

| Violation # | Statute/Rule Violated | Nature of Violation | CURRENT PENALTY REFERENCES FOR EACH VIOLATION Current rule penalties in highlights – citations in blue; fines in yellow NOTE: THESE COLUMNS ARE FOR REFERENCE ONLY AND WILL BE REMOVED FROM FINAL DISCIPLINARY GUIDELINES | | PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings | |
|--|-----------------------|---|---|---|--|---|
| | | | Penalty Range 1st Offense | Penalty Range Subsequent Offenses | Penalty Range 1 st Offense | Penalty Range Subsequent Offenses |
| DISCIPLINE UNDER SECTIONS 497.152(1)(A) AND (B), F.S., SHALL BE LIMITED TO VIOLATIONS NOT OTHERWISE ADDRESSED BY THESE GUIDELINES. | | | | | | |
| GENERAL PROVISIONS | | | | | | |
| 47 | 497.152(11)(h) | Failure by a licensed cemetery to provide to any person upon request, a copy of the cemetery bylaws (ONLY if the cemetery has bylaws). | Citation of \$200 | Citation of \$400 | Notice of non-compliance | Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: FIRST OFFENSE TO REMAIN AS PROPOSED. CITATION OF \$1,000 FOR SUBSEQUENT OFFENSE. | | | | | | |
| 48 | 497.152(11)(i) | Requiring lot owners or current customers to make unnecessary visits to the cemetery company office for the purpose of solicitation, as provided in section | Citation of \$800 | Citation of \$1,600 | Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed. | Fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$1,000 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |
| 50 | 497.152(12)(b) | Fails to provide itemized price list as described before discussion of selection | Fine of \$500-\$1000 + costs, 6 mos 1 yr probation with usual conditions 6 mos 1 yr suspension with usual conditions + costs Citation of \$20 | Fine of \$2500-\$5000 + costs, 1 yr 2 yr probation with usual conditions Fine of \$1000, 1 yr suspension with usual conditions revocation + costs Citation of \$400 | Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed. | Fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$250 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |

Note: Where current penalty reference indicates "N/A" – There is not a current specific rule setting penalties for violation of the indicated provision. However, in cases where violations did not have corresponding specific penalties, violations historically have been charged under the general provisions of s. 497.152(1)(a), F.S. This has resulted in potential fines of \$1,000 - \$2,500 for first offenses and \$2,500 - \$5,000 for subsequent offenses.

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| | | | Penalty Range 1st Offense | Penalty Range Subsequent Offenses | Penalty Range 1 st Offense | Penalty Range Subsequent Offenses |
| 52 | 497.152(12)(d) | Failing to make full disclosure regarding merchandise not to be disposed of with body or obtain permission | N/A (SEE FOOTER) | N/A (SEE FOOTER) | Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed. | Fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$250 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |
| 53 | 497.152(12)(e) | Failure by any funeral director to fully disclose all of her or his available services and merchandise prior to the selection of a casket offered by a licensee. The full disclosure required shall identify what is included in the funeral or direct disposition and the prices of all services and merchandise provided by the licensee or registrant | Fine of \$500-\$1000 + costs, 6 mos 1 yr probation with usual conditions | Fine of \$2500-\$5000 + costs, 1 yr 2 yr probation with usual conditions | Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed. | Fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$250 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |
| 55 | 497.152(12)(g) | Failing to disclose all fees and costs the customer may incur to use the burial rights or merchandise purchased | N/A (SEE FOOTER) | N/A (SEE FOOTER) | Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed. | Fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$250 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |
| 68 | 497.171 69K-6.009 | Failing to properly affix an identification tag to a casket or other container in the manner required by this rule | N/A (SEE FOOTER) | N/A (SEE FOOTER) | Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. | Fine of \$1500-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$500 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND AND CHANGE FINE RANGE TO \$500-\$3500 BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |

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| 73 | 69K-6.0054(3) | Only one preneed licensee and one seller shall be referenced in a contract, unless previously approved by the division | N/A (SEE FOOTER) | N/A (SEE FOOTER) | Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. | Fine of \$1000-\$1500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$500 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |
| CEMETERY REGULATION | | | | | | |
| 92 | 497.273(3) | Failing to comply with bylaws as set out in section (if the cemetery has adopted bylaws) | N/A (SEE FOOTER) | N/A (SEE FOOTER) | Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed. | Fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$500 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |
| 99 | 497.280(1) | Attempting to sell grave space tied to the purchase of a monument from or through the seller or any other designated person or corporation | Citation of \$500 | Citation of \$1,000 | Notice of non-compliance | Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: FIRST OFFENSE TO REMAIN AS PROPOSED. CITATION OF \$1000 FOR SUBSEQUENT OFFENSE. | | | | | | |
| 105 | 497.280(3) | Conditioning any program offering free burial rights by any requirement to purchase additional burial rights, services, or funeral merchandise | Citation of \$500 | Citation of \$1,000 | Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed. | Fine of \$1000-\$2500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$500 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |

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| | | | Penalty Range 1st Offense | Penalty Range Subsequent Offenses | Penalty Range 1 st Offense | Penalty Range Subsequent Offenses |
| 110 | 497.282(4) | Failing to provide a good faith estimate of all fees and costs the consumer will incur to use any burial right, merchandise, or services purchased | Citation of \$200 | Citation of \$400 | Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed. | Fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$250 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |
| 111 | 497.282(5) | Failing to provide to the customer upon request a current copy of the bylaws of the licensee | N/A (SEE FOOTER) | N/A (SEE FOOTER) | Notice of non-compliance | Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 2 years with conditions or suspension up to 2 years may be imposed. |
| DEPARTMENT'S RECOMMENDATION: FIRST OFFENSE TO REMAIN AS PROPOSED. CITATION OF \$1000 FOR SUBSEQUENT OFFENSE. | | | | | | |
| FUNERAL DIRECTING, EMBALMING AND RELATED SERVICES | | | | | | |
| 153 | 69K-6.008 | Failure of the cemetery company to ensure that all interments, except cremated remains, shall be covered by at least 12 inches of soil where physically possible, unless prior approval is obtained from the family or next of kin | N/A (SEE FOOTER) | N/A (SEE FOOTER) | Notice of non-compliance | Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: FIRST OFFENSE TO REMAIN AS PROPOSED. CITATION OF \$500 FOR SUBSEQUENT OFFENSE. | | | | | | |
| 154 | 69K-7.001 | Remittance of less than 100% and more than 90% of the amounts required to be deposited to the Care and Maintenance Trust Fund shall be considered a MINOR violation of this section | N/A (SEE FOOTER) | N/A (SEE FOOTER) | Notice of non-compliance | Fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: FIRST OFFENSE TO REMAIN AS PROPOSED. CITATION OF \$500 FOR SUBSEQUENT OFFENSE. | | | | | | |

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| 157 | 69K-21.002(4)(c) | Failure to notify the department, at least 10 days prior to the event, that major alterations or modifications are made in the physical structure of a funeral establishment | Citation of \$250 | N/A (SEE FOOTER) | Reprimand, fine up to \$500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed. | Fine up to \$1000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$500 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |
| 162 | 69K-21.007 | Failure of a full-time funeral director in charge of a funeral establishment to make sure that a licensed funeral director is reasonably available to the public during normal business hours for that establishment | N/A (SEE FOOTER) | N/A (SEE FOOTER) | Notice of non-compliance | Reprimand, fine of \$250-\$500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: FIRST OFFENSE TO REMAIN AS PROPOSED. CITATION OF \$250 FOR SUBSEQUENT OFFENSE. | | | | | | |
| PRENEED SALES | | | | | | |
| 169 | 497.453(6) 497.456(2) | Failing to comply with the filing and remittance requirements | Citation of \$200 | Citation of \$400 | Notice of non-compliance | Fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: FIRST OFFENSE TO REMAIN AS PROPOSED. CITATION OF \$500 FOR SUBSEQUENT OFFENSE. | | | | | | |
| 178 | 497.458(1)(c) | Failure of a preneed licensee to make the proper deposit within 30 days after the end of the month in which payment is received | N/A (SEE FOOTER) | N/A (SEE FOOTER) | Reprimand, fine of \$500-\$1500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. | Fine of \$1500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
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| | | | Penalty Range 1st Offense | Penalty Range Subsequent Offenses | Penalty Range 1 st Offense | Penalty Range Subsequent Offenses |
| 191 | 497.468(2) | A preneed licensee failing to fully disclose all services or merchandise prior to selection (same as page 13) | N/A (SEE FOOTER) | N/A (SEE FOOTER) | Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed. | Fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$500 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |
| 193 | 497.468(4) | A preneed licensee failing to provide a good faith estimate of all fees and costs the customer will incur | N/A (SEE FOOTER) | N/A (SEE FOOTER) | Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed. | Fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$500 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |
| MONUMENT ESTABLISHMENT | | | | | | |
| 208 | 497.553(5) | Failure of monument establishment to deliver and install a purchased monument or marker by the date agreed in the sales agreement, unless the agreed date has been extended in writing by the customer | Citation of \$500 | Citation of \$1,000 | Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. | Fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed. |
| DEPARTMENT'S RECOMMENDATION: CITATION OF \$500 FOR FIRST OFFENSE. SUBSEQUENT OFFENSE TO ADD REPRIMAND BUT OTHERWISE REMAIN AS PROPOSED. | | | | | | |

Note: Where current penalty reference indicates "N/A" – There is not a current specific rule setting penalties for violation of the indicated provision. However, in cases where violations did not have corresponding specific penalties, violations historically have been charged under the general provisions of s. 497.152(1)(a), F.S. This has resulted in potential fines of \$1,000 - \$2,500 for first offenses and \$2,500 - \$5,000 for subsequent offenses.

GENERAL COMMENTS:

THE DEPARTMENT'S CONCERNS REGARDING THE ABOVE PROPOSED PENALTIES ARE BASED PRIMARILY UPON THE OTHERWISE UNNECESSARY EXPENSES WHICH WOULD BE INCURRED BY LICENSEES IN DEFENDING DISCIPLINARY ACTIONS FILED AGAINST THEM. THESE EXPENSES COULD INCLUDE LEGALCOUNSEL AND TRAVEL EXPENSES TO ATTEND BOARD MEETING(S) OR OTHER HEARINGS INVOLVING THE RELEVANT DISCIPLINARY ACTION. INCREASED DISCIPLINARY ACTIONS WHICH MUST BE BROUGHT BEFORE THE BOARD ALSO SIGNIFICANTLY INCREASE THE EXPENSES OF THE FCCS DIVISION, THE DEPARTMENT (WHICH PROVIDES LEGAL COUNSEL TO PROSECUTE THE ACTIONS), AND THE FCCS BOARD (WHICH MAY NEED TO MEET MORE FREQUENTLY TO HEAR THE MATTERS). ULTIMATELY, ALL SUCH EXPENSES ARE PASSED THROUGH TO THE DIVISION'S BUDGET AND THE INDUSTRY.

FOR MOST OF THE INDICATED VIOLATIONS, THE DEPARTMENT RECOMMENDS THE USE OF CITATIONS FOR ONE OR MORE OF THE PENALTIES. CITATIONS ARE LESS EXPENSIVE TO ADMINISTER, EASIER FOR LICENSEES TO PAY, AND MAY STILL BE CHALLENGED BY THE LICENSEES IN THE EVENT THAT THE LICENSEES PREFER THE MATTER TO BE HEARD BEFORE THE BOARD. CITATION AMOUNTS RECOMMENDED ARE BASED UPON THOSE WHICH WERE PROPOSED BY THE RULE COMMITTEE AT ITS NOVEMBER 9, 2017 MEETING OR UPON THE LOWER OF THE CURRENTLY PROPOSED FINES.

Note: Where current penalty reference indicates "N/A" – There is not a current specific rule setting penalties for violation of the indicated provision. However, in cases where violations did not have corresponding specific penalties, violations historically have been charged under the general provisions of s. 497.152(1)(a), F.S. This has resulted in potential fines of \$1,000 - \$2,500 for first offenses and \$2,500 - \$5,000 for subsequent offenses.