

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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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.						

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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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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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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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.
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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.