

MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
RULES COMMITTEE MEETING
(ANDREW CLARK, CHAIR – SANJENA CLAY – CHRIS JENSEN – DARRIN WILLIAMS)
VIDEOCONFERENCE MEETING
JUNE 12, 2026 – 10:00 A.M.

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

Mr. Andrew Clark – Good morning, everyone. Thank you for joining us. I will call the meeting to order, and then I'll turn it over to Ms. Schwantes.

Ms. Mary Schwantes – Thank you, Mr. Chair. Good morning. My name is Mary Schwantes. I'm the Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Friday, June 12, 2026, and it's approximately 10:00 AM. This is a public meeting of the Rules Committee for the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held via video conference. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting as well as the meeting materials have been made available to all interested persons. Both the link and the call-in number are on the agenda, which has also been published on the Division's website and made available to the public. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

The purpose of the meeting is to conduct the business of the Rules Committee. Specifically, the Committee will consider any rulemaking that may be required as a result of the passage of SB598, which is titled Funeral, Cemetery, and Consumer Services – 2026. The effective date of the changes by SB598 is July 1, 2026.

As a general rule, please do not utilize your video camera for the meeting unless you are a Committee member, Board counsel, or an authorized Division employee. At this meeting, public comments will be taken during the review of each statute and rule being discussed. Comments should be limited only to that particular item at that time and ultimately only to the rules which are listed in the agenda, which may be further discussed by the Committee. Turn your video camera option on when we have reached the agenda item on which you want to be heard. Then turn your video camera option off again as soon as your matter has been addressed by the Committee.

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

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

Chair Clark – Present.

Ms. Schwantes – Thank you, sir. Ms. Sanjena Clay?

Ms. Sanjena Clay – Here.

Ms. Schwantes – Thank you. Mr. Chris Jensen?

Mr. Christian Jensen – Present.

Ms. Schwantes – Thank you. Mr. Darrin Williams is not present, but we are not sure if he will join us later. Mr. Chair, there's a quorum for the business of the Committee. For our records, I also need to do a roll call to determine if other members of the

Board are present and attending the meeting. Jill Peeples? Hearing none. David Chapman? Hearing none. Todd Ferreira? Hearing none. Ken Jones? Hearing none. Janis Liotta? Hearing none. Bill Quinn? Hearing none. Mr. Chair, should I go on to the next item?

Chair Clark – Yes, please.

B. Action on Minutes and Proposed Meeting Report

(1) May 11, 2026

Ms. Schwantes – These minutes are presented for your review and approval. Committee action is needed on this matter.

Ms. Clay – Mr. Chair?

Chair Clark – Yes, Ms. Clay?

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

(2) Report and Recommendations from Meeting on May 11, 2026

Ms. Schwantes – Again, Committee action is needed on this matter.

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

Ms. Schwantes – Thank you all. The minutes and the report will be presented at the June Board meeting for approval. Before we get to agenda item C, I'm going to take this a little bit out of order here, just to reference agenda item D.

D. Reference Materials Provided to Committee

(1) Senate Bill 0598ER

(2) Section 120.54, Florida Statutes

(3) Section 120.5435, Florida Statutes

(4) Chapter 69K, Florida Administrative Code

Ms. Schwantes – Those are reference materials provided to the Committee. There is no need for discussion on those items. They're just there for your help as we go through the items that are in agenda item C.

C. Review of Statutes Impacted by SB598 – Funeral, Cemetery, and Consumer Services – 2026 and Related Rules

(1) SB598 Impacted Statutes and Rules – to be used during meeting

Ms. Schwantes – Mr. Chair, with your approval, we can now begin the review of the statutes and rules impacted by SB598. To do this, I would ask that the Committee members look at the document that has been titled SB598 Impacted Statutes and Rules. And this is in essence the workbook for today's meeting. The first page of this document sets out the purpose of today's meeting. And one of the things that we really want to get done today, the primary thing that we want to get done today, is to address issues that would be set out in section 120.54(1)(b). That statute provides that when you have an act of legislation that has passed, you must within thirty (30) days of the effective date file a Notice of Rule Development on any rules in which changes are needed. It does not mean, and Ms. Munson is going to correct me if I say anything wrong, please ma'am, but it does not mean that you have to have the rule language prepared and submitted at the same time. As the Senate Bill becomes effective on July 1st, we have until July 31st to file this Notice of Rule Development on any rules which we want to have opened. We have the ability today to make that decision, and Ms. Munson, here's where I might get this wrong, but if I understood correctly, once you open the Notice of Rule Development, if you don't take any further action on it within six (6) months it basically goes away, and you don't have to worry about it. Was it six (6) months?

Ms. Rachelle Munson – Six (6) months.

Ms. Schwantes – I wanted to be sure of the timeline. Just filing the notice does not mean that we have to make rule changes, but it is indicative that changes may need to be made and then we would have further opportunity to work on the language. Ms. Clay, you have a question?

Ms. Clay – I don't know if I misunderstood. Something was sixty (60) days, and something was six (6) months? Is that correct?

Ms. Schwantes – Thirty (30) days, and thank you for asking, because these statutes frankly they go back and forth on the timelines like this. But it's thirty (30) days to file the Notice of Rule Development after the effective date of the law, six (6) months to take any further action on that notice. So, we would basically have up to six (6) months to determine the exact language that we want changed.

Ms. Clay – So today, just for clarification, Mr. Chair, if I may?

Chair Clark – Yes.

Ms. Clay – We're just voting today to take this up. And so, we would be under the "thirty (30) days" after the effective date kind of language at this point?

Ms. Schwantes – I would say that the best way to look at this is you're going to look through the rules that are potentially impacted by the changes to the statutes caused by SB598 and determine which rules may potentially need changes. And on those rules, Ms. Munson would want to file a Notice of Rule Development sometime before July 31st. It may be that we're able to discuss this with the full Board at the June meeting as well. That might be pushing it just a little bit, but we already have authority. I believe the Board Chair has authority to do this with the Notice of Rule Development. Does that help?

Ms. Clay – It does help. Thank you. I'm not sure I understand everything, but it does help.

Ms. Schwantes – I'm learning myself as well. Rulemaking is not my background so much. And there were a lot of changes that were made last year, as you all know, by SB108. On these timelines, they tighten timelines, they've added related requirements, etc., and we're still learning under that, too.

I wanted to go ahead and explain if you had not had a chance to look at it. What we did was take the rules, Chapter 69K, and did a search for each of the statutes that was impacted by SB598. And by "impacted", I mean that those statutes are specifically named within the bill, and changes were made to those statutes within the bill. We did a search within the rules to determine which rules referenced those statutes. And we've listed that underneath each of the statutes. As we go through this workbook, you'll see more of what I'm talking about. And then the Division has made a recommendation as to which rules, if any, need changes. That recommendation is just to start discussion for the Committee. Hopefully it'll make things a little bit easier. But obviously if the Committee believes there are other rules that need changing as a result of the Senate Bill, then we need to know that.

If you turn to Page 3, and this is the first of the statutes that is listed. By the way, the statutes are listed in the order that they are listed in the Senate Bill, should you need to refer back to the Senate Bill. They're not even necessarily in numeric order. What we did for your review for this purpose is we took the changes that were made by SB598, incorporated them into the current statute, so you see the entire statute. And then obviously if there is a deletion, the words are crossed through. If there was an addition to the language, they're underlined, and I have highlighted where the changes were. Because otherwise if you're just looking at the Senate Bill, as is the case with any legislation, you don't see the full statute. So that's what we wanted to do is be able to give you the full statute. Under each of the statutes we've listed the rules in which the statute is referenced, and then our Division's recommendation.

(a) Section 497.164, F.S. - Solicitation of Goods or Services

Ms. Schwantes – The statute is referenced in two (2) rules, neither one (1) of which did we think needed changing. And so, the Division is recommending that no rule changes are required. And at this point, Mr. Chair, it should be for Committee discussion and action, please.

Chair Clark – Thank you, Ms. Schwantes. Similar to the first meeting, would it be appropriate to also ask if there's any public comments before we vote?

Ms. Schwantes – That's fine. Absolutely.

Chair Clark – Okay. So, we'll start with our Committee members. The Division made a recommendation on the changes. Any discussion? Questions?

Mr. Jensen – Question?

Chair Clark – Yes?

Mr. Jensen – So, for Ms. Schwantes, why is (6) highlighted? Did something change? I didn't quite understand.

Ms. Schwantes – That is the language that came from the bill, because these statutes have not publicly been changed yet. You cannot go and look online at section 497.164 and see exactly where the changes are. That won't occur until after the effective date, at least. So, what we've done is show that SB598 added (6), and you can tell it's added language because it's underlined. I highlighted it just so that you would see exactly where the changes were made.

Mr. Jensen – Just to be clear, if it's highlighted, that's what was added in reference to the Senate Bill?

Ms. Schwantes – Added or deleted. Whatever was changed by the Senate Bill is highlighted in yellow, just to draw your eye to it. This one's on one page, but some of the statutes are multiple pages.

Mr. Jensen – Yes, I assume that was what it was, but I just wanted to make sure that I was understanding correctly. Thank you.

Ms. Schwantes – And again, it was just to make it easier for the Committee members and all others who are attending, so that you see the full statute with the language that's been changed, so you have an idea of what it's going to look like when it is finalized and actually published that way.

Mr. Jensen – Thank you.

Chair Clark – Mr. Jensen, the way I think about it is because there's new language for us and our consideration is there's a new language mean that we need to open up 69K-9.002 or 69K-9.003. The Division has reviewed that and said they don't believe that new language will impact the rules. So that's what we're here to discuss.

Mr. Jensen – Got you.

Chair Clark – Any other comments or thoughts before we open it up to public comments? Hearing none. Are there any public comments? Hearing none. Committee?

Ms. Clay – So, Mr. Chair, just for clarification, I am about to make a motion, but for clarification, would my motion be for no change with the addition that was made or how would I word that motion?

Chair Clark – If I understand it right, I think our options are we do believe rules need to be open or no changes are needed. Is that correct Ms. Schwantes?

Ms. Schwantes – I believe that will work unless Ms. Munson has a different opinion on it.

Ms. Munson – That's fine. We're just here to identify which rules we need to open for development.

MOTION: Ms. Clay moved that there be no changes. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Munson – And I'm just going to, because I know Ms. Bryant is making minutes of all of this, that the motion applies to both rules 69K-9.002 and 69K-9.003. It's not to the statute, it's to those two (2) rule numbers.

Chair Clark – We can add that. I know some that are coming up where there's a lot of rules. Do you want me to...

Ms. Munson – Maybe it's only important if you want to make a motion to open it for development. So, that may be more time saving.

Chair Clark – Okay. Thank you, Ms. Munson.

Ms. Schwantes – Thank you all. And I think this will get easier as we go through. Again, for all of us, this is the first time doing this kind of a thing.

(b) Section 497.263, F.S. - Cemetery Companies; License Required; Licensure Requirements and Procedures

Ms. Schwantes – That statute with the highlighted changes is found on Page 4 of the workbook. You'll notice that this is a multiple page statute, and the rules in which statute 497.263 is referenced are found on Page 6 with the Division recommendation. In this case, we looked at the rules that reference the statute and are making a recommendation that one requires changes, and that there are related forms. Any forms will be reviewed by the Department, so that it's not something that this Committee needs to look at.

Chair Clark – The Division's recommendation is at the bottom of Page 6 and there are recommended changes from the Division. For the Committee, any discussion? All right. We'll open it up for any public comments. Hearing none.

Ms. Schwantes – Before ruling on the matter, I do want to comment on a couple things that I neglected to bring up before. When we're citing the rules in which the statute is referenced, I did not include rules that still appear in Chapter 69K which have already been repealed. I also did not include the Disciplinary Guidelines that are contained in Rule 69K-30.001, because the Board and the Committee already decided last year that the Disciplinary Guidelines should not be open until the end of the annual review of all of the rules. Otherwise, we would have them open every year. That is still a decision that can be made by the Committee and by the Board to change that. While I didn't reference it, they're still there in almost all of these cases. Still referenced in the disciplinary Guidelines. We have made a recommendation to open 69K-5.009, because it does reference contiguous. And it is actually a Shared Rule that is already open by the Department with other changes. I am not positive what the next steps will be. I just want to make sure that the Committee understands whether it's something where these changes can be incorporated in the current process that's already ongoing, or whether we would have to open something new up. And if Ms. Munson doesn't know the answer on that one already, I think that's something that we just need to coordinate and talk with Ms. Munson and with the Department counsel.

Ms. Munson – The only comment I'd like to make to that, if the rule is already open and currently in the rulemaking process, I don't know where 5.009 is in the rulemaking process.

Ms. Schwantes – It is.

Ms. Munson – I don't know where it is in the rulemaking process, is what I was saying. There's always an opportunity for a notice of change, which means any changes you want to make to the rule while it's in the rulemaking process, you can do so, or you can wait till that rulemaking process ends and you can open it up again. I don't know definitively if the rule that's impacted by the statute that requires rule development by thirty (30) days is sufficient to somehow otherwise acknowledge that it needs to be open for rule development. So, I think as of as of this statement today, as long as we have this Committee's vote that this rule qualifies to be open for rule development. Procedurally, I'll see if I can figure out what's the best way to proceed. I don't know if a Notice of Rule Change is the most effective way, because it's just going to muddy up the waters again with the open rules. So, allow me that opportunity, and I'll figure that part out, but I do need a vote whether or not you confirm that it should be open.

Ms. Schwantes – And you will notice as we go through this there are a couple that are like that. There are some that are opened by the Department already, and there's a couple that are already opened by the Board. There are few of these

inaudible}.

Ms. Clay – Okay, here I go again, Mr. Chair. We're voting to open this, but it's already open. Is that the case? By the staff?

Chair Clark – Yes, it's already open, but if I understood from Ms. Munson, I think we still need, as a Committee, to acknowledge that as it relates to SB598, we as a Committee agree that's 69K-5.009 should be open. And then that's what we're doing today. And then Ms. Munson will just make sure on the backend procedurally how to handle it. Is that right, Ms. Munson?

Ms. Munson – That's correct.

Chair Clark – Okay. So, Ms. Clay, just to clarify, I think we're acknowledging that as it relates to SB598, this rule should be open. That's all we need to decide today.

Ms. Munson – And I will note, because I'm looking at the rules report, and maybe it's though it's listed as a Shared Rule, it's not under the Board's rules report.

Ms. Clay – So, when we use the word shared, we're just saying that it's already opened by staff? Or are we using the word shared to say that both the staff and this Committee are looking at that?

Ms. Schwantes – If you remember, Ms. Clay, years ago the Department and the Attorney General got together and they went through all of the rules in Chapter 69K and decided which rules were just Board Rules that only the Board would be responsible for, which were the Department rules which usually have to do with procedures and forms frankly, and which were rules that should be a shared responsibility between the Board and the Department. When we conducted the annual review that we did last year under SB108 s. 120.5435. It was the new section that it developed. When we did the first year of the annual review, we reviewed, as for the Board, all of the Shared Rules, because the Department was doing the same thing. While the Board did not see that changes needed to be made to Rule 69K.5.009, the Department did. And it was primarily to bring the form into the rule itself and to correctly reference more technical type changes. So, that's what's currently open and for those reasons and then we just have to figure out, given a little bit of time and coordination, what the next step would be if the Committee decides that that will need to be open for purposes of making changes that better reflect SB598 changes. Which at a minimum, that rule refers to contiguous. And if you look at the statutory changes, which were on the prior page, the same highlighted "contiguous" was removed by the new legislation.

Ms. Clay – Thank you, Ms. Schwantes. Thank you, Mr. Chair. I want to apologize for all the questions, but I need to know.

Chair Clark – No. This is the first time we're doing this. We're learning together. You're doing great.

Ms. Clay – Okay. Thank you.

MOTION: Chair Clark moved to open the rule as changes are needed to Rule 69K-5.009.

Mr. Jensen – Mr. Chair?

Chair Clark – Mr. Jensen?

Mr. Jensen – Yes, a friendly amendment to the motion, if I may? Can we add that the related forms will be reviewed by the Department for necessary changes?

Ms. Schwantes – Mr. Chair, may I?

Chair Clark – Go ahead, Ms. Schwantes.

Ms. Schwantes – You could add that if you want to, but it is not necessary, Mr. Jensen, because the Department will be reviewing these forms, as a part of our responsibility.

Mr. Jensen – Okay. I just wanted to make sure.

Chair Clark – Ms. Schwantes, I know I've made motion, but as I'm thinking about it, should I add that the other rules referenced in 497.263, other than .009, the other rules do not need to be changed or is what I said okay? Just this one rule needs to be open.

Ms. Munson – I think what you said is okay, because we're just identifying which rules need to be open for rule development. If we miss any, we're going to be called on, so.

Chair Clark – Thank you, Ms. Munson. We have a motion to open 69K-5.009.

Ms. Clay – You need a second, right? Second.

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

Committee members [Unison] – Aye.

Chair Clark – Any opposed? And that motion carries.

(c) Section 497.270, F.S. - Minimum Acreage; Sale or Disposition of Cemetery Lands

Ms. Schwantes – This statute is found on Page 7. The changes made by SB598 are in (2). As highlighted, you'll see that in some cases new language was added. That's the language that is underlined and the language that was deleted by the Senate Bill is crossed out. The entire subparagraph is copied just to draw your attention to it. It is a multiple page statute. The rule in which 497.270 is referenced, it's only one rule, 69K-1.001, which is Forms. That rule is purely a Department rule in terms of responsibility. You'll see the Division recommendation is that no rule changes are required by Board and any related forms will be reviewed by the Department for necessary changes. Again, our recommendation would be there's no need to open 69K-1.001 by the Committee or the Board.

Chair Clark – Thank you, Ms. Schwantes. Any questions or comments from the Committee?

Mr. Jensen – Yes. I do have a question on this one, Mr. Chair.

Chair Clark – Go ahead.

Mr. Jensen – So, when I read this and especially what's in the yellow, it sounds to me like a cemetery can have twenty (20) or thirty (30) acres, but they can sell off twenty-five (25) acres and keep a five-acre cemetery, if they're in a good area where property values are up quite a bit. Do we not need to specify that in a rule somewhere that they need to keep it? And the other part that bothers me here is the, you know, being able to disinter people and move them to sell the property. I think we're opening up a can of worms there.

Ms. Schwantes – Mr. Chair?

Chair Clark – Go ahead, Ms. Schwantes.

Ms. Schwantes – Mr. Jensen raises a good point. If a rule is needed to incorporate these changes it would need to be a new rule, because it's not referenced anywhere else.

Mr. Jensen – My point being Mr. Chair, is I've seen cases like this before where they're in a heavily traveled area and they can make more money by selling off the land to put up a shopping center or something and I don't think it's right to subject families to disinterment, having to move their loved one from a property they've already paid for to sell for a shopping center. I think we need to have a rule that maybe clarifies that once you've sold the cemetery property and you've got somebody interred there; you can't do it. And also, I see that thirty (30) acres in Florida can get quite expensive in a lot of areas. So

especially on a main thoroughfare or somewhere where you got some good pass-by notice, you know, with cars passing by to notice your business, your cemetery business. So, I can see enterprising people that would get thirty (30) acres, put up a, you know, 10-acre mausoleum scattering garden and sell off the rest to pay for all of it. So, I think we need to keep the families in mind here.

Ms. Munson – So if I may. Chair, ask a question?

Chair Clark – Go ahead, Ms. Munson.

Ms. Munson – I understand Ms. Schwantes' point that if we do this, we need to open up a new rule. I would only ask this Committee if you feel there needs to be clarity memorialized in a rule, is there not an existing rule where you can add a sentence or two that would fit to, that would probably be appropriate for this language to be housed, rather than creating an entirely new rule number?

Mr. Jensen – Well, and perhaps the Department can guide me on that. I don't know. I read them and then I read this, and I know that the 497 overstates the rules. So, does anybody else read this and it seems a little ambiguous?

Chair Clark – Well, I will say, Mr. Jensen, if I may? I read it differently, a little, especially the disinterment. I mean, I still think they would have to, I mean, 497.384 still says you have to get written authorization. I didn't read it as they can just do a disinterment so they sell the disinterment, I mean, they would still have to follow 497.384. But as far as getting under that thirty (30) acre, I think that is definitely something we want to make sure it's very clear if you're selling land.

Ms. Lisa Coney – It does say at the beginning of it in compliance with 497.263, so it the cemetery loss still stays as it was. I'm not really sure how this came out of 598. I know there was something in historical cemeteries that was going to allow historical cemeteries to sell unused property at the highest value so that they could continue to care for and maintain the rest of the property. But the other one was simple, because thirty (30) acres can be hard to find, to allow if there's an adjacent space that's separated by a road or something like that, that could count towards your contiguous space. At nowhere in any of the intent of the law was it to go regulated cemeteries under thirty (30) acres and nowhere ever did anyone in either of those bills talk about disinterment, and all the same disinterment laws and rules would still apply. I believe.

Chair Clark – Thank you, Ms. Coney. That's how I read it as well. The intent wasn't to drastically change the rules.

Ms. Coney – No. And because it opens by saying as the cemetery criteria as met in 263, I don't think it's changing the statutory cemetery criteria. The previous one did because it allows for contiguous spaces to be redefined so that you could amass enough of thirty (30) acres using things that were otherwise separated by an easement or something like that. But the selling off of space was brought up by historic cemeteries that were in desperate need of revenue to continue to maintain those spaces that are basically, you know, smaller or at-need cemeteries at this point. I don't know if that helps.

Chair Clark – Thank you, Ms. Coney.

Ms. Coney – Thank you.

Mr. Jensen – Mr. Chair, if I may? I certainly understand the contiguous acreage and having a road in between. I'm not taking issue with that. I think that if I read 497.272, I mean, it sounds like to me, it gives the right to disinter, and if you've got real old burials there, you may not even find a family member. I just think it needs a little clarification of if you've got 100% cooperation, then possibly so. If you've got even one person that says, hey, don't move my mother, then they're stuck. I mean, when they, you know, that's been the rules in Florida forever that you make it a cemetery, that's your little red wagon, so you need to pull it down the road. So, I don't know. I can just see an enterprise lawyer saying, yes, I mean, we know the intent, but that's not what it says. Intent is always good, but you know, I'm reading it in black and white and that's not what it says. So, we just need a little clarification, I think. How's that sound?

Chair Clark – So Ms. Munson, I know the purpose of this meeting is to identify rules that are referenced. If the Committee feels the rule that's currently referenced does not need changes, is that the action we would take today and in the event that

we wanted to add a new rule, do we need to decide on yes, we need a new rule now?

Ms. Munson – Yes that's what you would need to decide if there is any statutory language that will take effect July 1st that would require a rule.

Chair Clark – So Mr. Jensen it may be appropriate that we take that action that we believe a rule needs to be open then we have time. If you remember last time, everything we said should be open, we asked for the industry to review and their recommendations. So that would give us time to research it. If something needs to be made, we can make it. And if not, we could not take action down the road. Does that make sense?

Ms. Munson – Yes. The only point I was trying to make is that if you think you want to add a sentence to an existing rule, that's easier than identifying a new rule. Because we can't open an unnamed rule for development. So, if we open a rule for development, it's a new rule. We have to come up with a name and come up with a title. I mean, we have to do a little bit more with it. It's just not, there's some rule out there that should be open about this. You have to put a little more work into it.

Ms. Coney – And you can't really open a rule to override the law that's already passed. So, could we just flag this as requesting the Division review C.(1)(c) for the opportunity for any open rule that may allow clarification, because you can't write a rule to say we didn't mean to pass this law. The law has already passed. So, if that is what it is and it does reference the cemetery establishment as it was and it does have no impact on all of the laws and rules related to disinterments and cemetery applications and all the scope of everything that goes into that, it doesn't change 263. So, I don't know how you'd open a new rule to say we didn't mean it.

Ms. Munson – You can open a new rule at any time and say you didn't mean it by just withdrawing the rule, right? So, you can do that.

Ms. Coney – No, I mean, we didn't mean what's in this law. The law is already passed, so we can't really write a rule that says we didn't mean this law. And if there's laws already, statute that's clear about what constitutes a cemetery.

Ms. Munson – And I was just going to say, if the statute is clear, you don't need to memorialize it in rule language. I was just following Mr. Jensen's comment that it was not clear. But if we can agree that it's clear and the statute covers it clearly, then I mean, statute trumps all the time anyway. So, I don't want you to feel you're forced to create a rule if it's already in statute. Remember that whole exercise we did? Is this paraphrasing or is this repeating rule is this repeating statutory language? That's not necessarily preferable. But if you think there's a point of clarification that needs to be distinguished that's a little bit different. But if it's already stated in statute. I mean, do you need the language in rule?

Chair Clark – I think that's what Mr. Jensen's saying. He wants to just make sure where there's nothing we should do. Is that correct, Mr. Jensen?

Mr. Jensen – Yes. And what I'm asking for is not a new rule. I'm certainly not in favor of the new rule. I'm just asking if we can have the Department look this over and make sure that it's covered elsewhere or something. That's all I'm asking. And it could be covered somewhere. I don't have all of 69K pulled up. And I do understand the statutes override the rules. So, I don't know. You're the lawyer, Ms. Munson. Tell me what to do. You see what I'm trying to do. I just want to make a clarification because that paragraph is a little ambiguous to me and I can see problems coming down the road.

Ms. Munson – I'm pretty confident in saying if that language being new language is ambiguous or confusing, there probably is not an existing rule that states it more clearly or differently. There probably would need to be a statement added to the rule that you would want to state more clearly. I don't think this language is anywhere else there. So, when you say, I don't know everything in the rules, I'm pretty sure that's not in the rules, but it doesn't have to be in the rules if you feel the statute states it clear enough is all I'm saying. If you feel it does not, then we may need to add a tag sentence to an existing rule for that clarification. And that will just be in determining which existing rule do we want to add this language. And it would need to be, by this conversation, identified as a rule that needs to be open for rule development because of that clarification.

Mr. Jensen – All right. So, Mr. Chair, am I allowed to ask the Department to look at this, and see? If there's nothing, we can do about it, then there's nothing we can do about it. But I understand it, you know. I mean, does anybody else see the possible

issue here or not? No? Okay.

Chair Clark – Well, I think, because it states in (2), the thing at the underline, meet the criteria set forth in 497.263(2)(g), I don't think the intent of this is to change what a cemetery is, and that's why it references it. The whole thing about disinterment, I'm very comfortable with it, because it clearly states, however, 497.152(8)(e) and 497.384 must be complied with prior or before any disinterment of human remains. 497.384, it's like what we've always done. A funeral director has to be present. A legally authorized person has to... So, I didn't read it as this is trying to completely change everything as it relates to cemetery. The other statutes that are referenced, I feel comfortable that like it's not drastically changing what's inbound and out of bounds for a cemetery. That's just my opinion. But also, I think this is the opportunity if they're, especially with the Committee, if they're not clear on it, now's a chance to say, hey, let's keep our options open, let's take a look at it, and then if we need to add to an existing rule, or it may be that after time we say, you know what, we're good. I know that I'm not worried about it, but I also want to make sure that the Committee, if they're having any hesitation, now is the time to take some action, and it may be that down the road we say, you know what, it's not needed, we don't need to do it.

Mr. Jensen – I'm in favor of what you just said, Mr. Chair. I just am a little bit confused there. You know, another issue I see here is it doesn't really specify that, you know, if you've got thirty (30) contiguous acres, and you sell off twenty-five (25), then you only got a five-acre cemetery. Or is it referring to, hey, if you've got a 50-acre cemetery, you can sell off twenty (20) then you have a 30-acre cemetery?

Chair Clark – And just to be clear, I know we don't have a motion on the table, but even though I'm comfortable, the fact that you aren't comfortable, I would support leaving some door open just so that we can figure it out down the line versus like, I'm good with it, but the fact that you're not, I want to make sure that we're all clear going forward. Mr. Thompson, go ahead.

Mr. Henry Thompson – Hey, this is Hank Thompson with WRW Legal. Wendy's unavailable today, so Lauren Pettine and I are here to kind of take good notes on what rules are being opened, and we just want to pop on and say, based on the language of the new Florida Statute, section 497.263(2)(g), this amendment to the law would not prevent the sell-off of cemetery properties as Mr. Jensen fears, so I think we're good here. However, if this is something that you'd like to raise in the future, Ms. Munson, can you address whether a future rulemaking can be open to all after further review of this rule or this law? It seems like you're going around in circles.

Ms. Munson – Well, it may seem that way, but future rulemaking is always open at any time. This Board knows that. It's an open door with rulemaking. We are here today only because we have a new statutory mandate that says if a legislative change is in place and rulemaking is expected, anticipated, needed, we have thirty (30) days to open rule development on that. If we are identifying this as a change that's required as a result of that legislative change caused by SB598, we have thirty (30) days to open it for rule development. That's all. That's what this meeting is for. We can say we didn't really see it needs to be additional language in any rule right now, and then a year from now decide, why don't we clarify this language later? But for this record, I want it to be clearly stated that, well, we don't see where it's necessary perhaps, but maybe later on we can look to clarify it, and then we kind of covered ourselves. But if we're going to stay here and say, this is confusing, and because of this language, we need rule clarification, then we need to figure out which rule and make some rules, add it to something to have {inaudible}.

Chair Clark – Anything further?

Mr. Thompson – No, I just want to stay on in case there was more, but I can pop off for now.

Chair Clark – No problem. Thank you. Mr. Gambino, I saw you next. Go ahead.

Mr. Joe Gambino – Yes, can you guys hear me okay, because this is my first time doing this?

Chair Clark – Yes.

Mr. Gambino – So basically, I just have a, and I apologize just being on here, but I believe the first topic, if I could just go over that, was 497.164. I know you've glanced past it.

Chair Clark – Mr. Gambino, hold on. I saw your note in the chat. I'd like to finish this matter and then we can discuss going back, okay? Just bear with me.

Mr. Gambino – No problem, I will mute. Thank you.

Chair Clark – Thank you. Ms. Coney?

Ms. Coney – So I know we have to look at eighteen (18) different things at the same time, but it does reference 497.263, which is the cemetery company's licensure requirements and procedures. And that statutory section specifically says a proposed cemetery must contain at least thirty (30) contiguous acres, and the application states the exact number. So nowhere in that law are we allowed to go under thirty (30) acres. So, the rule can't water that part down. So, the only time that that like sell-off issue could come up is on an unregulated cemetery and they would have the right to do that already. This would actually, this language would probably further clarify to the positive that they can't do that without taking all of these other steps to comply first. But it absolutely in no way changes our cemetery legal requirements because it's referencing the very specific law that sets those requirements forth. So, I don't know if looking at 497.263 in conjunction with this gives some confidence that the things that we're worried about are not a concern because that law that governs the establishment of a cemetery is not changed at all.

Chair Clark – Thank you, Ms. Coney. Mr. Jensen, I don't know if that's helpful. I know Mr. Thompson said something similar, but I really want to make sure you're comfortable with whatever we decide.

Mr. Jensen – Well, with all due respect, Mr. Chair, some of the people we've heard from have a vested interest in exactly what I'm trying to guard against. So, I'd like it looked at by the Department to make sure that we're protecting the public.

Chair Clark – Would you like to make a motion, sir?

Mr. Jensen – I'll make that motion. Thank you.

Ms. Schwantes – Mr. Chair, if I might?

Chair Clark – Ms. Schwantes?

Ms. Schwantes – The cemetery regulation and pre-need sales is all contained within the rules in Chapter 69K-5, all the rules that fall under that. There is not a rule under that section anyway where any kind of language like Mr. Jensen is proposing would fit, because I've been doing a review of it while we've talked. We certainly don't object to taking another closer look at it. That's not an issue. I just want to point that out, but I suggest that in order to address the needs that we need to accomplish today we say there are no rules that need to be open that are currently identified and give us a chance, as Ms. Munson has said already that rulemaking can be opened at any time, but give us a chance to look at the issue further, perhaps even discuss it before a full Board meeting if we need to. And then if a rule needs to be developed, we are past that initial thirty (30) days. Does that work, Ms. Munson? If rulemaking can be open at any time, can we make a decision now as to what we're currently seeing and then have a change of mind later on?

Ms. Munson – That's true. Again, I just need this record, if ever reviewed, to say that we don't see where change is needed.

Ms. Schwantes – Agreed.

Ms. Munson – Okay, perfect.

Ms. Schwantes – That would be my suggestion.

Mr. Jensen – Mr. Chair?

Chair Clark – Yes, sir?

Mr. Jensen – I would like to amend my motion to what Ms. Munson just said.

MOTION: Mr. Jensen moved no changes are needed.

Chair Clark – We have a motion that no changes are needed regarding 69K-1.001 but allow the Division to research this further to evade the concerns mentioned. Do we have a second?

Ms. Schwantes – {Inaudible} because I think you just said that 69K-1.001 would be open. That is a Department rule, and we will take a look at that separately.

Chair Clark – Right. Yes.

Ms. Munson – I think the motion is that the Committee did not find where any changes are necessary regarding 497.270 and rulemaking any rule is necessarily impacted, but there will be additional review by the Department regarding that language. I know the whole thing is to make sure the Department does not let this go and take a deeper dive into it, but on the surface, it does not appear to require the rulemaking in its current status at its current state. Is that acceptable, Mr. Jensen?

Mr. Jensen – Yes, it is, and I would appreciate you making all my motions from now on.

Ms. Munson – Oh, that is not happening.

Mr. Jensen – Yes, that is exactly what I was trying to say in a roundabout way. Thank you, Ms. Munson, for the clarification.

Ms. Munson – The record will be clear. Thank you, sir.

Chair Clark – Thank you. And Ms. Clay, is that your second as well?

Ms. Clay – Yes.

Chair Clark – Those in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – Any opposed? And that motion carries. Ms. Schwantes, before we move forward, Mr. Gambino would like to go back to 497.164. I know we've already taken action. Would it be appropriate for him to speak.

Ms. Schwantes – Mr. Chair, that is up to you. I do want to point out, because I did not mention this before, that we do not use chat for questions. For any of you on the call, should something come up on a matter that you want to be heard on please put your camera on, raise your hand or speak up when Chair Clark asks for public comments. I have no problem with going back to 497.164, Chair Clark.

Chair Clark – Thank you Ms. Schwantes.

(a) Section 497.164, F.S. - Solicitation of Goods or Services

Chair Clark – Mr. Gambino go ahead.

Mr. Gambino – I apologize because this is my first time in one of these meetings. And I don't understand that, because basically I have it where the verbiage was passed in the 2026 legislative session to take place July 1st. I'm trying to just understand all of this. When you say that the rules will be open for change, does that mean that based on some cases or some things going on, this law could be adjusted? Is that what I'm hearing? And I think everybody voted nay, that there doesn't need to be an adjustment.

Ms. Munson – If I may, Chair Clark?

Chair Clark – Go ahead, Ms. Munson.

Ms. Munson – What we're doing is, and because there was a change in legislation and this SB598 created new language that is becoming law effective July 1st, we can't do anything about that. That is solid as a rock. So, we have to look at the rules to see if any rules need to be adjusted to be in compliance with this Senate Bill. And so, we're not changing the law because the law is that legislative language. We have to look to see if we're changing any of our existing rules to match that language, to be in compliance.

Mr. Gambino – Okay. So, and without looking at that, I haven't seen all of that, but without saying too much there was a case brought about where some funeral homes were exclusively taking loved ones from some facilities, and then the families did not know that they probably had a choice, or they were not given a choice. So, the Federal Trade Commission rule on solicitation explicitly says somebody cannot call after a death has occurred. There were some funeral homes or funeral directors that were told that they had to make those phone calls because they had said loved ones sitting in their coolers. Most families didn't know that they had a choice. And a lot of times at that point in time, while the funeral home was soliciting and giving prices for cremation and services, the families were kind of under the impression that that's who they were staying with. If a family did speak up at that point in time, a director may have negotiated pricing with them or told the family we can let your loved one go to another facility. I believe that's why part of that rule may have been put in place. I don't know if that helps or if that makes that we have to open up that the rule should be opened up for any changes but that's kind of why that law I guess was brought about based on our complaints or other complaints from my understanding that were going on. The families never had a clue. There were some families that were very mad because they had prearrangements at other locations, but the hospital just released them to a certain funeral home. And that funeral home would do the best they could to keep that business all the while having to solicit to the families, because if you have a body in your cooler and the family doesn't really know, then the funeral director has to reach out. I don't know if that makes sense.

Chair Clark – I follow, but for today's meeting we were looking at 497.164. The matter we took up earlier is 69K-9.002 or 69K-9.003 need to be changed because of the new language. I know exactly what you're saying. I don't know whether for the purpose of this meeting it changes what action we've taken. I think while it's noteworthy, I think, again, our purpose is, with this new language, do we need to open up 69K. And it kind of sounds like the example as you shared, it may be folks that are not following the law as currently stated, and that's a whole different matter that you should take up with the Division.

Mr. Gambino – Okay. And I appreciate it. I was just hoping to be heard. I know that there's some older laws in the books from '74 about like written release or telegram and things like that. I know that there's some other things going on with the Division right now that I can't say but I appreciate being heard so thank you and thank you.

Chair Clark – Thank you for being here. Ms. Schwantes?

Ms. Schwantes – Moving on.

(d) Section 497.369, F.S. - Embalmers; Licensure as An Embalmer by Endorsement; Licensure of A Temporary Embalmer

Ms. Schwantes – The statute is found on Page 9. The changes that were made by SB598 are identified on Page 10. The rules in which 497.369 is referenced are found on Page 10. The Division's recommendation is found on Page 11. There are a number of rules in which this statute is referenced. The Division is recommending changes might be needed to 69K-25.001, so it will be appropriate to open that rule for development. And again, any related forms on this matter will be reviewed by the Department. That does not need to be a part of the Committee's motion.

Chair Clark – Thank you, Ms. Schwantes. Committee members, any discussion, questions on the Division's recommendations?

Mr. Jensen – Yes, Mr. Chair.

Chair Clark – Go ahead.

Mr. Jensen – I would like to ask the Department, you know, I feel that 69K-18 should be added to this list just to incorporate what Senate Bill has said. You know, we've had issues like this come up several times before the Board on the exact thing as to what it means by someone having to pass a federal test. So, I think we just need a little bit of clarification and maybe some of the wording added also under 69K-18.

Ms. Schwantes – On internships?

Mr. Jensen – Well, internships, yes. We need to clarify that. We've had that issue. So, I'm just wondering, should we add it there, because all this, you've got a lot of different rules here referenced on this. And you also say possible change is needed. My biggest thing when you go back to number four on Page 10 of our stuff here, you know, pass an examination on local state and federal laws and rules. Well, it's been argued that our state exam does have federal laws on it. So, I just want to make a clarification as to what that exactly means. Does that mean the National Boards or does that mean they can take a state test, you know, the state rules and laws, you know, once you cover some federal laws too, and they're good?

Ms. Schwantes – Mr. Chair, if I might?

Chair Clark – Go ahead.

Ms. Schwantes – A couple of things on that. The reason the rules are listed that we have listed here is because that is what that statute was referenced in. Statute 497.369 is referenced in thirteen (13) rules, and those are the ones we pulled. 69K-18 deals with internships. This statute has to do with licensure by endorsements not internships. It may be that the internships are dealt with in another one of these sections. I know it was for one of the areas, but I don't remember it being about the embalmer. I think it was concurrent, but I don't have it in front of me. If you had a specific rule within 69K-18, we could look at it. Or my other suggestion, I'm trying to get to the other document that I had. If you remember regarding the annual review that we have to do, and that's coming up again, we're starting a new FY26-27 on July 1st, and we have to start annual review of certain rules all over again. We have twenty-two (22) rules under section 120.5435 scheduled for annual review in FY26-27. We'll start looking at those within the next couple of months. All four (4) of the rules under that 69K-18, 18.001, et cetera, were Shared Rules that were looked at this past year. They could be pulled up and looked at again, but I would suggest that we take a look at your questions regarding the exam and stuff if we need to further clarify during an annual review and not as part of this process that we're doing today. I see Ms. Pettine has her hand up too, Mr. Chair.

Chair Clark – Go ahead.

Ms. Lauren Pettine – Yes, I've been part of these previous conversations regarding the endorsement application, I believe that the rule that you're referring to Mr. Jensen is actually 16.004 regarding the licensure by endorsement and the examinations appropriate to the licensure sought. So, if you're intending to open up the list of rules that the Division has provided, your concern would be encompassed to provide that sort of clarification under 16.004.

Chair Clark – Thank you, Ms. Pettine. Mr. Jensen, that was a lot of information.

Mr. Jensen – Yes, it is a lot of information, and I do understand what Ms. Pettine has stated there and she is correct. I also looked at that. You understand where I'm going with this, Mr. Chair, and Ms. Munson, you probably do, too, that we've had several cases come before the Board where this has been argued differently, or, you know, to tailor to whoever's applying. I'm just trying to make sure we've got proper language to maybe clear that up, so it makes it a little easier going forward with people coming from other states. You know, we're happy to have everybody. This is my opinion. I'm happy to have everybody, but it should be equal to or greater than what the Florida funeral directors that are currently licensed have had to go through. And I just don't want to water down that process any more than what it is. So how I do that, I don't know, Mr. Chair, but as you know, the embalming side of the internship is a lot more liberal than the funeral side. So, you know, we've got people there embalming, which is a lot more technical in my opinion than the funeral side, at a much earlier stage, which is fine. I'm all for making it easier for graduates and so forth to get internships. I'm all for that. So that part of it, I definitely want to make it easier for the students. I also, in this part with this language, and maybe I'm wrong on the rule that we need to look at, maybe Ms. Pettine, you know, has a better idea of what rule eventually that applies here. We just need to make sure that the rules are incorporated in the proper language and we know what that language means.

Chair Clark – Right. Ms. Schwantes, go ahead.

Ms. Schwantes – I appreciate Ms. Pettine's comments. I was focused on 69K-18, because that's what Mr. Jensen had suggested, so I was trying to figure that one out. But 69K-16, those rules are scheduled currently for review in FY27-28. This Committee and the Board always have the authority to move the annual review of those rules to a different time period. If you want to make as part of the recommendation that we pull all four (4) of those rules for review this year, that can be added to the twenty-two (22) rules we've already decided we want to do for this year, or they can be substituted out for something else, if the Committee believes and again the Board too believes that these examination rules need to be reviewed now because of changes to the endorsement and to the internship statute that are coming up.

Mr. Jensen – That is kind of where I was going, Mr. Chair. The Senate Bill does affect some of these things, and the internship and the licensing, in my mind, are kind of one in the same. We just need to make sure we have a clear path, and everybody knows the clear path, because right now it's a little ambiguous as to what the path is for licensing in Florida, especially from people come from other states and also some of the interns that are trying to get internships as exactly when they can get it and when they can start it and so forth. I know that it states that, but some of the language in the Senate Bill nullified some of that stuff, and we just need to make sure that we've got it all incorporated together.

Ms. Munson – If I may, Mr. Clark, speak to Mr. Jensen's comment?

Chair Clark – Yes.

Ms. Munson – Because 16.004 is probably the most direct rule impacted, if it already says as set forth in 497.369, does that appease you enough to know that any question as to what is expected redirects you to the statute specifically and would cover any concerns you may have?

Mr. Jensen – That definitely helps. I'm thinking, and I understand it, Ms. Munson, but the people that come after me, and some of the others on the Board, perhaps the consumer members or something, I'm just trying to make it clear for everybody involved, because it's been a point of contention, as you well know, in past Board meetings. And I just think it just needs to be clear as to what way we're going. Whatever that is, we need to have a clear outline. I'm for getting rid of rules or whatever or simplifying or whatever we can do, but I don't know the way to do it. I'm not a lawyer, but I have been a funeral director for thirty-five (35) years. So, I know what's going on out there in the real world and I think it needs to be clarified.

Chair Clark – Well, Mr. Jensen, I'll make it even better. I think that 69K-16 is a page and a half. Yes, there's six (6) rules and so I think we should just pull them into the next round for our annual review, if Ms. Schwantes won't be too mad at me. I wouldn't switch them out, I would just add it. Again, it's a page and a half. I see Mr. Brown's on the call, Mr. Beckham, and I know there may be others from mortuary schools that I'm missing, but I think this is an important topic that should have robust discussion. So, I think we take action, and I think this group is going to have to do the work. If we could just add those six (6) rules. Again, it's a page and a half. I think we could just add that to the annual review for next year.

Mr. Jensen – I agree, and I would like to make that my motion.

Chair Clark – Would your motion also include what the Division's recommendation that possible changes are needed to 69K-25.001?

Mr. Jensen – Yes.

MOTION: Mr. Jensen moved to accept the proposed changes with regards to this rule and add the six (6) rules within 69K-16 to the current annual review. Chair Clark seconded the motion, which passed unanimously.

Ms. Schwantes – For clarification, if you don't mind?

Ms. Munson – Thank you.

Ms. Schwantes – Does that mean all six (6) rules within 69K-16 and 25.001 require a Notice of Rule Development?

Ms. Munson – I didn't understand that to be the motion, but I'm glad you're making the clarification.

Ms. Schwantes – Because that's what we've got to decide today. I don't have a problem with that. We certainly can pull them into this year's rule review.

Chair Clark – My intention as it relates to 497.369 was to open the Division's recommendation of 69K-25.001 and separately bring 69K-16 into the upcoming annual review.

Ms. Munson – So those are two (2) separate. Right now, is the 30-day rule development for 25-001, but we're going to make changes to Senate Bill 120.5435 to include Chapter 16 for the rules review, which we will be working on in a few months. Is that what I'm hearing, Ms. Schwantes?

Ms. Schwantes – I think so.

Ms. Munson – Essentially all the rules that are on the table will get looked at, but 25.001 is going to be tagged as a SB598 rule with rule development. So far, we have two (2). I'm keeping count.

Ms. Schwantes – Two (2) is correct. And then as we go through the annual review on the others, if we find more, we can always open them up, as we do on any of the annual reviews. Are we clear on that one enough to move on?

Chair Clark – I think so.

(e) Section 497.374, F.S. - Funeral Directing; Licensure as A Funeral Director by Endorsement; Licensure of A Temporary Funeral Director

Ms. Schwantes – The statute is found on Page 11 with the changes by SB598 shown on Page 12. The rules in which 497.374 are referenced begin on Page 12, and the Division's recommendation on this is on Page 13. Again, any related forms will be reviewed separately by the Department.

Chair Clark – Thank you, Ms. Schwantes. For the Committee, are there any discussions or questions from the Division's recommendation?

Mr. Jensen – Ms. Schwantes, basically, this is a lot like the last one we covered that possible changes needed.

Ms. Schwantes – Correct. 69K-25.002, and that is Board rule that's scheduled to be reviewed in FY28-29, but of course we would recommend moving it to our review this year. If we're going to handle it like we did the other, we would be opening that for rule development, putting a Notice of Rule of Development out there, and the ones that are listed about Chapter 69K-16, again, we've already decided to move those to the annual review this year anyway.

Mr. Jensen – I got you. So, yes, Mr. Chair, I'm okay with the Department's recommendation unless somebody else has something else to add.

Chair Clark – Thank you, Mr. Jensen. Any public comments? Hearing none. It would be appropriate at this time for us to make a motion.

Mr. Jensen – Yes, I'll make a motion then that 69K-25.002 possible changes needed. For the Department to review necessary changes.

Ms. Schwantes – Mr. I think that that would more appropriately be to open that rule for development and then the Committee has the opportunity to review that for changes.

Mr. Jensen – Okay.

Chair Clark – Is that okay, Mr. Jensen? Will you amend your motion?

Mr. Jensen – Okay. Yes. Every time I try to be formal, I mess it up, so I apologize. I'll defer to Ms. Munson next time.

Ms. Munson – No, I'm not allowed to make the motion.

Mr. Jensen – She speaks Chris.

Ms. Clay – So what is the motion?

MOTION: Mr. Jensen moved to open up 69K-25.002. Ms. Clay seconded the motion, which passed unanimously.

(f) Section 497.375, F.S. - Funeral Directing; Licensure of A Funeral Director Intern

Ms. Schwantes – That statute is found on Page 13, and the changes made by SB598 also indicated on Page 13. The rules in which 497.375 are referenced begin on Page 14. And the Division's recommendations are found on Page 15. The Division is recommending that two (2) rules should be reviewed, potentially open. And that would be 69K-18.002 and 69K-18.003. Again, any related forms will be reviewed by the Department for necessary changes.

Chair Clark – Thank you, Ms. Schwantes. Committee members, any questions or discussion? Hearing none. Any public comments? We'll come back to the Committee for a motion.

MOTION: Ms. Clay moved to open up 69K-18.002 and 69K-18.003 for possible changes needed. Chair Clark seconded the motion, which passed unanimously.

(g) Section 497.376, F.S. - License as Funeral Director and Embalmer Permitted

Ms. Schwantes – The statute is found on Page 15 with the changes from SB598 also on Page 15. The rules in which this section is referenced are found on Page 16 and the Division's recommendation is that 69K-18.002 be open for development.

Chair Clark – Thank you Ms. Schwantes. For the Committee, any discussion?

Mr. Jensen – If I'm understanding this correct Mr. Chair, most of these are just kind of tying into the same thing we're already going to review, and the Department recommends reviewing these rules as well. Correct?

Chair Clark – That's how I read it as well.

Ms. Schwantes – Mr. Chair, we're specifically recommending that 69K-18.002 be open for development and that will allow us time to conduct the review while complying with the new section that you have to file this stuff within thirty (30) days.

Mr. Jensen – So you're not listing here 69K-1.001 and 69K-17.0034?

Ms. Schwantes – I am not, because 69K-1.001 on forms is a Department rule that the Department is responsible for. So, the Committee does not need to take any action on that. What was the other one?

Mr. Jensen – 17.0034, Continuing Education for License Renewal.

Ms. Schwantes – Right. When I looked at rule 17.0034, it did not appear that it needed changes as a result of the changes that have been made by SB589. This Committee may feel different.

Mr. Jensen – Okay. Thank you for that. Yes, Mr. Chair, I'll make a motion that we open the rule for possible changes needed to 69K-18.002 and any related forms be reviewed by the Department for necessary changes.

Chair Clark – Thank you, Mr. Jensen. Right before that motion, I still needed to see if there are any public comment. So, if it's okay, Ms. Schwantes, even though we have a motion, is it okay that I ask Ms. Pettine?

Ms. Schwantes – Yes.

Chair Clark – Okay. Ms. Pettine, go ahead.

Ms. Pettine – On this rule, on the statute 376, I'm seeing that Rule 69K-18 is related to the internship requirements, but the added language seems to only be applicable to the endorsement requirements which would be in Rule 69K-16. I was just hoping for a little bit more information as to what portion of 18-002 was relevant to statute 376.

Chair Clark – Thank you, Ms. Pettine.

Mr. Jensen – Mr. Chair, if I might add? Following up what Ms. Pettine just said, this is kind of where I was going. I think the whole 69K-18 just needs a thorough review.

Ms. Schwantes – Okay, let's go with what Mr. Jensen is suggesting. 69K-18 currently, may have been one that we looked at this last year.

Mr. Jensen – And what I'm referring to, Ms. Schwantes, is the Senate Bill kind of changes some of that. So, it makes it a little ambiguous again. I think if I remember correctly, when we reviewed it earlier, we were kind of okay with it. But now that the Senate Bill has been signed in the law, we may need to revise different sections of 69K-18 again.

Ms. Schwantes – Understood. So that is correct. 69K-18 is a Shared Rule, which was looked at. If you want to add it back to this year's annual review, we can. I think to answer Ms. Pettine's question, the reason that I had pulled 18.002, I wasn't sure if changes needed to be made to it as a result. She's correct that the changes involve endorsement in 497.376, but I probably had the same question at the time that Mr. Jensen has about some of the others. It is referenced in 18.002, which is the intern program. If we needed to bring up all of the 69K-18 Rules for the annual review this year, we could. We could do the same thing we did before. We could say 18.002 should be open for development. The Committee may decide that 18.002 does not need to be open for development, but wants it added as the annual review instead. It's up to the Committee.

Ms. Munson – I was understanding Ms. Pettine as saying that it's the endorsement rule that would need to be open, but maybe, sorry, Ms. Pettine.

Ms. Pettine – It's all right. Thank you so much for letting me speak. So, when I was looking over 18.002, the only reference that I saw was to a citation stating under, I believe it's 8(c), stating that the application shall be accompanied by the applicable Florida Laws and Rules Exam fee pursuant to Section 497.376 and Rule 69K-17.001. I don't believe that that statute is the fee, so I suspect there is cleanup to be done, but from a point of procedure, I don't know that this rule needs to be opened in response to SB598, if that makes any difference on Ms. Munson's end.

Chair Clark – Thank you, Ms. Pettine. And Ms. Schwantes, it sounded like you, first of all, it's very long, you wanted to just make sure that we had a door open that if changes needed to be made. Is that correct?

Ms. Schwantes – That is correct. But if we don't see anything that we know needs to be open right now, then as indicated before, we can bring all of 69K-18 into this year's annual review again. It was reviewed already, but we can do it again. These are Shared Rules.

Chair Clark – Well, I already added 69K-16, and I don't want to be in trouble, so I don't know.

Ms. Munson – I just wanted to be careful because I think we keep adding rules or referencing rules, but we don't necessarily always clarify what type of review is going to happen for those rules. And I just want this to be clear.

Ms. Schwantes – The annual review.

Ms. Munson – Yes. So, 69K-16 is annual review.

Chair Clark – Right.

Ms. Schwantes – That's what was voted on before, which is the annual review under section 120.5435. I got it right, but that is the SB108 stuff.

Ms. Munson – I think the only question on the table is do we need to open 18.002 as a result of this SB598. And I'm hearing that there doesn't appear to be a material reason to do so. The fact that it was mentioned there alone doesn't mean that the rule needs changing. It's already open for rule development for another reason, for another set statute. I just don't know if there was a motion to open it also for this statute. I think there was, but I don't know if it's necessary.

Mr. Jensen – So, the Department is suggesting that it be open for possible changes. Is that right, Ms. Schwantes?

Ms. Schwantes – The Department put there that possible changes might be needed to that rule. And I think well, in reading this, we're suggesting that it be added to the annual review. If the Committee believes that there are changes that you have already seen that should be made, let's open it for rule development, so that Ms. Munson files a Notice of Rule Development on it, and then we know that that is tied to SB598. If you don't see any obvious changes as a result of the SB598 changes that were made to 497.376, then you might want to consider, as we have suggested, including it in the annual review this year. If there's concerns about the rest of 69K-18, as there with 69K-16, we can add those and review them again this year. They were reviewed last year with no changes made, but SB598 has changed a number of things. Those are the options.

Mr. Jensen – Yes, well, I like that option. That's kind of what I was thinking. I think we just need to review the whole 69K-18, and you've got possible changes needed to 0.002 and 0.003. So, is it possible that we can just say, open the whole chapter or just vote on these two (2)?

Ms. Munson – I just want to be clear. This Committee would probably remember, in the Annual Regulatory Plan, section one of that Annual Regulatory Plan says, was there any legislation that required rulemaking? And if there was you have to list that legislation and identify the rules. If we are going to decide today that, for example, one of these rules, and I'm just going to call it 16.004, did not require, it may require, but we'll look at it again when we do the annual review. And when we do that Annual Regulatory Plan, if we list it, they could ask if you knew the legislation required it, why didn't you open it for rule development as required by this new 120 statute within thirty (30) days after that statute became effective? I don't want us to think we can hide behind the veil and say, if we don't do it now, we'll just do it a couple months or three (3) months from now. If we identify that a rule change is required based on this legislative language, we are supposed to identify that rule now. I don't know if we play it loosey goosey. We may get away with it, but that Annual Regulatory Plan question one asked specifically, was there any legislation that required rule change? They always ask that question. The only thing new about this process is now, the Legislature has required that if you see that this legislation requires rulemaking, we need you to open it for rule development thirty (30) days after that legislation becomes effective. That's the only new part of this process.

Ms. Schwantes – And so, Ms. Munson is correct, and I think Mr. Jensen just raised this as well. We've just voted to open 18.002 as a result of changes to the prior statute, 497.375. We've already voted to open it for development for 18.002. I think at this point then the real question is do you want all of chapter 69K-18 brought into the annual review for this year?

Mr. Jensen – And my answer to that would be yes. I would like to hear what, you know, Mr. Beckham and some of the other people would have to say under the whole chapter. I think there's some ambiguity here and the chapter needs to be revised to reflect the Senate Bill. So, I think the whole chapter needs to be looked at. Yes.

Ms. Munson – The question is going to be, though, "requires rulemaking?" Being looked at future. If we can definitively say now that it requires rulemaking, we add it for this rule development list. That's the only distinction.

Mr. Jensen – Well, and just to clarify, I mean, if you change your word, that's considered rulemaking, right?

Ms. Munson – Yes but was the change of that word required. The word to hone in on is required. Does it require rulemaking? And some of this legislative change absolutely requires it because it changes things by definition and operation, but some of

them don't require rulemaking, clarification perhaps and we can put it under that label if we move forward with it with the rule process, like rule review process that we normally do. But just be clear that you feel that it requires rulemaking. I think Ms. Pettine has something. I just want to clarify that. Mr. Chair, thank you for your indulgence.

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

Ms. Pettine – Ultimately, Ms. Munson summarized my earlier complaint quite well. On 18.002, in reference to this specific rule, it already sounds like it is going to be opened and so is largely irrelevant, but I'm not seeing any language under 376 that requires changes to 69K-18, because the only change in 376 is related to endorsement, and all of Chapter 69K-18 refers exclusively to the internship, which is something that's not related to endorsement. So, I'm not sure if you want to have 69K-18 opened up as part of the annual review, I think that's a separate discussion than voting to have it opened up during this 30-day period that's at issue today.

Chair Clark – Thank you, Ms. Pettine. And again, I believe Ms. Schwantes just wanted to make sure we leave that door open just to make sure if changes, but I hear exactly what you're saying, Ms. Pettine. Go ahead, Mr. Jensen.

Mr. Jensen – Yes, and I agree with Ms. Pettine as well, and I would just like to have 69K-18 reviewed, you know, to make sure it incorporates a Senate Bill. The Senate Bill seems to me to give more avenues for internships and so forth and I think that it's more permissive than restrictive and we just need to review it to make sure that everything's on the same page. That's all. So basically, I understand Ms. Pettine and Ms. Munson saying the same thing as Ms. Schwantes. Let's just put it up open for discussion. I would like to have a little discussion about it and let other Board members be involved as well and as well as some of the people that are tied into the industry.

Ms. Schwantes – Chair Clark?

Chair Clark –Go ahead, Ms. Schwantes.

Ms. Schwantes – Thank you, sir. If I'm hearing correctly the results kind of summarizing the discussion. I'm hearing that the Committee members are saying that no change is needed to 18.002 as a result of 497.376, which is the statute we're currently looking at. However, it has already been voted to be open for review for potential changes from 497.375, which specifically deals with internships. And that the Committee would like for all four (4) rules in Chapter 69K-18 be added to the annual review under Section 120.5435.

Chair Clark – That is correct. I just want to make sure because the Division did recommend for 497.376 opening 69K-18.002. Is that still the Divisions recommendation or is the Division okay with that?

Ms. Schwantes – We are good because including all of the four (4) rules in the annual review will pick up anything that might be missed. I understand what Ms. Pettine is saying about 497.376, that it does not really relate to 18.002 the changes that were made by SB598. I think that we're good with the vote being no change is needed to 18.002 as a result of 497.376 but we are in agreement that we're going to open all four (4) rules for annual review. In other words, Ms. Munson would not need to file a Notice of Rule Development as a result of 497.376.

Chair Clark – Correct. As long as the record reflects that I added 69K-16, which was page and a half, and Mr. Jensen added 69K-18, which is six (6) pages, for the annual review.

Ms. Schwantes – Mr. Chair, I was trying to summarize that as what I was hearing, but there still needs to be a motion.

MOTION: Chair Clark moved that no changes are needed to 69K-18.002 as it relates to 497.376, and chapter 69K-18 will be added to the annual review. Ms. Clay seconded the motion, which passed unanimously.

Chair Clark –Ms. Schwantes, would it be appropriate to take a quick 10-minute break?

Ms. Schwantes – I think so.

Chair Clark – We will be back at 11:50.

Ms. Schwantes – Thank you, sir.

Chair Clark – Thank you.

*****BREAK*****

Chair Clark – All right we will call the meeting back to order.

Ms. Schwantes – May I proceed Mr. Chair?

Chair Clark – Yes, thank you.

Ms. Schwantes – Thank you and thank you for the break.

(h) Section 497.377, F.S. - Combination Funeral Director and Embalmer Internships

Ms. Schwantes – The statute is found on Page 16 of your workbook, with the rules in which the statute is referenced found on Page 17, and the Department's recommendation is found on Page 17. Given what we have just discussed with regard to all four rules contained in 69K-18, I think we just voted to add those to this year's annual review. Given that, the Department has no suggested changes.

Chair Clark – Thank you, Ms. Schwantes. Committee member, any questions or discussion on the recommendation of no changes? Hearing none. Any public comments? Hearing none.

MOTION: Ms. Clay moved that there be no changes. Mr. Jensen seconded the motion, which passed unanimously.

(i) Section 497.386, F.S. - Storage, Preservation, and Transportation of Human Remains

Ms. Schwantes – The statute is found on Page 18 with the changes from SB598 also indicated on Page 18, the rules in which the statute of reference are found on Page 19, and the Division's recommendations are also found on Page 19.

Chair Clark – Thank you, Ms. Schwantes. For the Committee, any comments? I will make a comment on this one. One thing that wasn't clear to me in the new language is it just ninety (90) days in care or does the 90-day clock start from the last time you talked to the legally authorized person? Because you may talk to a family and then {inaudible}. I just wanted to point that out. When I read it wasn't clear. If you're talking to the family on day 89, is that any different? Any discussion or questions on the Division's recommendation?

Mr. Jensen – So if I understand you correct, Mr. Chair, I sort of read it the same way as you do, and the Department is wanting possible changes needed 24.034, 24.0425 and 33.001. Is that what I'm to understand?

Ms. Schwantes – Our suggestion is that those rules get moved into this year's annual review. I don't know if it's a definitive change. Actually, it would be probably. If they refer to the 120-days they definitely need to be changed, in which case we would want to open for rule development, and I just don't remember off the top of my head.

Chair Clark – Ms. Pettine, go ahead.

Ms. Pettine – Just to clarify on your point of discussion regarding the interpretation of 386(6) regarding the unclaimed remains. Your question was whether or not the legally authorized person reconnects. Is that correct?

Chair Clark – Yes. When does the 90-day clock start? Is it just decedent end care? Yes, that was my question.

Ms. Pettine – So, the language tracks pretty directly with the language that's used in Washington State regarding the unclaimed human remains left in the care of a facility. They use the language originally of ninety (90) and then changed it to forty-five (45). That language tracks because it's defined independently of whether there's continuing contact with the legally authorized person, unless you have a situation where there's a dispute. So, it does track with the possession of the remains.

Chair Clark – Thank you.

Ms. Schwantes – Mr. Chair, none of the statutes referenced that we have made recommendations on where we just said possible changes are needed. I think that's more for updating purposes, but none of them refer to the old 120 days or the ninety (90) days. I don't believe any of them need to be, need to have a Notice of Rule Development opened on them, but I still would recommend that they be added to this year's annual review. Currently not scheduled until 28-29.

Chair Clark – Okay. Understood. Any other public comments? Hearing none. So, it sounds like the Division's recommendation is for purposes of 497.459, no changes are needed and moving the three (3) rules listed into this year's annual review. Ms. Munson?

Ms. Munson – Just to clarify, are we moving the rules or are we moving the chapters? That's a lot. There's a difference.

Ms. Schwantes – It is a difference. I only suggest moving the rules because they seem to be the most pertinent. We can add the chapters. We are already at thirty-two (32) rules that need to be added.

Ms. Munson – I'm just clarifying. When we said that before, we moved all of 69K-16. Then we move all of 69K-18. So, I didn't know. Now we're on chapter 69K-24. We're just moving those two (2) rules, because the previous two (2), we talked about the chapters.

Ms. Schwantes – I'm only suggesting the rules.

Ms. Munson – For these rules in chapter 69K-24?

Ms. Schwantes – For the ones that are referenced, not for the whole chapter. It is a Committee decision and a Board decision. Right now, none of 69K-24 rules are scheduled until 28-29.

Ms. Munson – And 33.001?

Ms. Schwantes – That actually is already opened by the Board pending changes.

Ms. Munson – I'm looking at the rules report again. But you're suggesting additional changes to it?

Ms. Schwantes – It might need to be. I think it might need to review for it.

Ms. Munson – Okay.

Ms. Schwantes – As a result of this. I don't know how else to phrase it honestly.

Ms. Munson – You just identified 33.001 as open for rule development. However, the Board recognizes that the rule is currently already open, and we will review further for any additional changes, because these changes that it's open for has nothing to do with this legislation.

Ms. Schwantes – I don't think that's what I meant. I was looking at the final sheet, the chart on the very back of this workbook shows that the Board has already opened that rule for different changes that are unrelated.

Ms. Munson – I'm looking at the rules report, so I see it. I see where it is in the rule tracking.

Ms. Schwantes – It is the most detailed of the three (3) rules that we referenced in terms of the requirements. I do not off the top of my head recall why the Board opened this one up. But while there's not anything specific in here that I'm seeing that requires change per SB598, I don't think it's a bad idea to look at it for that purpose during an annual review, and that's kind of where I was going with it.

Ms. Munson – I just want to, when Ms. Bryant makes her notes, we are identifying rules open for rule development. For this we keep saying them in one (1) sentence and I don't know if the minutes are going to reflect what we really are trying to do. So, 33.001 is already opened. So, we are suggesting that it be included to the annual review, these three (3) specific rules be included to the annual review for 26-27. They're going to appear possibly on the Annual Regulatory Plan, but not attached to this legislation.

Chair Clark – That's how I understood it.

Ms. Munson – Okay, perfect.

Ms. Schwantes – I'm good with all of that. I'm not sure whether we had a motion.

Chair Clark – We do not. I was going to try, unless Ms. Clay wants to try.

Ms. Clay – I was going to try but I guess I need some clarification because now you all have completely confused me. So, I am moving the Division's recommendations to 69K-24.034, 69K-23.0425, and 69K-33.001 with the understanding that the latter one is already open for review by staff.

Ms. Munson – Those 69K rules, none of them are open for rule development.

Ms. Clay – Okay, so let me restate. So, it would just be those three to open for possible changes needed, correct?

Ms. Munson – Again, all the motions we should be making now have to do with rule development. Are we opening any of these rules for rule development pursuant to this legislative language in SB598? We already know we're going to look at them later maybe, but we're not opening them, because I'm going to take the list that's given from this meeting and say, publish these for rule development.

Ms. Clay – Okay, now I'm further confused.

Ms. Schwantes – The Division has not recommended these be open for rule development as a result of SB598. That's our recommendation. A second recommendation, however, would be that we take a look at these this year during the annual review. And I know that's confusing. We start our annual review next month or sometime in August and so we're trying to get straight what to put on the list and what needs to be added.

Ms. Clay – So is it a two-part motion? Let me just do the first part and then you can tell me how close I am to the second part.

MOTION: Ms. Clay moved that no changes be made to 69K-24.034, 69K-24.0425, 69K-33.001, based on SB598. Chair Clark seconded the motion.

Chair Clark – Any discussion on that motion?

Mr. Jensen – Are we adding that all three (3) need to be moved to this year's annual review, or is that separate?

Ms. Schwantes – Separate.

Ms. Munson – Please.

Chair Clark – Yes, we've been putting them together. I think the concern is, and I think I'm the one that's been doing it, it may cause confusion to the record, so we're going to take them separate.

Mr. Jensen – Okay.

Chair Clark – Now it's just that no changes are needed. Any other discussion? We have a motion and a second. All in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – Any opposed? That motion carries.

MOTION: Chair Clark moved that 69K-24.034, 69K-24.0425, 69K-33.001 be added to this year's annual review. Ms. Clay seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you.

(j) Section 497.459, F.S. - Cancellation of, or Default on, Preneed Contracts; Required Notice

Ms. Schwantes – The statute is found on Page 19. This is a long statute. The changes made by 598 do not appear until Page 21. The rules in which 497.459 is referenced is found on Page 22 and the Division's recommendation on Page 22. The Division is recommending that no changes are required to any of the listed rules as a result of SB598.

Chair Clark – Thank you, Ms. Schwantes. For the Committee, any discussion or questions?

Mr. Jensen – Question?

Chair Clark – Go ahead, Mr. Jensen.

Mr. Jensen – So for Ms. Schwantes, this would not negate. I know that we also have a rule that if someone shows up with a preneed contract, then the funeral home has to honor it. So, my question being, do we need to look at this to make sure that that's also done? Because this mainly is certified mail and, you know, if they've done everything that they can to contact the person, but that really is not the law. The law is if they show up with a preneed contract to a funeral home, the funeral home has to honor it.

Ms. Schwantes – 7.020, The Treatment of Trust, is set for Board review in 26-27, which is coming up. So, it's already set in the annual review. 8.002, same thing, 8.003, same thing 8.004, same thing, and 8.008, also the same. All of these rules that are listed are set for the annual review already. What we have looked at with regard to these rules is whether changes are required to them as a result of only of the changes that were made by SB598. Our recommendation is that no changes are required. So, it would not be necessary to file a Notice of Rule Development on these changes as a result of SB598. They're already scheduled for annual review this year, and so if any additional changes need to be made to them, that will certainly come up at that time.

Chair Clark – Thank you, Ms. Schwantes. Anything else. Mr. Jensen?

Mr. Jensen – No, sir. That clarified it for me. Thank you, Ms. Schwantes.

Chair Clark – Any public comments? Hearing none.

MOTION: Chair Clark moved that no changes are needed. Mr. Jensen seconded the motion, which passed unanimously.

(k) Section 497.607, F.S. - Cremation; Procedure Required

Ms. Schwantes – The statute is found on Page 22 along with the highlighted portion that indicates the changes made by SB598. This is also one of the ones that changed from 120 days hold to 90 days hold. The rules in which 497.607 are referenced are

found on Page 24, with the Divisions recommendations also found on page 24. Of those, 69K-31.001 definitely requires a change, I believe that because it referenced 120 days. And 22.007 also definitely requires a change. And then 22.004 was a possible change. I would say from these that we would want a Notice of Rule Development opened for 22.007 and 31.001. And then we could, if the Committee wants, add 22.004 to the annual review. That would be the two (2) motions under the way Ms. Munson wants to do it now.

Mr. Jensen – Question, Mr. Chair?

Chair Clark – Yes.

Mr. Jensen – I noticed the new Senate Bill does not mention an ossuary. And the old rules under the 120 days did mention an ossuary. The new Senate Bill mentioned scattering in a cemetery scattering garden, but it doesn't say anything about an ossuary. So, I'm just wondering, did that go away, or do we need to make sure the rules are changed to reflect and take out the ossuary?

Chair Clark – Trying to find where the ossuary is.

Ms. Schwantes – I'm not finding it either.

Mr. Jensen – Yes, and I don't know exactly where it is, but the rule states, you know, in ossuary where it's communal, they basically put a vault in the ground and a hole where they dump the cremains down and they're co-mingled with a bunch of others. It's in use in, you know, for instance, in our area, some of the veterans and so forth are done that way if they want to be communal with other people. And it's not a scattered garden. It's called an ossuary. I don't know the number of the rule, but it stated, you know, the scattering at sea after 120 days, you can scatter them at sea, put them in an ossuary. You know, basically the same thing it says here, but it didn't, you know, it looks like to me, they replaced it with scattering garden. And would that also include an ossuary? I just want to make sure there's no ambiguity there.

Chair Clark – I agree. I'm not finding it. I know what you're talking about, but I'm not finding it. So perhaps we could incorporate that in our motion that we're going to open up these two (2) rules that definitely need changes and research further to ensure. I'm not seeing it, so maybe I need more time to find it, I guess.

Ms. Schwantes – Is it in the definition of ossuary in the statute?

Mr. Jensen – I don't know where it is exactly. I just know that, I mean, that's one of the options if they go unclaimed after 120 days. And I understand it's changing to 90 days, but the new legislation does not mention the word ossuary as the old did. So, my question being, we may need to change the rule that applies to it. I don't know where that is. That's for, you know, your lawyers to figure out.

Ms. Schwantes – Just to clarify, the only change that was made by SB598, which is found on Page 22, the changes are indicated, changed it from 120 days to 90 days. Other than that, there is a grammatical kind of change that, honestly, the legislative staff sometimes make that's not even initially proposed. They're changing must to shall or shall to must, et. cetera. And so, you'll see that they have deleted shall includes, scattering them at sea to includes, instead of saying shall include, a grammatical kind of a thing. I don't see where anything regarding an ossuary was changed by SB598. I don't see where it's indicated in the statute before. I certainly have no problem looking it up further. However, I do think that given the changes that we're seeing that SB598 made, there would not be a reason to open something based on your concern about ossuary. However, that would be a great thing to look at during an annual review.

Mr. Jensen – Yes, I mean, it's mentioned in the definitions, and I do know that it's used. Mr. Clark, you may know of some being used as well. So, I'm just wondering why it's not there because it's kind of it's not a hundred percent common, but there are some being used. So, I'm not really sure.

Chair Clark – I'm with you. Yes, you and I know that yes, yes.

Ms. Schwantes – So to go back to the Division's recommendation, again, for the purposes of what we're looking at with regard to SB598, we definitely recommend that 22.007 and 31.001 be open. They are already open for different reasons, one by the Department, one by the Board. So, it goes back to what we talked about before, that Ms. Munson and Legal will have to take a look at how best to handle that, but to specifically identify which ones need changes as a result of SB598 changes to 497.607 those two (2) rules 22.007 and 31.001 definitely require the changes because they're both reference 120 days instead of 90 days.

Chair Clark – Thank you, Ms. Schwantes. Just want to make sure, any other public comments? Hearing none. So, I think for the Committee, like the last, if we're in agreement with the Division, we'll take it up in two (2) different motions. The ones that definitely need change and moving the one to this year's annual review.

Mr. Jensen – What's your first motion, Mr. Chair?

MOTION: Chair Clark moved that as it relates to SB598, 69K-22.007 and 69K-31.001 need to be open for changes. Mr. Jensen seconded the motion, which passed unanimously.

MOTION: Chair Clark moved that 69K-22.004 be added to this year's annual review. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you.

(I) Section 497.260, F.S. - Cemeteries; Exemption; Investigation and Mediation

Ms. Schwantes – Again, pointing out that these statutes were referenced in the order they are referenced in the Senate Bill, so even though this seems out of order numerically, it's because that's the way it appeared in the Senate Bill. There were no changes made to the current wording of this section. The only reason it was addressed by the Senate Bill was because the provision (5) within the section was reenacted to incorporate the amendment that was made to section 497.263. It did not make any wording changes at all. It just reenacted that one thing. You'll find the rules in which 497.263 is referenced on Page 26. The reenactment of (5) is indicated on Page 26. The Department recommends that no rule changes are required to any of the rules that this statute is referenced in as a result of SB598.

Chair Clark – It is what this Committee member, any questions or discussion? Hearing none, any public comments? What is the pleasure of the Committee.

MOTION: Ms. Clay moved that as it relates to SB598 no changes are required to 69K-5.013 and 69K-6.005. Mr. Jensen seconded the motion, which passed unanimously.

D. Reference Materials Provided to Committee

- (1) Senate Bill 0598ER***
- (2) Section 120.54, Florida Statutes***
- (3) Section 120.5435, Florida Statutes***
- (4) Chapter 69K, Florida Administrative Code***

Ms. Schwantes – These are reference materials that were provided to the Committee. There's no need to discuss any of this, as there's no changes made to any of this.

E. Summary Regarding Meeting Results and Future Plans

Ms. Schwantes – So, currently we are looking at, and Ms. Bryant will be contacting Committee members and others who are interested soon, we're looking at possible mid-July or early August, at the latest, Rules Committee meeting to cover the next steps, which include beginning the annual review of the rules that we are going to be looking at for FY26-27. Currently, already scheduled for twenty-two (22) rules for annual review, we have just added fourteen (14) more. So, thirty-six (36) rules will be reviewed for FY26-27. It's going to be confusing, and we'll try to keep it separate as much as we can because in addition to adding these rules to the annual review and starting the annual review, which we need to do, we'll need to take a look at the review plans, the calendar for the next five (5) years, by October 1st under Section 120.545. By October 1st, we will have to

file our plan for review of all of the Chapter 69K rules, rolling it out another year. Remember last year we filed a five-year plan. We've made some changes to that as a result of today. We may make more changes, but by October 1st, we will have had to go back before the Board and have the Board approve what the plan would be and get it filed by that date. So that means that we have to have that before the September Board at the latest.

On top of doing the annual review, we are now, as a result of this activity today, we are opening rules that are not part of the annual review but need to be looked at for purposes of making changes resulting from SB598. We're either going to be filing a Notice of Rule Development on those or trying to figure out if they're already open, how we can incorporate changes into the already existing process. It's going to get confusing. We'll try to keep it as clear as we possibly can. Ms. Munson is correct. We should be doing this in separate motions going forward and I'll try to make sure that that's clearer from this point. So that's kind of where we are in terms of future activity. There'll be a lot of need for the Rules Committee meetings going forward again like we did this last year because of the annual review and your time I cannot stress enough is so very much appreciated on these endeavors. It has been a lot of work within the last year. We've made a lot of progress and unfortunately even the ones that we're making changes on now, including on forms, are going to be re-reviewed again as a result of legislation or possible other changes. This is going to be an ongoing activity for a number of years, as long as Section 120.5435 is in existence. So, we appreciate your time. And that's all I had regarding the summary, unless anybody has questions or wants to add anything on that.

Mr. Jensen – Quick question, Ms. Schwantes?

Ms. Schwantes – Yes?

Mr. Jensen – Are you looking at the next Rules Committee in person or GoTo meeting?

Ms. Schwantes – GoTo meeting again.

Mr. Jensen – Okay. Thank you.

Ms. Schwantes – It's easier with summer schedules and it's easier getting everybody's schedule together, honestly.

Mr. Jensen – I agree. I just wanted to clarify because the last time we had a big workload like this, you had an in-person meeting. So, I just wanted to clarify.

Ms. Schwantes – We've had a number of Rules Committee meetings since that initial one, but I think the initial one or two in particular during that new annual review process were needed because it was so new to everybody. But I know as far as the annual review I think that the Committee and the Board have pretty much gotten this down now, at least until JAPC indicates there are other changes that need to be made or gives us further directions. I feel more comfortable in the process that we use.

Mr. Jensen – Thank you.

Ms. Schwantes – Any other questions?

F. Chair's Remarks

Ms. Schwantes – Mr. Chair?

Chair Clark – I also would like to just thank my fellow Committee members for your time. I know this is a lot of work and you have to come prepared and some of it we're learning together but just appreciate your time. And to the Division and Ms. Munson, thank you, because even though it's new it feels like it's very organized. So, we're learning it together, but you help us a lot to stay on track and also keep us focused on the task of hands. I just appreciate that. That's all I have for the Chair's Report.

G. Adjournment

Ms. Schwantes – Mr. Chair?

Chair Clark – It is 12:25. This meeting is adjourned. Thank you everybody.

Ms. Schwantes – Thank you.