



CHIEF FINANCIAL OFFICER  
JIMMY PATRONIS  
STATE OF FLORIDA

## PUBLIC WORKSHOP TO DISCUSS MATTERS REGARDING CHAPTER 497, FLORIDA STATUTES – OCTOBER 4, 2018

### INDEX/SUMMARY OF COMMENTS RECEIVED

The following was prepared for use during the public workshop scheduled for October 4, 2018, and summarizes the thirteen written comments on potential legislative issues which were received from industry representatives. The deadline for written comments was COB on Monday, September 17, 2018. The following also includes all comments which were received in preparation for the previously cancelled September 12, 2018, public workshop.

Date Received: 8/7/2018

#### **Sender: Crevasse's Simple Cremation/Julie Bishop Henderson**

- Issue #1: section 497.606, F.S. – cinerator facilities
  - Suggested change: modification of subsection “(9)(h)” so that a cinerator facility may provide an identification and/or witness cremation of a deceased as long as it is contracted with a funeral home or direct disposer establishment
- Issue #2: section 497.005, F.S. – definitions
  - Suggested change: add definition of “identification” as the act of looking at a deceased body to prove identity
- Issue #3: section 497.171, F.S. – identification of human remains
  - Suggested change: addition of subsection (1)(e) “an identification of the deceased may be done at a funeral home or cinerator only”
- Issue #4: section 497.601, F.S. – direct disposition; duties
  - Suggested change: addition of (1)(f) “contract with cinerator facility for cremation, identification and/or witness cremation.”

Date Received: 8/7/2018

#### **Sender: Joseph Finocchiaro/Program Coordinator for Funeral Service Education Program at Miami Dade College**

- Issue #1: permit students to begin their internships while they are in schools for combination funeral director/embalmer interns
- Issue #2: if combination intern candidates cannot start while in school then the combination intern license should require completion of the National Board Exam scores at the time of application
- Issue #3: the name “internship” should be changed to “externship” or “residency” since the time required is completed after college education if it cannot be done in school

Date Received: 8/13/2018

**Sender: Florida Family Cremations/David Menneke**

- Issue #1: death notice memorial service/publishing location of memorial service in death notice regardless of whether the disposition is done by a direct disposer establishment or a funeral home
- Issue #2: viewings and identifications/differences between direct disposer activities vs. funeral director activities

Date Received: 8/13/2018

**Sender: SCI Direct, Inc./Don Politano**

- Issue #1: direct disposers and identification views
- Issue #2: issues when there is a) no family to authorize cremation, b) abandonment, or c) deceased was indigent

Date Received: 8/14/2018

**Sender: SCI Funeral Services of Florida, Inc./Lisa Coney**

- Issue #1: withdraws 497.280 as potential topic of interest based on discussions at workshop of July 23, 2018
- Issue #2: continue to explore following items:
  - burdensome FDIC restrictions
  - opportunities to streamline endorsement applications and eliminate the cap on transfer fees
  - exempt cemetery standards
  - unregulated entities

Date Received: 8/14/2018

**Sender: Funeral Services, Inc./Bill Williams**

- Issue #1: submitted redlined proposed revisions to the following:
  - section 497.005, F.S. – Definitions
  - section 497.456, F.S. - Preneed Funeral Contract Consumer Protection Trust Fund
  - section 497.458, F.S. - Disposition of proceeds received on contracts
  - section 497.459, F.S. - Cancellation of, or default on, preneed contracts
  - section 497.464, F.S. - Alternative preneed contracts

Date Received: 8/16/2018

**Sender: Florida Monument Builders Association/Don Ray**

- Issue #1: opposition to SCI/Dignity Memorial's proposal to eliminate section 497.280, F.S., re illegal tying arrangements
- Issue #2: uniformity of written monument sales agreements for funeral homes and cemeteries, both pre-need and at-need
- Issue #3: recommends development and adoption of rule regarding "minimum standards for access to all cemeteries" as is required by section 497.555, F.S.

Date Received: 8/16/2018

**Sender: Baldwin Cremation/Sarah Breuilly**

- Issue #1: elimination of Bodies Handled Reports
- Issue #2: Direct Disposer licensing/unlicensed activities
- Issue #3: body donation/body brokers
- Issue #4: HIV/communicable disease elimination of training requirement
- Issue #5: licensing cinerator operators
- Issue #6: Funeral Director In Charge location requirements

Date Received: 8/20/2018

**Sender: Association of Independent Funeral Directors of Florida/Corinne Mixon**

- Issue #1: Direct Disposers – necessity of continued licensing
- Issue #2: body brokers
- Issue #3: HIV/Communicable disease continuing education requirements
- Issue #4: limited license for insurance funded preneed
- Issue #5: merchandise trusting
- Issue #6: Funeral Director In Charge – location issues

Date Received: 8/21/2018

**Sender: Curlew Hills/Keenan Knopke**

- Issue #1: clarification of section 497.287, F.S. – Report of identification of exempt cemeteries

Date Received: 8/23/2018 (hand delivered)

**Sender: Association of Independent Funeral Directors of Florida/Juhan Mixon**

- Issue #1: Body donations; provided copies of the following articles:
  - “Body donation: Frequently asked questions,” <https://www.reuters.com/investigates/special-report/usa-bodies-qanda/>
  - “The Body Trade: Cashing in on the donated dead,” <https://www.reuters.com/investigates/special-report/usa-bodies-qanda/>
  - “FBI says funeral home may have given son fake cremains of his father, sold body,” [https://www.cleveland.com/metro/index.ssf/2018/08/fbi\\_says\\_funeral\\_home\\_may\\_have\\_given\\_son\\_fake\\_cremains\\_of\\_his\\_father\\_sold\\_body.html](https://www.cleveland.com/metro/index.ssf/2018/08/fbi_says_funeral_home_may_have_given_son_fake_cremains_of_his_father_sold_body.html)
  - “Body part ‘brokers’ work in a climate with little regulation,” <http://www.azfamily.com/story/38106998/body-part-brokers-work-in-a-climate-with-little-regulation>
  - “Body Brokers,” <https://www.nytimes.com/2006/03/26/books/chapters/ody-brokers.html>
  - “The Body Trade: How an American company made a fortune selling bodies donated to science,” <https://www.reuters.com/investigates/special-report/usa-bodies-science/>
  - “The Body Trade: A business where human bodies were butchered, packaged and sold,” <https://www.reuters.com/investigates/special-report/usa-bodies-business>
  - “The Body Trade: In a warehouse of horrors, body broker allegedly kept human heads stacked on his shelves,” <https://www.reuters.com/investigates/special-report/usa-bodies-rathburn/>

Date Received: 8/28/2018

**Sender: Dignity Memorial/Lisa Coney**

- Issue #1: Identification/viewing issues re direct disposers

Dates Received: 8/30/2018; 9/13/2018; 9/14/2018

**Sender: Garry Tillis**

- Issue #1: requirement of having Funeral Director In Charge at direct disposer establishments (referenced letter with additional points/issues never received)