

## **CINERATOR FACILITY , APPLICATION FOR LICENSE INFORMATION & INSTRUCTIONS**

**CAUTIONS:** *This document is prepared by the Florida Division of Funeral, Cemetery & Consumer Services, Dept of Financial Services, and is available on the Division website. This document sets out the usual and generally applicable requirements for licensure and does not purport to set out or exclude any exceptions that may exist to the generally applicable requirements. In addition, this documents sets out the application steps in the order most applicants take them, and does not purport to address or prohibit other procedural options that may exist.*

*These Information & Instructions documents are revised from time to time. If you are reading this document in paper form, then unless you know for sure when this document was downloaded from the Division website, you are urged to visit the Division website and print a copy yourself, so you can know for sure you have the most recent revision.*

### **TERMS USED**

“Division” refers to the Division of Funeral, Cemetery & Consumer Services. The Division is part of the Florida Dept of Financial Services. The Division has a website -- go to the website of the Dept of Financial Services ([www.MyFloridaCFO.com](http://www.MyFloridaCFO.com)), click on Division and Offices, click on Funeral and Cemetery.

“Board” refers to the Board of Funeral, Cemetery, and Consumer Services, established by section 497. 101, Florida Statutes. The Board is administratively located within the Division. The Board and the Division are partners in enforcing chapter 497, Florida Statutes. The Board makes the final decisions as to whether a license will be issued. The Division provides the administrative processing of applications, performs background investigations, and makes recommendations to the Board.

### **LICENSE REQUIREMENTS**

Applicants for Florida cinerator facility license should apply to the Board using the Division form entitled Application For Cinerator facility License, available on the Division website. Cinerator facility license applications are controlled by s. 497.606, Florida Statutes, and related rules.

Applicants must generally meet the following requirements in order to be approved for licensure:

1. Applicant must be one of the following:
  - Natural person (sole proprietorship, not incorporated)
  - Corporation
  - Limited liability company (LLC)
  - Partnership
  
2. If applicant is a corporation, partnership, or LLC, applicant must be in good standing under the business organization laws of Florida (and their home state, if other than Florida).

For example, if applicant is a corporation , the corporation must be duly registered and in good standing as a domestic or foreign corporation with the Florida Division of Corporations, with all applicable fees and reports filed.
  
3. There must be a deterrnation that the cinerator facility, if licensed, would meet all applicable requirements of Chp. 497, including but not limited to the following:
  - a. Be under the general supervision of a licensed funeral director or registered direct disposer who shall be responsible for making sure the facility, its operations, and all persons employed in the facility comply

- with all applicable state and federal laws and rules; and that, if the cinerator facility is co-located with a funeral establishment, the licensee in charge of the cinerator facility may not be a direct disposer.
- b. Have all required Florida Dept of Environmental Protection permits.
  - c. Have adequate on-site refrigeration facilities for storage of dead human bodies, complying with the requirements of s. 497.386, Florida Statutes (if unembalmed bodies will be kept on-site).
  - d. Display at its public entrance the name of the establishment, and the name of the licensee in charge.
  - e. Not conduct business under any name other than as licensed.
  - f. Not cremate anything other than human remains.
  - g. Have a system of identification of human remains received for cremation, designed to track the identity of the remains from time of receipt until completion of the cremation and delivery of the cremated remains to the authorized persons, or until otherwise disposed of in accordance with instructions from the authorized person.
  - h. Retain all signed contracts for cremation, for at least two years. (rule 69K8-22.002(7))
  - i. Either have on site or immediately available, sufficient gasketed containers of a type required for the transportation of bodies as specified in applicable state rules.
  - j. Upon completion of each cremation cycle, have the residual of the cremation removed from the retort, pulverized and placed in a separate container.
  - k. Assure that all alternative containers or caskets used for cremation contain no amount of chlorinated plastics not authorized by the Department of Environmental Protection, that they also are composed of readily combustible materials suitable for cremation, able to be closed to provide a complete covering for the human remains, resistant to leakage or spillage, rigid enough for handling with ease, and able to provide for the health, safety, and personal integrity of the public and crematory personnel.
  - l. Make required monthly reports to the Division, of bodies cremated, as required by s. 497.606(9) (i), Florida Statutes.
4. Applicant must submit fingerprints of its principals, as more specifically required by s. 497.142, Florida Statutes, for a criminal background check, and the applicant and its principals must have no demonstrated history of conduct indicating a lack of competence, good character, trustworthiness or integrity in business or professional matters.
  5. Applicant must pass a pre-licensure inspection by Division staff, to verify compliance with Chp. 497 and Board rules. The establishment must pass annual inspection thereafter.