Has the Committee had an opportunity to review this rule.

Chair Clark – Mr. Jensen, you had a similar concern on this one too, correct?

Mr. Jensen – Yes, correct.

Chair Clark – Okay.

Mr. Jensen – Yes, I do. We just need to somehow clean this up. It's very confusing to the applicants and it also creates an issue with the Department because it's so black and white, we often find ourselves caught in the middle, overruling the Department, which is fine, but it does confuse me.

Chair Clark – Okay.

Ms. Simon – So, may I continue?

Chair Clark – Yes.

Ms. Simon – So this is regarding 69K-18.002. Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is a change to this rule necessary?

Committee members [Unison] – Possibly.

Ms. Munson – Possibly.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in its proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any technical updates needed to the rule?

Committee members [Unison] – No.

Ms. Simon – Any substantive updates?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule, whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings as it pertains to this rule.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(36) 69K-18.003 - Concurrent Internships

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is the repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is this rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive references to statutory citations or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings as it pertains to this rule.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(37) 69K-18.004 - Intern Training Agencies

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change of this rule necessary?

Mr. Jensen – Well, there's been some talk of lowering the number of embalmings required.

Ms. Simon – We already did that, to twenty (20).

Mr. Jensen – So, it was lowered to twenty (20)?

Ms. Simon – Right.

Mr. Jensen – Okay. We'll address that if it comes back up. Thank you.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings as it pertains to this rule.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(38) 69K-20.001 - Report of Cases Embalmed or Bodies Handled

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Any updates needed to this rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings as it pertains to this rule.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(39) 69K-21.001 - Licensure Procedure; Consequences of Operating Prior to Licensure

Ms. Simon – Has everyone on the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change to his rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is this rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is the rule consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any technical, substantive references to statutory citations or references to incorporated materials needed to be updated?

Committee members [Unison] – No.

Mr. Williams – Mr. Chair?

Chair Clark – Yes?

Mr. Williams – On the highlighted part, who exactly is the designee? It says in (1), Department shall issue a license to any applicant, the Board or a designee. So, do we need to strike designee, because we already mentioned the two (2) entities already?

Ms. Wiener – It's the Division. The Board delegates authority to the Division, which it often does.

Mr. Williams – Okay. Thank you, Ms. Wiener.

Ms. Simon – As to the updates, any technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings as it pertains to this rule.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(40) 69K-21.004 – Fees

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is the repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule that are technical, substantive references to statutory citations or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings as it pertains to this rule.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(41) 69K-21.005 - Display of Licenses

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is this rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule that are technical, substantive references to statutory citations or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the findings of the Rules Committee as it pertains to this rule.

MOTION: Mr. Jensen moved to accept the Committee’s findings with regards to this rule. Chair Clark seconded the motion, which passed unanimously.

(42) 69K-21.008 - Notification of Change in Funeral Director in Charge

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is this rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule, whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings as it pertains to this rule.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(43) 69K-21.009 - Disinterment Reporting

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change to this rule necessary?

Chair Clark – There's a reference to a form.

Ms. Munson – There's reference to a rule without referencing a form.

Chair Clark – So, we need to add the reference to the form?

Ms. Munson – I don't know if you necessarily have to add reference to the form.

Chair Clark – Okay.

Ms. Simon – So, should we mirror the Department's finding with regards to references to incorporated materials, that that may need to change?

Chair Clark – I don't think so.

Ms. Munson – There are no incorporated materials.

Ms. Simon – Okay.

Chair Clark – No, I think we're okay.

Ms. Simon – Then no change?

Committee members [Unison] – No change.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule whether technical, substantive references to statutory citations or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings as it pertains to this rule.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Chair Clark seconded the motion, which passed unanimously.

(44) 69K-21.055- Notice to the Department of Mailing Address and Place of Practice of License

Ms. Simon – Has the Committee had an opportunity to review that rule?

Committee members [Unison] – Yes.

Ms. Simon – Is there any repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is there any change to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does this rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are there any updates needed to this rule, including technical substantive references to statutory citations and references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate this time for a motion to be made adopting the Committee's findings as it pertains to this rule.

Ms. Munson – Can I just ask a question about 21.055, where that first sentence says, each licensee or registered shall provide by mail written notification to the Department of the licensee's current mailing address?

Chair Clark – You want to add email?

Ms. Munson – I'm just curious. Is that still accurate?

Ms. Simon – Well, right now it's by mail. Yes.

Ms. Munson – It is by mail?

Ms. Simon – There's a form. Yes.

Ms. Munson – Is the form accurate? I just want to say whenever I hear the comment where the Department says we take everything by email, so I'm wondering, is this applicable to that?

Ms. Simon – This is applicable.

Ms. Munson – Okay. I don't know when mail applies and when email applies.

Ms. Simon – At least according to the Department, it would be mail.

Ms. Munson – Okay.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the findings of the Committee.

Mr. Williams – Let me ask. So, going to what Ms. Munson was stating, so if a person emails the Division, would that be acceptable?

Ms. Simon – Are we back on 055?

Chair Clark – Yes.

Ms. Munson – We haven't really voted on it yet, so I was just curious. I just want to be sure.

Ms. Simon – Well, what this means is --

Ms. Munson – Yes, maybe that's what I need clarification on.

Ms. Simon – I think that what this means is if there is a change, right? So, if there is a change, an inspection would be necessary. Correct? I mean, if there's a change to a place of business, according to statute, an inspection would be necessary.

Ms. Munson – That doesn't say that though. I mean, the title of the rule is Notice to the Department by Mailing Address. If the Department is saying this is the way it should read, then that's fine. I just wanted it to say what it should say. I don't want anybody dinged in the future because they sent it by mail and then there's a comment, "Well, you know, you're supposed to send everything by email."

Ms. Simon – No, there's not going to be that.

Ms. Munson – Okay.

Mr. Williams – Mr. Chair?

Chair Clark – Yes.

Mr. Williams – Can we add language of an email option, since we're in a world where we're moving that way? I'm just, you know, looking ahead.

Chair Clark – How would the Division manage that?

Ms. Simon – It may be difficult, but I think that if it is emailed to the Division --

Mr. Williams – Let me go here, Ms. Simon, while I'm going. Is there a timeframe associated with this?

Ms. Simon – Well, if it is a business, within ten (10) days.

Mr. Williams – So, hypothetically if something happens, slow mail happens, you know, so if it doesn't get to the Division in ten (10) days then what?

Ms. Simon – Well I believe it says when it is sent. I don't know about that particular statute.

Mr. Williams – And where I'm going with this is we had a Board meeting that this particular situation happened.

Ms. Simon – Which was?

Mr. Williams – In reference to it did not get to the Division in a certain time frame. So, I'm just trying to see if we have the ability to open the option of an email notification.

Ms. Simon – At this meeting, I'm not comfortable saying that we have that option. We can do that, but we can look into it. I'm just not comfortable saying yes right away to email.

Mr. Williams – Okay.

Ms. Simon – So, do you want to revisit the checklist?

Mr. Williams – I'm not sure.

Ms. Munson – If it's okay with the Committee, I'd like to just revisit because I want to see if there's any like statutory guidance as to see whether it should say email or something. If you said it shouldn't, that's fine. But I have not referenced the statutes here to see what they say or anything.

Ms. Simon – According to this assignment, pursuant to SB108, I don't think that it is necessary to change that right now, but we can revisit it.

Ms. Munson – No, the assignment is to determine whether or not there is reason for a substantive update. I don't know if changing it to email is something that we need to do.

Ms. Simon – It wouldn't be something we need to do.

Mr. Williams – Would the Division be open to it?

Ms. Munson – Not even open to it. I don't know. I haven't looked at the statute, which is why --

Mr. James Ross – I'm looking at this one. This might actually be one of those that you were talking about where the confusion comes in between what's the Board and what's the Department. This does seem a little bit, shall I say, procedural as opposed to substantive. I echo what Ms. Munson says about maybe we can take a look at it. Maybe Ms. Munson and I can take a look at it with Ellie and Mary and then kind of report back if that would be all right. The more that I read it, the more that I'm thinking that maybe that could be a highlighted portion of this rule for Departmental.

Ms. Munson – I second that.

Ms. Simon – Because of procedure, right?

Mr. Ross – As I'm looking at it right now, it might be procedural.

Ms. Simon – I agree.

Mr. Ross – So, I don't know if that acceptable.

{Inaudible from the audience}.

Ms. Simon – Okay.

Mr. Ross – So it may be something that we need to review on the Departmental side as well.

Ms. Munson – It's a possibly. That's all I was suggesting, just so we don't overlook.

Chair Clark – Can we change the substantive updates to maybe?

Ms. Simon – Okay.

Chair Clark – And we've got the note of what we want to look into.

Ms. Simon – Anything else we need to change in regard to this?

Chair Clark – No.

Ms. Simon – It will be appropriate at this time for a motion to be made adopting the findings of the Rules Committee.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(45) 69K-22.001 - Application for Licensure; Consequences of Operating Prior to Licensure

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to this rule, whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the findings of the Rules Committee as it pertains to this rule.

MOTION: Chair Clark moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(46) 69K-22.003 – Fees

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with the expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any changes needed to this full weather technical, substantive, references to statutory citations, or references to incorporated materials?

Mr. Williams – Mr. Chair? I just want to point out, so as you were speaking about the last rule, 69K-21.005, with this rule, (5) just states that the Board office shall be notified. It doesn't give mailing or email. So, I'm just saying the consistency of whatever we're going to try to do, it's a procedural thing as OGC said, but just want to be consistent of some things we have by mail, some things that says notified. So just maybe look at that some more.

Ms. Simon – And perhaps that requires a legislative change.

Ms. Munson – Well, no.

Ms. Simon – No?

Chair Clark – Is there a cheat sheet of what can be emailed and what has to be?

Ms. Munson – I guess that's where some of the confusion is. The stickler is how can the Department be notified so that when applicants or licensees come before us, there isn't -- well, they should have known to do this because of this. And if our rules aren't clear as to what, because of this is, that's my only point with it. So, I don't know how you want to do it. I mean, the fee section in 21.004 is just as vague and open. So, I don't know if you want to open it up for all of these. It says notify the Department. That's what they say. So as long as they say they notified the Department, if it took too long and if something didn't get it in time, we have to be at least cognizant or acknowledge the fact that all we told them to do is notify the Department, in all fairness.

Ms. Simon – Well, and this pertains to receipt of notice by the Division, and it is thirty (30) days. It is not ten (10) days. So even if you're talking about regular mail, I understand that it may need to be looked at more. That being said, is any vote that we've

taken so far on the checklist, anything we've done so far needs to be changed? Meaning should we say that there may be an update needed, a substantive update needed like we did before?

Chair Clark – Mr. Williams?

Mr. Williams – Well, I'm just going for, and Chair Clark just brought up a great idea of a cheat sheet, as he said on what can be notified, what needs to be sent electronically, what needs to be sent via a postal mail.

Ms. Simon – If we had that, by the way, this cheat sheet, it would be by rule.

Ms. Munson – There is no such thing as a cheat sheet.

Mr. Ross – I don't know that a cheat sheet exists. I certainly haven't created one. What I would say to all this is the more that we're talking about this, the more it does sound procedural. So those parts probably should be highlighted to the extent that they're not. That's something that the Department will definitely take a look at. We'll report back to the Board as to intended action that we're going to take for this. The exercise that we're doing here, as to the extent that we believe that there is an email option that would be appropriate. We can take that. The more that I'm listening to the conversation, it does sound like this is more procedural than substantive. So, as we look at these rules, I think it might be beneficial to say that if there's a certain substantive thing that needs to be in that notification, that would be something that would be before the Committee. The way that we receive that, the way that we monitor that or anything else, that would fall, I think, more within the Departments' purview. So, we'll certainly be taking a look at that. It is worth pointing out the things that are highlighted on there, maybe even directly things that should have been highlighted in there, like some of this procedural stuff, those are going to be subject to the Department's ongoing and continuous review in addition to what you guys are doing here today and throughout the rest of this process. So, I do want to make that clarification and we want to work with you and everybody else to make sure that we get that right.

Chair Clark – Well, I think if we can make it clear for applicants to understand what's the best way to connect with the Division, that's a win for the applicant. It should be a win for the Division, in my mind, if having a digital is easier. So, when we come back and it's like, no, we need this by mail, it'd be great for the Committee I think to know, understand why. Does that make sense?

Mr. Ross – And to the extent that there's statutory provisions and that we review those and make sure that we are accounting for that. To some degree, I know this -- probably tired hearing this over course of however long, but there are financial constraints on email systems. It sometimes is not quite as easy just making sure that there's kind new email address. There's FTEs involved in reviewing that. It might change things, but I don't know that for sure.

Chair Clark – No, I understand.

Ms. Simon – If I may?

Chair Clark – Sure.

Ms. Simon – The way that you're saying that, since this is a Board review, would this be a Department -- I don't know how these questions should be answered due to that.

Mr. Ross – All of these questions should be answered from the substantive sides the Board would have responsibility for. When the Department accepts communications or notifications or applications, in my reading, I think that would probably form more within our purview. I don't disagree necessarily with Ms. Munson.

Ms. Munson – No, that's fine. That's fine.

Mr. Ross – But that seems to be a little bit more procedural, which is kind of a rough line that 497.103 draws between the Board responsibility and the Department responsibility. Rest assured we are going to be reviewing these. We have begun our

review of these. This is part of what the Department's going to take care of as well. But please provide your input to us at the Department as well on this issue and everything else.

Chair Clark – Last thing I would just say, because we've been talking about the technology constraints for, and I've been here for thirteen (13) years, so for at least ten (10) of those, so we knew it was coming. And I just think that's an example that maybe bolsters the discussion of how we upgrade that system, because I know there are severe limitations because it's no longer supported. So, it's just an example of this is an opportunity that I think the benefit -- it's easier for the applicants, but if we've got that technology limiting, like what's identified as that.

Mr. Ross – No, I think that's a great point.

Ms. Simon – So in terms of the checklist that we have for this rule, since it would be a Department change because it is procedural, does that need to be reflected in this? Or because it's a Board review, it can --

Ms. Munson – And my only question, and please, you might -- Mary might have the answer to ultimately, I don't know. Because some of these rules, this rule in particular is listed as a shared rule, I don't know if we're going to circle back to it under Board or Department purview. Once we check it off for our SB108 purposes, are we going to come back to it? For example, are we checking off -- I'm just going to use 21.004 because that's the one I was just looking at with the mail issue. Are we saying that once we say there are no changes needed, is it going to come back for review under Board rules or under Department rules?

Mr. Ross – To the extent that something is a shared rule, the highlights that I think Mary tried to put in there. We will review the highlights. The Board ultimately will review the not highlights.

Ms. Munson – That's an entire rule.

Mr. Ross – Now of course, there's some things that, to the Committees' point, may not have been highlighted as well. I'm trying my best to take some notes on what those things are so that we can go back and make sure that you're reviewing procedural things. Again, procedural versus substantive is the rough line, by statute. So, we will be doing our review on those highlighted parts of things that shows that should be highlighted. This is a procedural issue and fall within our purview. But to the extent one of these rules has, shall we say, like these are the things that you need to notify us about that would be substantive. How we accept those notifications, how we maintain them, those would be more procedural. Does that help? Did I answer your question?

Ms. Munson – It helps me. I just think it means that we can't check it off as we found no need for changes.

Mr. Ross – Well, I would say that there's no need for changes within the Board's purview. We might have a different answer on ours because they are looking at different things. Ours is procedural. So, if the Board and Committee says there's no change to this substantively, I think, I don't want to step on your toes, but I think that might be something that says no change. And as we look at it, we say, we want to add email, we want to have a new system, we want to do something else, we would have a procedural change.

Ms. Munson – Okay.

Mr. Williams – May I, Mr. Chair?

Chair Clark – Yes.

Mr. Williams – Should we notate that on the form that Ms. Simon is doing to at least let your team know that this is something, just in case you don't catch it, so that we'll still have it covered? Does that make sense?

Chair Clark – Or can we include it in the motion, like a condition of approval?

Ms. Simon – I am putting it down in the notes.

Mr. Ross – I as well, I think the collegial nature of that question is perfect about it. Thank you for that. I don't know the motion necessarily but certainly [inaudible]. I am taking those notes, so I welcome them.

Chair Clark – Thank you.

Mr. Ross – Thank you all.

Ms. Munson – Thank you.

Ms. Simon – So as pertains to this Fees rule, are there any technical, substantive changes needed or references to statutory citations or references to incorporated materials by the Board?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time to make a motion to adopt the findings of the Committee as it pertains to this rule.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Chair Clark seconded the motion, which passed unanimously.

(47) 69K-22.006 - Designation of Cinerator Facility Supervisor

Ms. Simon – Has the Committee had an opportunity to review that rule?

Committee members [Unison] – Yes.

Ms. Simon – Is any repeal necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of dedicated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to this rule, whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings as it pertains to this rule.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Simon – Before we break, because of what Mr. Ross said and the procedural nature, going back to 69K-21.055 on Page 101. Perhaps that substantive update should be changed to no because that wouldn't be based on what the Board can do in terms of changing this rule.

Chair Clark – Because it's noted, I'm fine with that.

Ms. Simon – Is that an acceptable change to the Committee?

Committee members [Unison] – Yes.

Ms. Simon – So, I am changing that to No, under Rule 69K-21.055, but I am making a note.

Chair Clark – Correct.

Ms. Simon – Okay.

Chair Clark – We will take a lunch break, and we will resume at 1:15.

*****BREAK*****

Chair Clark – Ok, we'll resume the meeting.

(48) 69K-22.007 - Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures

Ms. Simon – Have the Committee members had time to review this?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change required?

Committee members [Unison] – No.

Chair Clark – Mr. Jensen?

Mr. Jensen – Well, the one question, or the one thing I would refer to here is we've had this come before the Board before. I'm on number D under F, Page 109 number D. Cremated remains must be processed or pulverized until they're granulated particles. So, we've had that come up before the Board before were they processed enough or were they're not processed enough. And that's a very arbitrary definition there.

Ms. Simon – May I?

Chair Clark – Yes.

Ms. Simon – How would you define that further?

Mr. Jensen – That's what I'm trying to figure out.

Ms. Simon – Mr. Jensen, I realize that that is very discretionary in nature, but I don't know how you would want to define that. Pulverize into dust, I mean, I don't know. No more than half an inch. I just don't know how you would define that.

Mr. Jensen – Half an inch would be a little much.

Ms. Simon – Okay, then that's what I'm saying. Well, you'd be surprised. Or a quarter of an inch.

Mr. Jensen – Well, and here is where I'm going with this, is we had one of those come up and we actually fined somebody.

Ms. Simon – Yes, I remember. They were rocks.

Mr. Jensen – Something for, because we said they didn't process them enough, but is it fair to them, you know, because there's not a definitive answer there as to how big it should be. So, I don't necessarily have an ultimate fix for it. But how do you --

Ms. Simon – You know what? I think that if it was questionable, we often get an expert within the Division. So, if that is a question, we may get an expert to say what the standard practices are.

Mr. Jensen – Well, that would be Todd Ferreira.

Ms. Simon – But we wouldn't have a Board member as an expert. That wouldn't really work, would it?

Mr. Jensen – I guess not.

Ms. Simon – But I don't know that we've had -- I think those in the industry would be aware of ones that are done improperly. But I'm speaking, and I'm not in the industry, so I --

Chair Clark – Well, Mr. Jensen is right. I mean, if it's not done right, you know it when you see it.

Mr. Jensen – You do. But how are we able as a Board to go back, or even a Department, to go back and do a complaint on an individual when it's not defined? Because to them it may be what, and you know, this part of the country, people like to chew on them, you know, who knows? I mean, you hear all kind of crazy things.

Ms. Simon – Isn't granulated particles a definition unto itself?

Mr. Jensen – Well, granulated could be quarter inch, you know, an eighth of an inch.

Mr. Bill Williams – You know, you could always ask one of cremation manufacturers [inaudible].

Mr. Jensen – That's not a bad idea either.

Ms. Lisa Coney – Unrecognizable [inaudible].

Chair Clark – Mr. Ferreira?

Mr. Todd Ferreira – So, something that we've noticed recently is the processors now that some of these companies are selling [inaudible].

Ms. Simon – We can bring this up as if you would like changes.

Mr. Jensen – Yes. And just to maybe piggy -back on what Mr. Ferreira might have said there. I think I understand the processes are selling are not up to the capability of what they used to be, and they don't process as fine as what they may have before.

Chair Clark – I think it's been noted. We can put it as a possible, and then we can talk about it. Okay?

Mr. Jensen – Yes, a possible. That's good.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates needed to the rule, which would be technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – Yes, to substantive, no to the rest.

Mr. Jensen – We might put another note right there on number five -- -- on the same thing please, to discuss some of the releasing cremated remains. That's been sort of a sore spot occasionally, do you get it? You know, the next of kin or whoever paid the bill.

Ms. Simon – Where is that?

Mr. Jensen – Number five. Page 109. Am I in the right place?

Ms. Simon – Yes. It's me that's not. That has been included as comments on what the Board may want to look at.

Mr. Jensen – Thank you.

Ms. Simon – Okay. So, it would be appropriate at this time for a motion to be made accepting the results of the Committee with regards to this rule.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(49) 69K-23.001 - Manner of Application

Ms. Simon – Have the Committee members had a time to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to the rule as in technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time to make a motion to adopt the findings of the Committee with response to this rule.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Munson – May I?

Chair Clark – Yes.

Ms. Munson – Examinations will be administered...what does that mean?

Chair Clark – She's asking about, on 23.001, examinations will be administered on the second Monday of January and July of each calendar year.

Ms. Simon – Is that one that we just did.

Ms. Munson – Yes, it was one we just did. Just for my clarification. I'm sorry.

Chair Clark – No, that's a good question.

Ms. Simon – I don't know that that's the case anymore.

Chair Clark – The direct exposure examination. Is that a test {inaudible}?

Ms. Simon – [Inaudible]

Chair Clark – So, it's in reference to the direct disposer examination.

Ms. Munson – And that's valid? I mean, if it's not rule, I wanted just to make sure it was valid.

Ms. Simon – It's the Florida Laws and Rules we're talking about.

Mr. Jensen – No such thing as a direct disposer examination.

Ms. Simon – Right. It's the same Laws and Rules examination.

Ms. Munson – And so that line is valid?

Ms. Simon – So, I'm not sure if examinations are administered on the second Monday of January. I don't think that's the case. I think it was at one time. That sounds like a Florida bar sort of thing.

Ms. Munson – Kind of to me too. That's why I just wanted to make sure are we saying this is continuing our rule?

Ms. Simon – Shall we revisit?

Ms. Munson – Leaning into the clarification of the profession. I don't know, but it just stuck out to me, and I didn't know enough about it.

Ms. Simon – I'm so glad you brought that up. What do you think?

Chair Clark – Yes.

Ms. Jill Peeples – Jill Peeples. Mr. Williams and I are probably the only two (2) old enough to remember. State Board was only given in January and July. So, when I did my internship and then I had to wait until July because I had to wait for a year of internship to be completed. So that doesn't pertain anymore.

Ms. Munson – Thank you for that.

Chair Clark – Thank you.

Ms. Peeples – They give license test from anytime now.

Ms. Munson – I think that would require a substantive change.

Chair Clark – Yes.

Ms. Simon – Is that the only change?

Chair Clark – Yes.

Ms. Simon – No change and the --

Chair Clark – Substantive update.

Ms. Simon – No, this too.

Chair Clark – Yes. Sorry.

Ms. Munson – Thank you.

Chair Clark – Thank you.

Ms. Simon – Did to take another vote?

Ms. Munson – Yes.

Ms. Simon – I mean, because the changes have been made that there needs to be a change and a substantive change because of the manner of application and the timing for applications. It's different now than what's stated in the rule.

SECOND MOTION: Mr. Williams moved to approve substantive changes. Mr. Jones seconded the motion, which passed unanimously.

Ms. Simon – That was a good catch.

(50) 69K-23.003 - Renewal of Direct Disposer Licenses

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is a change in this rule required?

Committee members [Unison] – Yes.

Chair Clark – I believe we want to update it, that it can be renewed online.

Mr. Jensen – Also, same thing there. I believe the Department notifies via email when this license is going to expire. Do they not just like a funeral director license?

Ms. Simon – All of our communication is now via email.

Mr. Jensen – Yes. And it says mail on here. So, we need to see where it says shall mail each direct disposal. So, we would have to change that.

Ms. Simon – And what was the first one?

Chair Clark – Updating that you can complete the renewal online.

Ms. Simon – So that means that changes are necessary?

Committee members [Unison] – Yes.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is this rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of all which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are technical updates needed to this rule?

Committee members [Unison] – No.

Ms. Simon – Are substantive updates needed to this rule?

Committee members [Unison] – Yes.

Ms. Simon – Are updates required for references to statutory citations and to references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made accepting the findings of the Committee as it pertains to this rule.

MOTION: Chair Clark moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(51) 69K-23.004 - Direct Disposal Establishments

Ms. Simon – Has everybody on the Committee had an opportunity to review that rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Change?

Chair Clark – I do believe the reference to the form, correct reference to form to be used. Let's see. That's a difference here.

Ms. Simon – Okay. And that is something for the Department, as opposed to the Board?

Chair Clark – Correct.

Ms. Simon – So regarding the Board's changes...

Ms. Munson – But these aren't Board, these are shared. So, for the form...

Ms. Simon – The Department's changes would be for the form.

Ms. Munson – For this you mean?

Ms. Simon – Yes.

Ms. Munson – Okay. I didn't know what we were checking. Sorry.

Ms. Simon – So are changes required by the Board?

Committee members [Unison] – No.

Ms. Munson – Where are you? I understand that. So, when the question she says are changes required by the Board...

Ms. Simon – For the form.

Ms. Munson – I know, but the question on here... Where is the question?

Ms. Simon – We've already differentiated between Department rules and Board rules or at least Department procedure, and we wouldn't be checking off yes here., Mr. Ross? I'm sorry.

Mr. Ross – The way that I'm understanding the question is will the substance of this rule change as it relates to, for instance, are there suitable containers available including both cardboard boxes and airtight containers? That seems substantive. The form itself of what it looks like, how it's submitted, et cetera, that'll be under my responsibility as the Department. So, I think this is one of those examples with the split that's confusing. But the more substantive things that are largely not highlighted here, I think are subject to that question. How does the Committee and eventually the Board want to deal with that? Did that help?

Chair Clark – I think so, but changing that form is not --

Ms. Munson – It's a substantive change. Changing the form is a substantive change to the rule.

Mr. Ross – It is. However, that will be something that we identify as a substantive change on our record.

Ms. Munson – I get it. But -- and agreed. I just don't know. And when the Director set this up, I don't know if she was differentiating for shared rules when there's a substantive change, whether it's Board or Department. I didn't --

Mr. Ross – Looks like she might have been doing both.

Ms. Munson – Kind of. Because I think if we say no, I guess if we explain it to her, because then just in the discussions that we've had up to this point, if we say yes, she's going to know to go back to it and pull that rule out.

Ms. Simon – But she will know because I am making notes for the Department to do those things.

Ms. Munson – Okay.

Mr. Ross – Yes. In order to change the form, that absolutely will be something that will be substantive for the Department to take care of. And of course, we will with input from you all. The question of is there a change to, like I said, some of the parts

in should say sub part two, those are more substantive in terms of the policy statement. Is the policy statement changing will be up to the Committee and the Board. How we implement that through the form will be our side. So, I think the question really should be from the Committee's standpoint, does the Committee want to make any changes to -- prior to the issuance of renewal shall be approved, there is available to the establishment of adequate refrigerated storage. Do you need to make a change to the temperature of 40 degrees Fahrenheit? Maybe it should be 50 degrees, 30 degrees, something else. And I think that would be the answer that hopefully you guys are going to provide today.

Ms. Munson – And I agree. Just for clarity though, I know that when the Department has to complete 20% of the rule review and the Board has to complete 20% of the rule review, these rules in the shared rules are part of the Board's 20%, right?

Ms. Simon – Yes. But we have differentiated between what the Board can amend and what the Department can amend. And it is in the Department's purview to amend the forms. So, when it comes to the Rules Committee and the Board for it to say that a change is required when the change is not required by the Board, the change is required by the Department.

Ms. Munson – So, the answer would be yes by the Department, not just no.

Ms. Simon – Actually, I think it would -- go ahead, Mr. Ross.

Mr. Ross – No, I would say --

Ms. Munson – Because it's part of our 20%.

Mr. Ross – Correct.

Ms. Munson – So, if we just say no, I don't know if our input for the 20% is going to be counted. That's all. I mean there's going to be a change to a rule that falls in the 20% that we are responsible for, which includes the shared rules. Who makes the change? Might be the Department. But the change is still a yes. Maybe this is just apples and oranges, splitting hairs or something. I just want to make sure because when this form is submitted to update by October 1, it's going to have to have a list of rules on them. This is to determine which rules will be on that form.

Mr. Ross – We'll have that form, and the Board will have that form and there will be the same rules on both because the Board has to do it's 20%. We're including all of ours as part of our overall 20%. So, we're going to have the same rules on there, twice. The Board will answer basically for a separate purpose than what we will do.

Ms. Munson – Okay.

Mr. Ross – So, the answer to, no, we're not making a change on this because we like that it's a temperature 40 degrees that the Board, excuse me, the Board likes that it's suitable containers available, the Board likes it, it's at least one license, direct disposer, et cetera, et cetera. That will be a no change necessary with the Board's correct plan. Now, when we get to it, my team is going to figure out that form style, we're going to use the magical language, the abracadabra stuff that we have to do to the form. But that will be a yes, there is a change on our plan.

Ms. Munson – Okay. I understand that. I just know there's going to be, I think, one (1) annual regulatory plan and --

Ms. Simon – One for the Department --

Mr. Ross – One for the Department and one for the Board.

Ms. Simon – So, they're different.

Ms. Munson – And on the Board's regulatory plan --

Ms. Simon – There's no change.

Ms. Munson – For example, we are going to say we reviewed this rule and there was no change. For the Department's regulatory plan, we're going to say they reviewed this rule, and it was a change.

Ms. Simon – Yes.

Ms. Munson – And I hope that's not confusing.

Mr. Ross – No. And to the extent that we need to explain that to JAPC or whoever else, goodness forbid --

Ms. Munson – They're going to see the same rule on different forms and they're going to be like, well, why did you say no change here, but they said change? I think it might be confusing, that's all.

Mr. Ross – I'm going to go back and blame [inaudible] but I think that's going to be something we'll have to deal with when we work with JAPC.

Ms. Munson – Okay.

Mr. Ross – Thank you.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are any updates required such as technical, substantive updates referencing to statutory citations are referencing to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the Committee's findings.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(52) 69K-24.010 - Application for Licensure of Removal Services, Refrigeration Facilities, and Centralized Embalming Facilities

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal needed for this rule?

Committee members [Unison] – No.

Ms. Simon – Is there a change required for this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to the rule whether technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time to entertain a motion adopting the Committee's findings?

Mr. Jensen – Question?

Chair Clark – Yes.

Mr. Jensen – Under the updated references to incorporated materials she said, it included a reference to form question mark. What does that mean exactly?

Ms. Simon – Well, in proper form. Is that what you're asking about.

Mr. Jensen – Page 117. What does this mean? It says include reference to form question mark.

[Background conversations]

Mr. Ross – So that's another one of those instances where the Executive Director was probably working {inaudible} the Board and the Department. So that is done only [inaudible] form something more than the Department's clerk. So again, this is another one where --

Mr. Jensen – So, if we're answering no to that question, should we in fact answer, yes?

Mr. Ross – No.

Mr. Jensen – No?

Mr. Ross – You should answer no, if everything else is okay.

Mr. Jensen – Okay, got it.

Mr. Ross – And then I will answer yes. So, I'll answer yes because we're going to put the forms into that rule [inaudible].

Mr. Jensen – Thank you.

Ms. Simon – Okay. Thank you, Mr. Ross.

Mr. Ross – Thank you.

Ms. Simon – It would be appropriate at this time to entertain a motion to adopt the findings of the Committee.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(53) 69K-24.020 - Licensure of Removal Services

Ms. Simon – Has Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is there a change required to the rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions above which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates required such as technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time to adopt the findings of the Committee.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(54) 69K-24.021 - Requirements for Inspection of Removal Services

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is a change to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to this rule such as technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time to entertain a motion adopting the findings of this Committee as reference to this rule.

Mr. Jensen – Mr. Chair?

Chair Clark – Yes.

Mr. Jensen – Quick question here. On Page 120, they're talking about number two here where we have dead human remains, its stacked. You can't stack people?

Chair Clark – The way I read that is like if you have multiple shelves, I don't think it's --

Mr. Jensen – Okay in between.

Ms. Coney – It says supported by racks.

Chair Clark – Yes.

Mr. Jensen – Okay. Just wanted to make sure.

Ms. Simon – It would be appropriate at this time for a motion to be made adopting the findings of the Committee.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Chair seconded the motion, which passed unanimously.

(55) 69K-24.022 - Inspection Criteria for Removal Services

Ms. Simon – Have the Committee members had an opportunity to review that rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is a change to this rule required?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are changes needed to the rules such as technical, substantive, references to statutory citations and references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time to entertain a motion adopting the findings of the Rules Committee.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(56) 69K-24.023 - Duplicate License and Renewal Penalty Fees for Removal Services

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Are any changes needed to this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to the rules such as technical, substantive, references to statutory citations, or references to incorporated material?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time to entertain a motion adopting the Committee’s findings as pertains to this rule.

MOTION: Mr. Williams moved to accept the Committee’s findings with regards to this rule. Chair Clark seconded the motion, which passed unanimously.

(57) 69K-24.030 - Licensure of Refrigeration Services

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal necessary?

Committee members [Unison] – No.

Ms. Simon – Are any changes needed?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to the rules such as technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time to entertain a motion adopting the findings of the Rules Committee as pertains to this rule?

MOTION: Chair Clark moved to accept the Committee’s findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(58) 69K-24.031 - Requirements for Inspection of Refrigeration Services

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Are any changes in that -- needed for this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to the rules such as technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time to entertain a motion adopting the findings of the Rules Committee as pertains to this rule.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(59) 69K-24.032 - Inspection Criteria for Refrigeration Services

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Are there any changes needed to this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to this rule such as technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate to entertain a motion adopting the Committee's findings in reference to this rule?

MOTION: Chair Clark moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(60) 69K-24.033 - Duplicate License and Renewal Penalty Fees for Refrigeration Services

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change required to this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of dedicated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to the rules such as technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate to entertain a motion adopting the Committee's findings in relation to this rule.

MOTION: Chair Clark moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(61) 69K-24.040 - Licensure of Centralized Embalming Facilities

Ms. Simon – Has the Committee had an opportunity to review this rule?

Chair Clark – I have a question. In our provided materials, number five is highlighted. Do you know if there's a reason for that? It's just that everything has been highlighted in gray, so I just didn't know.

Ms. Simon – I'm not sure why, because a centralized embalming facility, according to statute, I think, there would be a full-time embalmer in charge. It's an embalmer in charge of inspection, I believe.

Chair Clark – Okay.

Ms. Simon – Now? I'm getting looks that indicate that it is not.

Ms. Munson – Probably highlighted a double [inaudible].

Chair Clark – I just want to make sure.

Ms. Simon – I am not sure.

Chair Clark – Okay.

Ms. Simon – Maybe it is highlighted because a full-time --

Ms. Simon – Is that defined?

Ms. Simon – I'm not sure why it's highlighted. Because a centralized embalming facility could have a funeral director in charge that's both a funeral director and an embalmer. However, it is an embalmer that's in charge of a centralized embalming facility. That's my understanding.

Ms. Coney – It is in statute. It says each centralized embalment facility shall have at least one (1) embalmer in charge. And then it goes on to say, could be an embalmer or a combination as a funeral director and embalmer.

Chair Clark –Okay.

Ms. Simon – Does that answer your question?

Chair Clark – It does.

Ms. Simon – Okay. Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change required for this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to this rule such as technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate to entertain a motion adopting the Rules Committee's findings as pertains to this rule?

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Munson – May I? I just wanted to be clear, and I'm sorry, Chair.

Chair Clark – That's all right.

Ms. Munson – Under 69K-24.040, when they said the update is needed as to the FDIC requirements, I was trying to find the statute.

Ms. Simon – Where are we?

Ms. Munson – Page 133 for 24.040. And I'm thinking that language is there because there had been a determination in a preview that it should be updated?

M. Jensen – Yes.

Ms. Coney – Funeral director and/or funeral director. I mean funeral director, embalmer or --

Ms. Munson – I heard what you read, but then I heard the vote saying no change.

Ms. Simon – Because it says that in statute it says either an embalmer in charge --

Ms. Coney – In the section that applies to each of the types of establishments, it says manager in charge. So that might be something you need to make a legislative change. But when you go into the section on centralized embalming, it says embalmer in charge or combination licensed funeral director and embalmer in charge. So, it probably does need to say embalmer or funeral director.

Ms. Munson – And I heard that that's why I kind of stopped because I'm thinking that's why the Director may have made that note, "Needs to update", for that language.

Ms. Coney – We should probably get rid of manager because [inaudible].

Ms. Simon – The only reason why I believe that that doesn't need to change is we have many either rules or statutes that pertain to funeral directors or what the facility is. For instance, in a direct disposal establishment, a funeral director needs to operate as a direct disposer in charge. That's the naming. A direct disposer in charge needs to be a funeral director or a funeral director and embalmer. Okay? So, in this case, saying an embalmer in charge needs to be a funeral director and embalmer or simply an embalmer. I would think that it's synonymous, but I'm just --

Mr. Jensen – Wouldn't that follow in the same thing we had before? Because it's already been noted that that does need to change, and that's probably why it was highlighted because the statute is different. Maybe we could ask Mr. Ross.

Mr. Ross – I'm looking at it right now.

Mr. Jensen – Oh, you are?

Mr. Ross – I'm trying to, but I'm having WIFI issues.

Ms. Munson – I'm thinking the argument would be that it would read the full-time embalmer in charge, or a funeral director would be responsible.

Chair Clark – Can I change my answer to substantive to just ensure that it aligns with 497.385? Because it sounds like we need to validate so it just --

Ms. Simon – So, keep the answers, but make comments to ensure that it aligns with --

Chair Clark – If that's acceptable.

Ms. Munson – So that means possible change.

Ms. Simon – So, if that's the case, what's changing? There is a rule change and there's a substantive update?

Chair Clark – It could be a possible substantive update, yes.

MOTION: Chair Clark moved to accept the change. Mr. Williams seconded the motion, which passed unanimously.

(62) 69K-24.041 - Requirements for Inspections of Centralized Embalming Facilities

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change required to this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates required to this rule such as technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate to entertain a motion adopting the findings of the Committee as it pertains to this rule.

Mr. Jensen – Why does it say yes, will add reference to appropriate forms for use?

Chair Clark – I read that as a form change.

Mr. Jensen – Okay. The forms in number four here is what I guess it was referring to. Is that right?

Chair Clark – Yes. So, I think it's a change in ownership.

Mr. Jensen – Yes. I've got you. Okay.

Ms. Munson – What form?

Ms. Simon – Is there a vote?

Ms. Munson – What form? I'm sorry.

Chair Clark – The way I understand it from the Department we'll add references to the appropriate form to use when there's a change of ownership in 4(b).

Ms. Munson – There's no form incorporated.

Chair Clark – No. I read that to be that's on Mr. Ross's list, not ours.

Mr. Ross – Yes. That's [inaudible].

Ms. Simon – But do we need to discuss this more?

Chair Clark – For the Board, I don't see any action. There are no updates needed for the Board.

Ms. Simon – Okay. It would be appropriate to entertain a motion adopting the Committee's findings in relation to this rule.

MOTION: Chair Clark moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(63) 69K-24.042 - Inspection Criteria for Centralized Embalming Facilities

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule require repeal?

Committee members [Unison] – No.

Ms. Simon – Is there any change required to this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to this rule such as technical, substantive, references to statutory citation or references to incorporated material?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate to entertain the motion adopting the findings of the Rules Committee in relation to this rule.

MOTION: Mr. Williams moved to accept the Committee’s findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(64) 69K-24.043 - Duplicate License and Renewal Penalty Fees for Centralized Embalming Facilities

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal required for this rule?

Committee members [Unison] – No.

Ms. Simon – Are any changes required for this

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to this rule such as technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – At this point it would be appropriate to entertain a motion adopting the Rules Committee's finding in relation to this rule.

MOTION: Mr. Williams moved to accept the Committee's findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

(65) 69K-25.003 - Licensure as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Limitations; expiration

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is a change needed by this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to this rule such as technical updates, legislative -- substantive updates, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate to entertain the motion adopting the Committee's finding as pertains to this rule.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(66) 69K-25.004- Application Procedures for Limited Licenses for Retired Professionals

Ms. Simon – Have the Committee members had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change to this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates required for this rule such as technical, substantive references to statutory citations or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate at this time to entertain the motion of adopting the Rules Committee's findings with relationship to this rule.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(67) 69K-27.001 - Embalmer Apprentice Program

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change necessary to this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to this rule such as technical, substantive, references to statutory citations, or references to incorporated material?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate to entertain a motion adopting the Rules Committee’s findings as related to this rule.

MOTION: Chair Clark moved to accept the Committee’s findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(68) 69K-31.001 - Procedure Required

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is the repeal of this rule required?

Committee members [Unison] – No.

Ms. Simon – Is there any change of this rule required?

Committee members [Unison] – No.

Mr. Jensen – Question, Mr. Chair?

Chair Clark – Yes.

Mr. Jensen – Didn't this used to say ossuary here somewhere? I don't see that in here.

Ms. Coney – [Inaudible] so that's probably intended to cover it.

Mr. Jensen – Which is not the same thing, correct?

Ms. Coney – No.

Ms. Simon – Well, this rule appears to have been amended in 2000.

Mr. Jensen – Okay.

Ms. Simon – I'm relying on this documentation. I'm not sure what changes or that any changes were recently made.

Mr. Jensen – I could swear I remember reading ossuary in here on that particular rule. Do you remember that, Todd? Andrew, you remember that? You remember it saying ossuary?

Chair Clark – I don't remember that.

Mr. Jensen – Okay.

Ms. Simon – Moving on. Is the rule of valid exercise of delegated legislative authority?

Chair Clark – Can I have one second? I'm wondering if it's in 497.

Ms. Simon – It's in --

Ms. Munson – Are you looking 607?

Chair Clark – Yes.

Ms. Simon – 2765, but I don't know if that's what your ossuary is what you're referring to.

Ms. Coney – It is not. 607(3)(a) says licensed cemetery scattering [inaudible] first [inaudible] scattering fee.

Chair Clark – Ossuary is included in the definition of burial right. Thank you. We can proceed.

Ms. Simon – Okay. Again, pertaining to 69K-31.001, is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to this rule such as technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate to entertain a motion adopting the findings of the Committee in relation to this rule.

MOTION: Mr. Jensen moved to accept the Committee's findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

(69) 69K-100.035 - Courses of Study; Criteria; Procedures for College or University to Obtain Approval

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule necessary?

Committee members [Unison] – No.

Ms. Simon – Is any change required to this rule?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with the expressed legislative intent pertaining to the specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to this rule such as technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate to entertain a motion adopting the Rules Committee’s findings.

MOTION: Chair Clark moved to accept the Committee’s findings with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Munson – Can I just ask a question?

Chair Clark – Yes.

Ms. Munson – The definitions of the types of courses of study are found where? Type 1, Type 2, Type 3.

Mr. Jensen – Yes. I kind of wondered that myself because I never thought it was Type 3. What is a Type 1? Combo?

Ms. Munson – Again, I’m leaning into the profession too. And is that by rule and not statute?

Chair Clark – No, I think it’s by statute. 497.368.

Ms. Munson – I’m looking at it, I don’t see it. But it could -- I just haven’t gotten -- I haven’t found it yet.

Ms. Simon – 497.368.

Ms. Munson – You guys need to help me then because I just don’t see it. Eyes are merging at this point.

Chair Clark – Oh, that’s just the embalmer.

Ms. Simon – So, what were we looking for, Type 1 section? 368 does not reference types of courses of study in terms of Type 1, Type 2 or Type 3

Ms. Munson – I don’t even know where they came from, so I was leaning into you guys. And the only reason I’m raising it, of course, is because we are confirming that we have the statutory authority to say what we’re saying in this rule. And this rule references specific sections of the statute, which I don’t know actually speak to the details that we have outlined in this rule. Again, I got to lean into you guys.

Ms. Coney – I don’t remember ever hearing that until we passed the funeral director only law and then started calling Type 2. But it doesn’t appear to be in [inaudible] the definition.

Ms. Munson – I mean, the rule has not really been looked at since it was initiated or adopted in 2012. So, we are thirteen (13) years out and I don’t know.

Ms. Simon – That is substantive.

Chair Clark – Yes, but what do we change?

Ms. Munson – It may need a major rewrite.

Chair Clark – Yes.

Ms. Simon – It might be necessary.

Ms. Munson – May need a major rewrite because we don’t even know what it means.

Ms. Simon – Should we revisit the voting on that rule?

Chair Clark – I think we need to, but I don’t have recommendations for recommended changes at this time. Is that fair?

Ms. Simon – Yes. That's okay. But I can cite that Type 1, 2 and 3 are not referenced in statute anymore.

Chair Clark – Okay.

Ms. Simon – So, then we're looking at changing that there is a change, right?

Chair Clark – Correct.

Ms. Munson – Nor were they ever referenced in statute, by the way.

Ms. Simon – And there is a substantive update needed?

Chair Clark – Correct.

Ms. Simon – Any other changes to this?

Chair Clark – I think that's it.

Ms. Simon – Does the Committee accept the changes to the vote in Rule 69K-100.035?

Committee members [Unison] – Yes.

Ms. Simon – Okay.

(70) 69K-7.013 - Procedures for Filing Claims through the Department

Ms. Simon – Has the Committee had an opportunity to review this rule?

Committee members [Unison] – Yes.

Ms. Simon – Is a repeal of this rule needed?

Committee members [Unison] – No.

Ms. Simon – Is a change in this rule needed?

Committee members [Unison] – No.

Ms. Simon – Is the rule a valid exercise of dedicated legislative authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule have current statutory authority?

Committee members [Unison] – Yes.

Ms. Simon – Does the rule reiterate or paraphrase statutory material?

Committee members [Unison] – No.

Ms. Simon – Is the rule in proper form?

Committee members [Unison] – Yes.

Ms. Simon – Is it consistent with expressed legislative intent pertaining to specific provisions of law which the rule implements?

Committee members [Unison] – Yes.

Ms. Simon – Are updates needed to this rule such as technical, substantive, references to statutory citations, or references to incorporated materials?

Committee members [Unison] – No.

Ms. Simon – It would be appropriate to entertain a motion accepting the Rules Committee’s findings as pertains to this rule.

MOTION: Mr. Jensen moved to accept the Committee’s findings with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

Mr. Juhan Mixon – Mr. Chair, just a quick question. Technical certificates. Where are they handled in these rules?

Ms. Simon – Well, we could bring that up right after break. I believe this is a good time for one, and I believe that would be under public comments.

Chair Clark – Yes. We are going to take a 10-minute break. And when we come back, we want to open it up for public comments on the shared rules only. The rules that we’ve just went through. We will open that up at that time. So, we’re going to take a 10-minute break. We will resume at 2:42.

*****BREAK*****

Chair Clark – And we are going to take the agenda slightly out of order and we’re going to open it up for public comments related to the shared rules that we’ve already discussed so far in the meeting. Just a reminder, if you would like to speak, please come to the podium so that we can capture the audio appropriately. With that, I’ll turn it over to the attendees.

D. Public Comments

Ms. Coney – Good afternoon. I am Lisa Coney, C-O-N-E-Y, SCI Funeral Services of Florida, Dignity Memorial. I have a handful of comments. Generally speaking, and our Board Chair and I talked about this on the break, we wanted to make sure that the \$5 for unlicensed activity applied to each different license type. And we noted several areas where it doesn’t. I believe it doesn’t because statutory authority is not included in Section 497.385 for removal facilities, refrigeration facilities and central embalming. And we anticipated another bill this year. So perhaps we can add that so that the rules as they’re being updated could also add it. But there were several places where that was not included.

Ms. Simon – Sorry. They aren’t listed in licensing?

Ms. Coney – No. As part of the license fee in at least those categories.

Ms. Munson – Removal, Refrigeration, and?

Ms. Coney – Everything under Section 497.385, which is removal, refrigeration and centralized embalming. And I believe that there were embalmer apprentices. There were a couple other licenses that did not provide it. And I haven’t done the statutory work to see if it’s not in all those other places, but what we thought was that perhaps that could be, if statutory authority permitted, that could be added to shared rule number (2), 69K-1.005, License Application Procedures, so that \$5 was added to all rather than it being here and here and here and here, and you have to [inaudible] to find it.

Ms. Munson – Or remove them from all.

Ms. Coney – No, we want those fees. So, it's \$5 part of your application, part of your removal, and there isn't any reason that removal refrigeration in central embalmment facilities shouldn't anticipate in that consumer protection in the same [inaudible].

Ms. Wiener – Lisa, so to my question earlier, so if there is agreement of this Committee that that should be pulled back so we can consider that substantively.

Chair Clark – So, what I discussed with Ms. Schwantes is if there are other substantive changes outside of what we've just approved, we're making note of those now, and in the next meeting we'll address all of those.

Ms. Wiener – Okay.

Chair Clark – Is that okay, Ms. Munson?

Ms. Munson – Yes, that's fine.

Ms. Coney – Yes. I mean, historically in these rules, and I understand the timing of this and the whole Governor review issue being separate of what we've done in the past, but that exchange of information and conversation about how to get the best rules works really well. So, I definitely think that if there's substantive changes, they have to come before another meeting where we can actually talk and decide what that looks like.

Chair Clark – Agree. And I will just speak as servant of this Committee, the idea of holding public comments to the end was not intended to not have that type of discussion. So, I get it. But I certainly wanted to make sure we were efficient with our time with SB108. That's all.

Ms. Coney – Yes. I get that. I think it for me, it would be easy to stand up and make these points and every single word has to be looked at. Lot of them are just okay, but we wouldn't want to be brought down on that being a maybe. On number (6), 69K-5.0021, Mr. Jensen brought up something about branch payments. And I wanted to point out that it is a statutory language. So, you don't have the authority to change a branch payment of a preneed branch of the same name. That is something that's already in the law. And you can't change the law. You can only amend the rules. So that should remain as is.

Ms. Wiener – But so right now that's being reported out as needs substantive change, but you cannot substantively change it. So, the statute defines a branch as a name and not a location, and that's consistent with the current rule.

Ms. Simon – Can you give us the rule number?

Ms. Wiener – Yes. It is 69K-5.0021. The statute is 497.453(7)(a).

Ms. Coney – So, both consistent with the law and with the practices of all the providers who have same name locations.

Ms. Munson – So, my question, just for clarification, Mr. Jensen, your concern was there was the branches were circumventing?

Mr. Jensen – Well, it basically is twofold. One is, it's confusing as heck for the owner that might have [inaudible], if you might have same name location. Two is they're basically getting away without paying an extra fee.

Ms. Wiener – Well, they're not, because the law says that a branch is a name. And so, if I have –

Ms. Coney – If I have Jensen Funeral home, and I've got Chris Jensen Funeral Home down the street and Chris Jensen Funeral Home in the county over, those are the same names so that is one branch of your preneed name.

Ms. Wiener – A branch is not a place. A branch is a name.

Mr. Jensen – Well, you understand, I mean. It worked to my favor. I'm not complaining about that, but I'm just saying, you know, if it entirely is a branch, maybe we should look at this. But I mean --

Ms. Munson – So you're saying that because they bear the same name, whether they are in 100 different locations, they are the same branch.

Ms. Wiener – That's what the law says.

Ms. Munson – That's what your argument is?

Ms. Wiener – Not even an argument, that is [inaudible].

Ms. Munson – Well, I understand the language. We could -- you can -- that's another day.

Ms. Wiener – You literally can't interpret it another way. It says if a common business enterprise wants to operate in a name other than its primary name, then the branch, it must have a branch name license. And that's what a branch is.

Mr. Jensen – Well, my whole point being, you see what's happening there.

Ms. Munson – I do.

Mr. Jensen – So I just thought we might need a little more. I don't know.

Ms. Coney – My point is you'd have to change the law. It shouldn't be a purview of the Rules Committee. It would require a legislative change.

Ms. Munson – Or clarification in the rule.

Ms. Wiener – I don't even think you could clarify.

Ms. Munson – No, if you clarify it to say what you said.

Ms. Coney – To say what we said, yes.

Ms. Wiener – The rule literally mimics the statute. So, my point was when this came up, even though we weren't having public comment, if we had been permitted to give public comment, I would've said, Mr. Jensen, that is actually the statutory definition of a branch. And he probably would've said, oh, that's statutory? Okay, we can't do anything about it. So instead of marking it as needing to change, we would've marked it as doesn't need to change.

Ms. Munson – But we're achieving it now. So, it's the same difference.

Ms. Wiener – So that's that.

Ms. Coney – On the next one, number (7), there's a whole lot of talk about mail or electronic mail, and obviously people don't lick a stamp anymore. Everyone else does things electronically. So, on the next three, 69K-5.0022, 25, 26, there are mail references. Funding may be an issue on what we can do online as far as renewals. But I think that notifications, anytime we're notifying the Board of something, even if I'm submitting a funeral establishment license application, I can make an electronic copy and send it to you and have a receive date on an email. So, both for our efficiency and because it's 2025, I would love to see all those mail references, even if we changed them in a way that would say mail, electronic mail or other verified receipt method or -- you know, so that we are accommodating whatever might come in the future. It doesn't mean that your system has to accommodate me typing something into a forum online and taking a payment online because I understand that's a whole another infrastructure change, but your receipt of something to ensure that we can track it and be timely, because snail mail to the Division is often not timely. And that's not just a cashier, that's one issue, and then getting it to the right desk is a

whole another delay. So, I think email would be asked for all of us every time that that's able, and those are references in the next 3, 7, 8, and 9.

Ms. Wiener – Hold on. And 0025.

Ms. Coney – Oh yes, that's it.

Ms. Wiener – This rule says that if you surrender your preneed license, it is no longer valid, but you have to file a renewal and financials every year.

Ms. Simon – Can you say that rule again?

Ms. Wiener – 5.0025(5) says you must submit financials and a renewal every year for your inactive preneed license. And that is totally inconsistent with the statutory authority, which is 497.465(7). So, we should strike that from that rule.

Ms. Munson – I agree with that. I agree with that.

Ms. Wiener – Also, the Division doesn't enforce it. No one who has surrendered a preneed license has ever renewed a license because you can't renew a license you don't have.

Ms. Coney – Would that be a substantive change because your striking [inaudible] presumably for not existing.

Ms. Wiener – Yes.

Ms. Coney – Number (14) on the shared list, Preneed Sales Agent Licensure Renewal, anything mail is allowed, but not exclusively. So just in --

Ms. Simon – When you're saying 14, what does that mean?

Ms. Coney – On your shared list.

Ms. Wiener – On the agenda, number 14.

Ms. Coney – 69K-5.001. Just another mail reference that might be made better.

Ms. Wiener – 5011.

Ms. Coney – I'm sorry, 5.011.

Ms. Munson – Can I back up a little bit with your public comment? What subsection of 0025 are you guys referencing?

Ms. Wiener – Subsection 5 says something like --

Ms. Munson – As provided by section 497.465(7) in order for the Board to exercise its jurisdiction as provided therein, an inactive preneed licensee shall at the same time as is required for renewing preneed licenses, submit a preneed license renewal form and financial statement. You're suggesting that statement be stricken?

Ms. Wiener – Yes.

Ms. Munson – Okay.

Ms. Wiener – It's not --

Ms. Munson – I want to make sure when we go back through.

Ms. Wiener – Yes and that's not what it says in 497.465. That says something along the lines of because the Division continues to have jurisdiction over unfulfilled preneed contracts, the Division by rule can establish reports and submissions. Reports and submissions, great but a renewal?

Ms. Munson – Are you suggesting that all of sub 5 be stricken?

Ms. Wiener – Not necessarily.

Ms. Munson – I just want to know what you're suggesting.

Ms. Wiener – It needs substantive attention.

Ms. Munson – Okay.

Ms. Wiener – And it's not marked down for any attention at all.

Ms. Munson – Okay. Thank you.

Ms. Coney – Okay. So, speaking of substantive attention, number (15) on your agenda, 69K-5.012, Application and Renewal Procedures for Broker of Burial Rights Licenses. That is, I believe, other than a student or apprentice, that's the lowest fee for that license, and they are conducting cemetery business directly with the consumer, with inspection and record keeping. I think that that should be raised to at least the \$250 that the individual preneed license would have. And you have the statutory authority for it already. So, you would not have to have a legislative change for a burial broker license to be [inaudible].

Ms. Munson – Give me that number again. I'm sorry.

Ms. Coney – Number (15) on your agenda, 69K-5.012.

Ms. Simon – Okay. If I may?

Ms. Coney – Yes.

Ms. Simon – If we're looking at a cost that needs to be increased, none of these costs have changed in fifteen (15) years. So, if we're going to look at one (1), we would look at all of them. And I don't know if we're prepared to do that right now.

Ms. Coney – Well, I'm prepared to do that on this because you have the statutory authority without [inaudible].

Ms. Simon – We have a statutory authority on many, we're not at our cap. But if we're going to be looking at going to cap, we would need to do that for everything not just that. But I hear what you're saying, and I appreciate the comment.

Ms. Coney – This is extremely low compared to all other licenses that you issue. So, it's --

Ms. Munson – I will note if there's going to be any discussion with any of the rule's revision that has to do with the fee increase, it's a completely different animal. Just to be clear what that means. That is a huge --

Ms. Coney – And I get that when you're changing the law, but the law in this particular section already says up to \$250 --

Ms. Munson – I understand that. I understand that. But any rule making, if you're going to increase a fee within the parameter that the statute requires, there is a huge review as to why you are increasing a fee.

Ms. Coney – Well, I would like to request that that review be made for 69K5.012.

Ms. Munson – Absolutely. So now, I'm just noting that in this discussion, some of the recommended or suggested revisions may not happen in this SB108 process.

Ms. Coney – Right.

Ms. Munson – So just noting that for the record.

Ms. Coney – Yes.

Ms. Munson – Because of what that will entail with moving rules forward.

Ms. Coney – {Inaudible} checking the boxes, is I know that we have to complete this. I'm more concerned with the process that makes effective and fair rules apply to everybody that are not inconsistent with larger practices.

Ms. Munson – Sure.

Ms. Coney – And I think the fact that these people are operating a cottage industry that I believe is grossly outside of the scope of their licensure. They shouldn't be charged less for that. They should be brought into the poll, treated like other licensees, charged like other licensees, and inspected like other licensees, and none of those things are happening. And in that same vein, the next one, number (16), 69K-5.0125, Minimum Records to be Maintained and Inspection of Records, that is also like where burial rights brokers are defined. And that definition is that no person shall receive compensation, the statutory definition is that no person shall receive compensation to act as a third party to a sale or transfer of more than three (3) burial rights in a 12-month period unless the person pays a license fee as determined by the licensing authority not to exceed \$250 in his license as the burial rights broker employee [inaudible].

Ms. Simon – I thought that was recently taken out. I thought that it was taken out within the last couple of years. It's still in there about the three (3) sales?

Ms. Coney – I believe so.

Ms. Simon – Okay.

Ms. Coney – I'm not aware of any change on that.

Ms. Simon – Maybe it was something that was in the proposal.

Ms. Coney – They have come up from time to time. I'm not aware that any substantive change has happened. And I'm also not aware that any inspection is happening. Burial rights brokers are permitted to keep their records in their trunk or their house or wherever they feel like it. And in a case where I had a complaint or let's say multiple complaints with burial rights brokers who are predatory and outside of the scope of their licensure, I was told that an inspection could not happen for the safety of our inspectors because the records were in a person's home. And if that prevents the Division from having an inspection, then those records should not be allowed to be kept in a person's home, or they should have to be delivered to wherever you feel safe for the purpose of that inspection. Because what is happening is burial rights brokers are not acting as a third party to a transaction. They're acting as cemeteries where they are buying or holding on consignment, mass amounts of cemetery rights, and switching and using them as they want, and acting as a cemetery where they're keeping an inventory. And that is not this definition of a burial rights broker, nor is it the Merriam-Webster definition of what a broker is. They're acting as a cemetery. They are acting absolutely out of the scope of their intended practice, so much so that I have seen burial rights brokers wrap their car in advertisements. "I'm lower priced than Todd. Come buy your spot from me." Using cemeteries' names that they are not licensed to do business in, showing up without appointments, making promises to consumers about how cemeteries will transfer, at what cost. The extent of the out-of-scope practice is extreme and predatory, and the only way it's going to stop is if they get treated the same way we get treated. And that is not happening. So, as it relates to that rule and their inspection and the records that they have to keep, and the fact that they have to be inspected, this says they're inspected every two (2) years. They should be inspected every year, like all of us. And the inspection should actually have to happen. And if I pay a fee to be inspected, they should pay a fee to be inspected. If I have to make all my records available for an inspector in a place

that they feel safe, that's what should happen. If everyone else has to have an address that is open to the public, so should they. So that whole rule requires mass substantive attention.

Ms. Munson – Okay. Thank you.

Ms. Coney – I hope [inaudible] feel strongly.

Ms. Munson – It's okay. I'm just going to keep underscoring that because, of course, the Director in her absence today, I can't speak to the extent of what some of these changes may incur, but I do know that our directive is to respond timely to the frame that the legislative information is. So, some of this is --

Ms. Coney – So, this is just another one to pull out and give a look to. And maybe it's --

Ms. Munson – But it may not happen with the batch that we are working on regarding SB108. And I don't know how, but Director Schwantes may want you to submit something in writing for future rulemaking consideration. I don't know what she'll do with that, and I don't want to speak for her. But I do know that we want to make sure that the rules that we are opening, that we feel are required to be open is because they need to be repealed or they are not supported by statutory authority, or there isn't a valid exercise of legislative authority. Those frameworks are what I want to make sure we hit so that the Board will be compliant to that particular directive.

Ms. Coney – Well, in this case, substantive change is part of that review, and it's desperately required.

Ms. Munson – Yes. But the substantive changes that may be a part of that review, it says, are the updates needed to the rules, a technical update, a substantive update?

Ms. Coney – Yes.

Ms. Munson – And I understand where the argument would be, yes, yes and yes. But it -- and again, because this is over the next five years, by 2030, some of these may be addressed or will be addressed. It may not happen in that first 20% batch if they're going to require a comprehensive review by the Department to figure out how they're going to best move forward with it.

Ms. Coney – Right.

Ms. Munson – So, I just didn't want there to be an assumption at the end of this process, well, we really need to change this, and this wasn't done. They have to be done by 2030. It may not happen in your first batch.

Ms. Coney – Okay.

Ms. Munson – Okay.

Mr. Ross – That is excellently said. I join Ms. Munson in that regard on behalf of the Department. We always want these comments. We need to have these comments. You guys obviously know this industry well. We need to have this kind of input. At this point, I can never promise that we're going to make these changes. We do have to review it in terms of what we have bandwidth for, as well as what the costs of the industry at large would be. And because of that, some of these things get kind of difficult if the rule change results in a cost that's too significant, we have to get the Legislature to ratify, and generally speaking, they don't have a real good history of ratifying those things for us. Not just us, just kind broadly.

Ms. Munson – Right.

Mr. Ross – They don't usually like to do that. So, it raises headwinds. It's not because we don't hear you, it's because there's legal ramifications and practical ramifications.

Ms. Wiener – Sadly, I understand them all too well.

Ms. Coney – We're really clear on that part.

Ms. Wiener – Lisa and I think we're both present when this Board was formed and when its first Rules Committee meeting occurred. We wrote a good many of the rules that are before you. And our concern is that we understand that this is in a lot of ways perfunctory, because it's required by the law. But the question is asked for every law. And the law required that you ask the question, are there substantive changes required? And you asked that question for every single rule you did.

Ms. Simon – I did.

Ms. Wiener – And in some cases, those that you said, "No, there are not substantive changes needed," there are substantive changes needed. And so, we're simply bringing those to your attention. We understand, nobody is promising anything is going to happen, but this is the best time for us to raise them because we don't often get this kind of voice.

Ms. Coney – And what we understood was, you know, this was this new law process, but some of these things that have disconnect would be kind of pulled out of the pile to be looked at for whatever technical or substantive changes might be necessary. So, there'd be another opportunity for Rules Committee separate. And if that happens in, you know, the 11th hour of 2030, so be it, at least [inaudible]. Next on my list is number (20) on the agenda with 69K-7.0125, alternative form of security for outer burial manufacturers. I don't think anybody has ever used that or ever will, I've never seen that in my thirty-two (32) years. So, one of the things we asked is, is it necessary? Or I just could go away. You could tell the Governor that you're eliminating a rule, hoorah. Next, (22) was 69K-9.001, advertising. There is no reference to the duration of retention. Most of our things are, you know, two (2) years after disposition, and this could be kept longer than IRS. So, I feel like this should be like after the next inspection or two (2) years or something to that effect, so that we're not keeping paper. Sometimes advertisement is not in convenient forms, literally have sheds of rotting Yellow Pages. And the contract should convey what somebody has purchased and for what price. So, holding onto advertising for some defined period of time does not seem like the most efficient practice for us or for whoever is inspecting us.

Mr. Ross – What number was that?

Ms. Munson – 9.001.

Mr. Ross – Thank you.

Ms. Coney – Now this is more to plant the seed. I know this is not a change that is going to happen now. But as it relates to the Consumer Protection Trust Fund, historically, we have heard over and over from our Executive Director that there are funding issues that prevent infrastructure improvements. I would like to plant the seed that perhaps whether it's legislatively or as much as we were allowed to by rule that 69K-10.002, Disbursement from the Preneed Funeral Contract Consumer Protection Trust Fund, that in any way that we may be permitted to that some, whether it's a percentage of the whole or, you know, we're at about \$10 million, you know, 5% no more often than every twenty-four (24) months or something could be dispersed to the Division for an approved infrastructure expense or some approved capital expense, so that we stop hearing that we can't get online forms, and we can't take online payments. Let's find a way to get it fixed. Having an efficient Division and efficient licensees should in fact be viewed as a consumer protection that would help us and help us serve people and make the records more easily available to and reviewed by and maintained by the Division. So, this is another one to just pull out of the stack for perhaps a close review of what the statute would allow, if anything, in the rule making process. And if not, what legislative change might be necessary. We probably would all have some opinion about what that number should be. But if they need a million dollars computer system, so that we can all do our jobs better and they can retain those records better, let's stop talking about it and get it done.

Chair Clark – Mr. Ferreira?

Mr. Ferreira – If I can add to that, I'd like to see everyone pay to help the Division increase their funding. And when we're talking about the Preneed Protection Act, only half of us use that fund. So, I'd like to see all the folks that don't sell preneed paying into this too, to help.

Ms. Coney – I'm not going to go that far. Thanks for sharing.

Mr. Ferreira – Okay.

Ms. Coney – I mean, they would pay into a Regulatory Protection Trust Fund somehow, right?

Mr. Ferreira – Well, my idea was to put a line item on my at-need contract for \$2 or \$5 per call and then, you know, do something like that. That way everyone pays and not just --

Ms. Wiener – Mississippi does it. You can look at them for an example.

Mr. Ferreira – Okay.

Mr. B. Williams – But it's also a tax.

Mr. Ferreira – Well, some may look at it that way.

Ms. Simon – Some?

Ms. Coney – Many.

Mr. Ferreira – But the medical examiners are charging us \$50 and \$75 to get cremation approval in some counties, and I've never heard the word tax. So, which I mean, you could look at it that way. Also on the advertising side, when we hire these companies to do this Facebook advertising, and you guys might be able to answer this, but how are we to keep that information? What I mean is if I hire a third party to do my advertising on Facebook, Google, etc., I don't keep that information.

Ms. Coney – You're required by law to keep that information.

Mr. Ferreira – How do I do that?

Ms. Coney – Screenshot. Your competitors will keep it and turn it in when you get it wrong. But yes, I mean, screenshots from contract records at this point, which is another reason why it's kind of overreaching for it to be forever and ever amen.

Mr. Ferreira – Yes. Okay. Go ahead.

Ms. Coney – Okay. Under 69K-12.002 for monument establishment, there's another mushy mail reference and there's no \$5 unlicensed activity fee. And same thing under the monument retail sales agreements.

Ms. Simon – What were the numbers again?

Ms. Coney – It's number (26) on the agenda, 69K-12.002. Intern training agencies, 69K-18.004 was adopted in June 1979, and reference number (7) says it requires a five-year review. Guessing five (5) years is up, so that's just another, you know, technical deletion.

Ms. Munson – No, I'm sorry. What are you suggesting is technical about 69K-18.004?

Ms. Coney – 18.004 was implemented in June of 1979. And the rule is requiring a five-year review after implementation. So, unless that's intended to be a five-year sunset that repeats every five (5) years, which is not clear in the rule, it just seems like an outdated.

Ms. Munson – The subsection that you're reading though. Sorry. There's too much language here to just have it [inaudible].

Ms. Wiener – While they're looking for that language, I would ask that the Committee take under advisement allowing public comment during each review because it would actually go a lot faster if we were looking at the actual rules.

Ms. Coney – And now I'm trying to find it. It does have the \$5 unlicensed activity.

Ms. Munson – The only comment I have that to, Ms. Wiener, is that if we did that without knowing how much public comment there would be, we might not complete the agenda in two (2) days. We have to at least get through the agenda. If we have to circle back, we'll circle back, and we have a framework to work from. But if we were to just get through half of the agenda, let's say in two (2) days, because of the degree of public comment that could come up, then I think that we would've defeated the purpose of at least the Director's initial initiative to kind of get a baseline from which to work.

Ms. Wiener – I hear that. The problem is going to be if we are actually looking at every single rule under 69K between now and 2030?

Ms. Munson – Between now and 2030. Yes.

Ms. Wiener – Well, if you put this many bills on a handful of these, then actually what you're doing is you will just simply not have public comment because you won't be able to get enough public comment in, in certain things. There are certain rules where there's a lot of issues.

Ms. Munson – Possibly, possibly. But if you could just know that this was the initial agenda, the bulk of which were the shared rules between the Department and the Board. The Board rules are seventeen (17). There's just a few of them. So, in that type of setup, perhaps we can probably at least adopt the theory that you have. But when we had to work through so many of these shared rules, and the comments from this body are going to be more substantive for the Board than for the Department, I can probably guarantee that. So, but the Director needed a mechanism to at least work through that first twenty (20), and she thought building a set of rules that involve the shared rules and just a portion of the Board rules, the Department, they have their own issues to deal with, that that made sense. So, and we're in the first phase of this for the next five (5) years, so we appreciate you working with us and indulging us in how we can best through this process to find something that would at least allow us to meet an October 1st deadline, without ignoring what anybody would have to say.

Ms. Simon – If I can add to Ms. Munson's comments, please be aware that your comments are not on record unless they're being made from there. So just so you know.

Ms. Wiener – I mean I don't need this to be on record. It just seems inefficient.

Ms. Munson – But to that point, it won't be, and by 2030 I'm sure you're going to have exactly what you need. But by October 1st, to be compliant, I'm just going to have to stand by the Director and to understand why she kind of separated this the way she did. And it's not going to be the end of it because by January 1st we're going to be able to add more information to it. But we do have an October deadline with an annual regulatory plan to have information. So, and if it's not on the annual regulatory plan, it doesn't mean we can't do it, doesn't mean we can't address it. So, I don't want anyone to feel that they're backed in a corner, or they don't have a voice in the matter. But the Director needed to come up with a framework, at the very last, and I can share this on the record. I worked with various boards, and this is the first agency that I've worked with that actually has some plan because everyone is now, oh my God, it passes due July 1st. It's effective July 1st. What are we going to do? Our office has a meeting next week to work with other agencies to see what we are going to do. So, it is not perfect, please, we understand it's not, just to be clear.

Ms. Coney – We all want to be efficient and to Ms. Wiener's point, I would agree that it's very efficient when you're looking at the rule and discussing the rule, that if there is a substantive or technical change to that rule, it makes sense to do it right now so that you're not casting a vote that you're then going to reconsider, or I'm then trying to find what Page it was on. So, for efficiency, if we want to get through it quickly, had we taken public comments, we wouldn't have had to review how inefficient not taking public comments {inaudible}.

Ms. Munson – While making your notes, note the Page number, note the citation. So, when you are up at the podium, just tell me where it is and we are good.

Ms. Coney – Well, the next one is the intern was just a technical change, 69K-18.004(7), says this rule shall be reviewed with necessarily revealed, modify, or with five (5) years of the effective date. The effective date is June 1979. We can probably strike that.

Ms. Simon – That's the one you already mentioned. Correct?

Ms. Coney – Yes. But we didn't look up the subsection from Ms. Munson.

Ms. Coney – Thank you.

Ms. Peeples – Let's go back to 69K-17.0036, Course Required for Initial licensure. The last sentence says, this course shall have been completed within twenty-four (24) months prior to the date the application for licensure is reviewed by the Division. Why do people get a two-year window? Why do we look at it when this course changes monthly? Communicable disease. So, I'd like the Committee to kind of take that into advisement that we need to adjust that timing where it says twenty-four (24) months to maybe two (2) months, four (4) months, something like that. But I'd just like to bring that to the advisement under 69K-17.0036. So, I'm going to piggyback off Lisa Coney. I'll turn it back to her and I want to come back on for disinterment. Thank you.

Ms. Coney – Mr. Jensen mentioned this, and I wanted to make sure it was another one that was pulled out for review in the future, 69K-18.001, 69K-18.002, and 69K-18.003, Embalmer, Funeral Director, and Concurrent Internships. We talked about the duration of a drop and a need for review of subsection (5) of that rule as it relates to the embalmer intern. I wanted to note that on concurrent internships, there is no similar reference. So, there is no drop reference as it is with funeral director and the embalmer. And I could see reasons why there would be a substantial delay, you know, and so COVID, I mean, whatever the case may be. So, I don't want to see that reviewed to the point that we throw away someone's effort and expense to come into our industry because we really need people. So, we don't want to be doing anything that takes that away for them or makes it hard, but I do think it should be the same for each of the similar license categories.

Mr. Beckham – I'm an educator in funeral services, and I'll talk about this real briefly, why I see students graduate from our program who signed up for internships that don't finish their internships in the 365 days specified under 497. One is 497 needs to be changed. They don't need to start their internship after they begin 75% of their program. They need to wait till they graduate from the program. That needs to be amended. But that's not what we're talking about here today. The other thing is the students who are not successful, and a lot of these students just do not take their NBE in a timely manner, and they wait till the very end, they're at month twenty-three (23), and they haven't taken their arts or sciences or the state laws and rules. And then they say, oh, well, different precedent set forth by Division and in the meetings to extend internships. Now that that precedent has been set over and over and over again, as Mr. Jensen points out. I think that this should be enforced to the point they should have at least attempted to take their NBE, arts and sciences, and also their state laws and rules within that internship window period. If they had not been successful, then there may be a consideration for an extension of up to whatever the Board would feel their good graces to provide. Now, I will tell you that the accreditation standards from the American Board of Funeral Service Education, which rates the schools, has changed as of January 1st of this year. That is not just first-time attempts. It's any attempt in the first twelve (12) months after graduation. So, if they graduate on December 15th, they have till December 15th of the following year to take those Boards every six weeks if they want to, until they pass over and over again. They have to pay for it, but they can still retake them.

Also, not just our school, but other schools are instituting remedial review classes, order processes establishing that at Florida State College in Jacksonville. I've got a meeting next week about getting those things in place. So, just as Lisa said, we want people in the business. There are funeral homes clamoring for our students. Good students. Never have anybody call up, can you send me somebody? Everybody always says, can you send me a good person. Right? That would imply that you got a good person, you know, you can send them. That's what you want. And that's what we want to have. I'm just saying that it is something that would be reasonable and something that we can live with. If we need to extend the internships for some reason, the statute, that's another thing in statute, but I think we need to stop this perpetual extension and to get these people to this proverbial, there's a phrase, I think there's a couple different phrase: They need to apply themselves and move out of the room, so to speak. But it is the motivation. I'll tell you this. You know, students, they don't remember at two (2) years after you graduate, I don't let them come back in my program after two (2) semesters, if they're not in. They got to start over. And I get complaints about that all the time. So, the internship, we've set a dangerous precedent in the state of Florida with our

Board by letting people do this. And I see heads nodding up here, you all know it. And you all feel empathy for these people. They have great stories. I had a girl, lost her leg in a motorcycle wreck. I mean, I let her come back in the program. I put her back in, she passed. You know, I've seen people overcome great opposition. I've seen students take that test over and over again. So, you know, it could be done. And I just think the state office do everything we can to have the finest group of people in our profession licensed out there and do what we can do and organize a way. I'd like to see this Board, the Rules Committee and everything else working with education in the funeral business to make this happen, to make Florida a stellar funeral state in this country. And I appreciate your time. I got some other comments, but I'll comment on those down the road.

Ms. Munson – Thank you.

Ms. Coney – 69K-20.001. I'm sure there'd be some disagreement. I don't even think bodies handled has a valid purpose, period. I know that there are different opinions on that, but in this rule, 69K-20.001, it's required that they be maintained for thirty-six (36) months. And again, all of our other records would be, you know, in like our complaint log, which is the primary purpose, from what I understand from the Division for keeping bodies handled reports, is as it might relate to a future investigation or complaint, surely if it were body defect, it would happen within a year or, you know, before your next inspection. So, I think that that makes more sense. Two (2) years from the date of disposition, one (1) year until your next inspection is completed, or one (1) year, whichever is later. But three (3) years is kind of ridiculous for a report that generally does nothing other than allow the State something to fine.

Ms. Peeples – On the same item that Ms. Lisa is talking about of 69K-20.001. The Health Department in EDRS requires us to fill that form out, but we can't submit it. We can't utilize that program. So, Mr. Ken Jones, Chief Deputy Registrar is one of our Board members. We need to see about getting with him to see how we can electronically complete it, get it from the Health Department, maybe to the Division office, which is going to kind of entail when we get to disinterment from that. But just like Lisa talking about our family has been in business since 1968, I got every affidavit of bodies handled reports. I got every tax return. We maintain them. We got every hard file. So, we have proof that we can prove, but there's a lot of people that don't. So, we need to try to see how we can kind of get these kinds of timeframes that we have here, so --

Ms. Coney – I would suggest that that be substantively changed to be the next inspection or one (1) year, whichever is greater, consistent with other record keeping requirements.

Mr. Jensen – Ms. Peeples, why does the Health Department need that report?

Ms. Peeples – When they were doing the initial phase of getting the EDRS, which stands for Electronic Death Registration System, when they were instituting it, we were one of the firms that were the beta testers with that. And I was like, oh good, we've got this form now. We don't have to fill it out every month because our team goes and fills it out as we have a case come in. We do our body handle report for the funeral establishment, and we do our one for our incinerator facility. So, we keep up with it in that manner, but the forms are there. So, why can't we utilize that aspect to get a little bit more proficient, and then the Health Department can get with the Division and kind of see how they can get that information. As well as that would give an inspector opportunity to, instead of us having to go and find something really quick, they'd have some proof to walk into our building.

Mr. Jensen – I'm just trying to think. Why don't we cut out the Health Department? What do they need it for?

Ms. Coney – When I spoke with Vital Stats, they said that the only reason that they had that was because the State, our Division was not able to accommodate the online records keeping portion of this. So, they did it as a failsafe, as a courtesy, so that it could exist in an online space somewhere since our Division was not able to make that same accommodation with their infrastructure limitations. And in the same breath also said, this is really not necessary. But since someone over there said we need it; we stuck it in our profile. Realistically other than a complaint investigation or the ability to fine for an extra thing, we don't need it at all.

Ms. Peeples – And Mr. Jensen, what our team does, we fill it out in EDRS for both of our establishment and our cinerator, but then we have to transfer it to the Department's form at the end of the month, the first day of the next month. I was always of the understanding because we had mail back then that we fill it out on the 1st, it goes into the mail on the 1st, because it had to

be in by the 10th. So that's the way we always processed it. But we fill it in already in the EDRS. So that could be a good area for us to kind of get congruent with it.

Ms. Coney – Or just make it go away. Ultimately make it go away would make the most sense. But if we're not going to do that, we don't need it for thirty-six (36) months. And I think a lot of licensees when the rule changed to say you don't have to send it in anymore, heard you don't need this anymore. So that's why we've had such an influx of people not maintaining it. Because if it's not important enough to send, it's probably not important enough to keep. And truly it's just not important because you have to go to Vital Stats, you have to have a contract, and there's 100 others already required ways to verify this information. So, this is just something you can fine for. It really doesn't have a lot of other purpose.

Ms. Peebles – Let's go with rule number 69K-21.009, Disinterment Reporting. I told y'all our business started in 1968 but going back, we used to have to complete a disinterment permit. When we completed a disinterment permit, it went to the Health Department, and they changed and amended the death certificate. Because we have a lot in Jacksonville where we have a national cemetery now. And we will move from a private cemetery to the national cemetery, but no records updated. There's nothing that's updated with the State health Department or the Division except on our bodies handled affidavit, that form we were just talking about. So, the reported cases embalmed, or bodies handled, that's the only place that disinterment is listed. So, I know the permit processing was a little bit involved, but it gave the opportunity for the Health Department be updated with a new cemetery name or if it's another type of disposition or even going out of state, you know, because we've had a lot of that going from Florida to other areas. So also in this rule, it says that funeral directors performing disinterment shall report the name of the deceased, date of death, date disinterred, place of original burial, name and license number of funeral director responsible for disinterment, and it says for disinterment or burial permanent number. If we're not the firm that handled the original burial, we don't have that information. Okay. So, coming on, it says with respect to each dead human body disinterred, the report shall be mailed to the Board, need to update that, not later than the 10th day of the subsequent month following where the disinterment occurred. So, we need to get that rule kind of fixed.

Ms. Munson – When you say get it kind of fixed, notwithstanding the mail language, you're thinking that the requirement for the funeral director needs to be updated. Is that what you're saying?

Ms. Peebles – Yes, ma'am. And, on the third line where it starts out to say funeral director responsible for disinterment, disinterment or burial transit number, there is no disinterment number, and we don't have access to the burial transit number.

Ms. Munson – So you're suggesting a deletion for that language?

Ms. Peebles – Correct.

Ms. Munson – Okay.

Ms. Peebles – Yes, ma'am. Is that good?

Ms. Munson – Yes.

Ms. Peebles – Okay. Back to Ms. Coney.

Ms. Coney – 69K-21.009, Disinterment. To Jill's point, there is no disinterment permit, and it's referenced, and it doesn't exist. And I'm not aware of anybody ever sending disinterment reports to the Division or why anyone would need that. The burial criteria also already require certain authorizations, requires a funeral director supervision. So, if we were going to do a substantive change, it would either be to delete this entirely as unnecessary or just to simply require that it be entered on our Bodies Handled Report if we decide that that continues to be necessary for some reason that I don't understand.

Ms. Munson – And just for the record, I'm only pausing with some of these details because when we double check the statute, we want to make sure that some of the things we may think may be deleted is not in an outdated form in the statute itself. So, we hear, but just wanted to make that known.

Ms. Coney – Well, there is no such thing as a disinterment permit unless you're in maybe Georgia. So, it certainly doesn't apply to us and there's nothing but --

Ms. Munson – And the statute doesn't reference it?

Ms. Coney – Yes. And there's nothing but unnecessary snail mail to the Division if we do what this tells us to do. And frankly, I think probably 99% of all licensees to have conducted a disinterment have not mailed you a disinterment report because no such thing exists. There's no form for it. And please hear me, I am no way suggesting that we need another form.

Ms. Munson – And also, in some of this review, I mean, I think the Director will definitely be a part of the discussion. The reference to mail is a big hot topic, and there's an opportunity maybe to just add a section to a general statute for definitions that defines mail as electronic mail, U.S. mail or whatever, so we don't have to hit every rule that has the word mail referenced in it. We'll just have a general definition for it in one place.

Ms. Coney – Okay. So that eliminates the next couple of comments. 69K-22.003 on fees, has the mail and email, but also has a notification language, like a notification by the owner, but doesn't say what that notification means. So, notification is another buzzword that we want, instead of some Board required permission that slows down all of our gears, but an email notification of a change that doesn't require Board approval makes sense. 69K-22.007, you were talking again to Chris Jensen about post cremation processes. Our rules require for them to be non-recognizable in less than an eighth of an inch and have never had a problem with our post-processing of cremated remains. So, I don't know that that's necessary, but if we wanted to add in a word "unrecognizable" so that somebody doesn't open this and see what they would recognize as bone fragment would clarify that in a way that, in a layman's term that we'd all understand.

Mr. Jensen – Well, unrecognizable and an eighth of an inch are two different things.

Ms. Coney – Well, you don't really recognize a bone at an eighth of an inch if you're a person. It's just going to look like a larger piece of granulated remains.

Mr. Jensen – Yes.

Mr. Ferreira – So recently we changed our processor in our crematory and the processor now is done through recycling, as we all know, and the fragment material looks different than prior. The one prior was powdery, but this new one is chunkier. So, and it's impossible with jewelry to use it. So, you have to kind of get to the bottom of the bag to get the dust for it. But that is something that kind of startled me at the beginning of using this processor, because it looked different than the powder. So, but I think most people understand, I think most of our families understand what cremation is. I mean, they're eager to fill their own urns or their own jewelry. So, I think we're good.

Ms. Coney – Manner of application is the next one, 23.001, and I had put delete number (2), which I think that was already captured in your Committee notes, because subsection (2) doesn't exist anymore. 23.003, 23.004 Direct Disposal Establishments. We caught that it said direct disposer, and we know that other than the grandfathered direct disposers, we require a funeral director. So, sub (2), sub (4), sub (5) should say direct disposer in charge or funeral director in charge, because if we're going to continue to have direct disposers, we certainly want to lean in on the funeral director in charge language. I would throw this out for the masses that someday I hope we eliminate direct disposers altogether. The only difference with the direct disposer at this point is a few square-footage and the inability to serve a family fully. So, if we eliminated that, grandfathered them in the rules could stay the same. Eventually they die out and everybody is a funeral home the way it should be. And they also don't have the \$5 fee, I believe. And it says notify in writing within ten (10) days, but I can write on email, so I assume that's okay. Again, substantive or technical changes. The language as it appears is incorrect. The next line, 24.020 does not include that \$5 unlicensed activity fee. I believe it's because it falls under 497.385, so that may be a legislative change, but I would like to help you make that.

Ms. Munson – Wait, you're saying that it's not currently required?

Ms. Coney – It's not currently in that section.

Ms. Munson – Are you saying it's not currently required?

Ms. Coney – I don't believe it is provided in the statute, and I think that it should be provided for all licenses the same way. And we know we're going to have a legislative package, so let's add that in and then fix the rule or note that it is a deficiency that needs to be addressed.

Ms. Munson – But it's not a deficiency if the statute does not speak to it, right? So, I just, I don't want the Board to be confused right now because it's saying it's --

Ms. Coney – Madam chairman wants \$5 unlicensed fees.

Ms. Munson – I understand, but I just want them to understand they only have authority to work within the statutory authority.

Ms. Coney – Got you.

Ms. Munson – When you say it, they might think we might need to change it.

Ms. Coney – I was kind of surprised under 69K-24.031 and 69K-24.032 that they wouldn't be combined, Requirements for Inspection of Refrigeration Services and Inspection Criteria of Refrigeration Services.

Ms. Munson – I was looking at that.

Ms. Coney – So if I'm a refrigeration service, I look at this and I stop reading, but here are my inspection criteria. It seems like it would all be together. And nowhere in refrigeration services does it reference forty (40) degrees. So, a funeral home refrigerator has to be forty (40) degrees, but a refrigeration service doesn't. Or maybe it's in statutes, so we didn't think it needed to be required, but it's not part of the inspection criteria. Just seems like a disconnect to me. And those are line items (57), (58) and (59). Type 1, 2, and 3 I just noted for correction because I don't think they exist. And until you start the Board rules, I think I'm done for the moment.

Ms. Munson – And I'm just going to note that the comment that I made initially, that we are going to have to get maybe some better direction. Does the rule reiterate or paraphrase statutory material? Some of the comments kind of lean toward us adding language to the rule just because it's in other rules. That particular criteria might suggest that we might need to remove language if the statute already speaks to it. So that's the type of stuff that I think we're still going to work out. So, there may be pieces of rules missing, but it may result in more language and rules missing if it's duplicative to the already in statute because the Legislature seems to believe we don't need all these rules out there if the statute already speaks.

Ms. Coney – I agree with that [inaudible].

Mr. Mixon – Mr. Chairman and members of the Committee and the staff. I think you all are to be -- this is quite the achievement to get done what you've got done. I think what you heard from those of us who have been here, Wendy, Bill, Lisa, myself, since the beginning of time. So, we need to see more give and take in these meetings. And that means I would like for you to take back to the Board our thoughts that we need more Rules Committee meetings to take care of both details and significant issues. Not because the Legislature imposed them on us, which they did to you guys, but because they need to be done. And I can assure you that my esteemed colleagues here, the attorneys who are working diligently to assist the Board, and the Board would like to make this the best. I appreciate so much today that I would like for you to please take back to the full Board the thoughts that rules aren't something you just start and stop and suddenly you're finished with. Rules are something that grow and change as time goes on. So, thank you so very much. Please take back the thoughts. I thought both Lisa and Wendy did an amazing job, and we all appreciate what you always do, but we appreciate you guys as well. So please take those thoughts back to the Board. Let's have more of these meetings. We have some large issues that we need to take up outside of what the Legislature demands of you. Thank you so very much.

Chair Clark – Thank you.

Ms. Peeples – 69K-31.001, where it says procedure required. We need to get some more definition. And Mr. Jensen brought this up but if we can kind of see if we can work on getting some language about who's to receive cremated remains, because we have the term definition, legally authorized person. So, we've had Board cases that have come that we've had family members that wanted to pick up cremated remains that have been in storage at funeral homes for a long period of time because they couldn't get in touch with the legally authorized person. So, we need to see if we can kind of get some language to kind of be more defined. I think it would help the Board, it would help the counsel, prosecuting counsel and those that are representing each of the respondents as they come before us. So, I don't know if it would need to go in here, but if we can kind of just keep that on the radar for future, that would be great.

Ms. Munson – And you're concerned about it not saying who gets them?

Ms. Peeples – Correct. We don't have anything. We've looked and there's nothing in any of the rules nor in the statute. In the statute it just states legally authorized person. And legally authorized person, as a licensee, in my viewpoint, my definition is the person who authorized the cremation is the legally authorized person. But at our establishment, if we have a second parent, and if we have a parent and we just have like, we have three (3) children, we get all three (3) children to sign a form, to protect our company and our cinerator facility. So, do we third it and release a third to each of the family members?

Mr. Jensen – And it is starting to get to where it is not even that anymore. There are other people saying, well, I paid the bill, so I want the ashes. Look at Ms. Wiener [inaudible].

Ms. Wiener – So, this is an issue we have to be really careful about, and I'm not sure that we can address it in rule, per se.

Ms. Munson – Exactly.

Ms. Wiener – But in 497.607(1), it says, the legally authorized person contracting for the cremation services must designate in writing his or her intentions with regard to the disposition of the cremated remains. That means if you pay for the cremation, you get to say what happens to the cremated remains. I have suggested that we change that to say the legally authorized person authorizing cremation, which would more align with what Ms. Peeples is saying, but there has always been pushback to doing so. And I do think there is some validity, if I paid for the cremation, then I should determine the disposition of the cremated remains. But for those of you that are letting the person who authorized cremation but did not pay, take those cremated remains away or determine their disposition, you are violating Chapter 497. The law draws a distinction between who can authorize, that's the legally authorized person, and it can be any legally authorized person that attests that they're not aware of an objection to the cremation in their class or a higher priority class. And then there's a second thing that has to happen, a separate thing, which is the determination of the order of disposition of the cremated remains. And that form should be signed by whoever pays. So, if mom comes and she forgot her wallet and the adult son is sitting there, mom would sign the authorization to cremate dad, and the son should sign the order for disposition, not mom, because it says person who contracted for. So, we have a phrase that we use to remember, and some of you who know me well know this phrase, but it is a phrase that you will not forget. And that phrase is, "if you've got the cashes, you get the ashes." And that is what the law says in Chapter 497. So, if you're doing anything other than that, you're violating 497.

Mr. Jensen – And just to piggyback on that, all funeral directors are taught to go by the pecking order of the legal next of kin.

Ms. Coney – For cremation, but not for cremated remains. Not for disposition.

Mr. Jensen – Exactly.

Ms. Coney – And we've had complaints with families that have been reviewed by the Division before and cashes for ashes has been supported by the Department and closed those complaints that so and so didn't get it. But they're not the ones that paid for the contract. So, what Ms. Wiener has said has been supported in complaint resolution.

Ms. Wiener – You should have a two-part cremation authorization form. You should not have it on one document because if you have it on one document, then you are creating a problem because you're allowing the person authorizing cremation to say what they want about the order for disposition. But if they didn't pay, then your form has made the problem.

Ms. Coney – Are the Board rules for tomorrow?

Chair Clark – Yes.

Ms. Coney – And aside from minutes, is there going to be some kind of summary of what's getting pulled?

Ms. Simon – Nope. It will only be minutes.

Mr. Beckham – Under 69K-100.035(2)(a), just a couple of minor little things. First of all, the address for the American Board of Funeral Service Education. They haven't been there in fifteen (15) years.

Ms. Munson – Thank you for that.

Mr. Beckham – So maybe that's the last time we've had a Rules Committee meeting. I'm not sure. The new address is 992 Mantua Pike, Suite 108, Woodbury Heights. New Jersey 08097. The other question I have, I guess in this subsection, and I guess there's a question for the Rules Committee. You have multiple definitions of courses of study. I can tell you that in reality we have two (2) courses of study in our program, St. Pete has two (2) courses of study in their program. And Miami-Dade has two (2) courses of study in their program. And that is the funeral director and embalmer associate's degree program, which is accredited by the American Board of Funeral Service Education. We also have the technical certificate program, which was instituted by the Division a few years ago, as being a legitimate thing for just the funeral director only, which is the arts portion only. The technical certificate is not accredited by the guidelines and rules of the American Board of Funeral Service Education. They do not review the outcomes of the students, nor do they count other than the number of people that we have in the program in a statistical way for the Department of Education in [inaudible]. So that is basically, you have little bit, probably more in here than you need to have to be efficient to do the program. I will tell you the technical certificate program is the smaller of the two (2) programs, but we get a lot of applications. It has a different application process, different application standards. You have exams and GPAs and everything else you had to take. Yes, ma'am?

Ms. Simon – What did you say the first course of study was?

Mr. Beckham – First course of study is the associate's in science degree. And that is for the funeral director and embalmer. That is to prepare people for the combination internship and to take the Nation Board Arts and Sciences examination or any other examination that the Rules Committee would like to designate. I also have a question. Under 69K-16.0001 and 69K-16.0002, it talks about the state Laws a Rules exam. And it says underneath there that the basically the Board prepares the state Laws and Rules exam. Now, as I have a copy at my desk about two (2) inches thick of the study materials and the state laws rules exam that was sent to me by this Department. Almost everything in there is dated several years ago. Most of that information that we're testing students to be funeral directors on is outdated. A lot of it is obsolete. A lot of it, I'll tell you is unnecessary because the time we get the bodies at the funeral home jurisdiction has already been decided. That example, for instance, if someone dies in a national forest versus a national park who has jurisdiction? Well, I happen to know the answer to that question. But does it really matter if the funeral director knows that jurisdiction's already been decided, and that body's already been released to that funeral home by law enforcement. So, that's as an example of some of the items that are in the state Laws and Rules exam.

There are funeral directors who will not come to Florida because they have to take that exam. I will tell you that I've had people call me on the phone and it says there's any way I can get around not having to take that Florida State Laws and Rules exams. I said, nope, you got to take it, it's in the statute. And they said, well, that's a Cal State and Georgia, or I'll say in other places. If you look at the state exams in Georgia, Alabama, North Carolina, South Carolina, Mississippi, Kentucky, Virginia, they're a fraction of what we test in Florida. Our exam is far too difficult and far too far reaching in my opinion. And I think you can ask other funeral directors what they think about it. It is far reaching what a funeral director actually needs to know. And if I may implore you to consider doing that, since the rule says that you are the people who actually write the exam, then there are plenty of people that are qualified in the state that can submit questions and format an exam over what is necessary. You can poll funeral directors; you can poll others about what funeral directors really need to know in their day-to-day activities. You know, if we don't know, we have attorneys we can talk to. We have Medical Examiner's Office, we have Vital Statistics, we have resources. So, there are things we can do that will increase and improve and get more people licensed in the state of Florida, and we can make this a simpler and more efficient process. And if I may ask another question just an

observation. There are things about timestamps have been talked about that we can't do a timestamp. That it has to be physically done by mail. But I looked over today, over the rules and listened and I counted eight (8) or nine (9) examples of electronic information being transferred to the Division and being logged in. And I'm sitting here thinking, well, the excuse was you can't do that because we don't have the funding to do the electronic timestamp. The logic of that and I'm not Mr. Spock.

Ms. Simon – I don't believe that was said today, Mr. Beckham.

Mr. Beckham – I wrote it down.

Ms. Simon – Okay. I don't think it was said by the Division today.

Mr. Beckham – I wrote it down.

Mr. Clark – It was in reference to the system that we didn't know if the system would accommodate that.

Mr. Beckham – I just think that, well we live in 2025, and I think we have electronic methods of taking care of this more efficiently. So, I thank you for your time.

Chair Clark – Thank you.

Ms. Munson – Thank you, sir.

Mr. B. Williams – Andrew?

Chair Clark – Yes, sir.

Mr. B. Williams – Back in the day, we used to have Rules Committee meetings before every state Board meeting. It was the afternoon before. I know this in practical day. So, when we did that, when somebody came up with suggestion, like Howard just did about rewriting a new state exam, the Chairman would say, "Howard, you go write the damn thing and bring it back to us and we'll look at it." So, you may want to consider doing that.

Mr. Beckham – I can.

Mr. B. Williams – Thanks.

Chair Clark – Thank you. Well, I do appreciate everyone's comments. It's been a long day. I appreciate not only the support from the Division, but my fellow Board members up here. It's been a very productive day. Thank you for all the comments, not only on the rules, but even comments on how this meeting can be more effective as it relates to SB108 or just Rules Committee in general. We're going to adjourn for today. We will be back tomorrow at 10:00 AM to complete our agenda and we'll focus on Board rules. The meeting is adjourned.

The meeting was adjourned at 4:08.