



DEPARTMENT OF FINANCIAL SERVICES
Division of Funeral, Cemetery & Consumer Services
200 East Gaines Street
Tallahassee, FL 32399- 0361

APPLICATION TO ORGANIZE A NEW CEMETERY COMPANY

Under Section 497.263, Florida Statutes. Before the Board of Funeral, Cemetery and Consumer Services.

This application shall be accompanied by payment of \$5,005.00 nonrefundable application fee. All requirements must be satisfied within sixty (60) days from date of request for additional information.

If you have any questions or need assistance in completing this application, please contact the Division of Funeral, Cemetery & Consumer Services, at (850) 413-3039.

Section 1. APPLICANT INFORMATION

Section 497.141(12), Florida Statutes, reads: (a) The following licenses may only be applied for and issued to a natural person: 1. embalmer apprentice; 2. embalmer intern; 3. funeral director intern; 4. funeral director; 5. funeral director and embalmer; 6. direct disposer; 7. monument establishment sales agent; and 8. preneed sales agent. (b) The following licenses may be applied for and issued to a natural person, a corporation, a limited liability company, or a partnership: 1. funeral establishment; 2. centralized embalming facility; 3. refrigeration facility; 4. direct disposal establishment; 5. monument establishment; 6. cinerator facility; 7. removal service; and 8. preneed sales business under s. 497.453. (c) A cemetery license may only be applied for and issued to a corporation, partnership, or limited liability company.

Subsection 1A. Type of applicant (check one):
 Natural person (sole proprietorship, not incorporated)
 Corporation
 Limited liability company (LLC)
 Partnership

Subsection 1B. Changes to Existing License (if applicable):
 Change in Ownership _____
 Change in Location _____ Current Name & License Number

Subsection 1C. Name of applicant:

(the license, if issued, will be issued in this name)

Subsection 1D.
 (1) If applicant is an individual person, state applicant's date of birth: _____
 (2) If applicant is an entity, state the date applicant was organized (e.g., date articles of incorporation were filed):

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V	3400 F	\$5,000	
	3800 F	\$ <u>5</u>	
		\$5,005	

Subsection 1E. If applicant is a corporation, LLC, or partnership, answer the questions in this Subsection:

- (1) Under the laws of what state was the applicant organized? _____
- (2) In what state is the applicant currently domiciled? _____
- (3) Is the applicant currently an entity in good standing under the business organization laws of Florida? **YES NO**
- (4) Attach written documentary evidence that the applicant is an entity in good standing under the business organization laws of Florida. (e.g., a "Certificate of Status" issued by the Division of Corporations of the Florida Dept of State; or equivalent certification).
- (5) If applicant is a corporation, limited liability company, or partnership, complete and attach to this application, the Division form entitled "Business Entity – List of Principals". (s. 497.141(12) (d), Florida Statutes).

Subsection 1F. If the license applied for is issued, will applicant do business under a name other than applicant's name as shown in this application? **YES NO**

If YES, state all names applicant will do business under that are different from applicant's name as shown in this application:

Section 2. CONTACT INFORMATION CONCERNING THIS APPLICATION

Enter the name and contact information of the person the Division should contact concerning this application.

Name:

Mailing address:

Phone number with area code:

Email address:

Section 3. APPLICANT'S PREFERRED MAILING ADDRESS

Enter applicant's preferred mailing address this Division should use for routine correspondence and notices, if and after the license applied for is issued (e.g., renewal notices).

Street or PO Box:

City

State

Zip Code

Section 4. ACTUAL BUSINESS LOCATION ADDRESS

Enter the actual street address where operations under the license applied for will be conducted, if the license is issued. NO post office boxes or similar addresses allowed in this section.

Street Address

City

County

State

Zip Code

Section 5. OTHER LICENSURE INFORMATION

(a) Does the applicant now hold, or has applicant ever in the past held, a license or registration in Florida or any other state or jurisdiction, as a funeral director, embalmer, direct disposer, funeral establishment, direct disposal establishment, cinerator facility, removal service, centralized embalming facility, refrigeration service, cemetery, monument establishment, or preneed sales business?

YES NO

If your answer to the question in this Section is YES, you must fill out and submit with this application an “Other Licenses Form.” You must disclose on that form details of each current or prior license that required a “YES” answer to any of the questions in this Section of this application. The “Other Licenses Form” may be obtained from the website of the Division of Funeral, Cemetery & Consumer Services, or it may be requested by letter directed to the Division office at the address shown at the top of this form.

Section 6. ADVERSE LICENSING HISTORY QUESTIONS

As used in this Section, “you” refers to applicant; “deathcare industry license” refers to any licensure as an embalmer, funeral director, direct disposer, funeral establishment, direct disposal establishment, centralized embalming facility, cinerator facility, removal service, refrigeration service, cemetery, monument establishment, or preneed sales business.

(a) Have you ever had any deathcare industry license revoked, suspended, fined, reprimanded, or otherwise disciplined, by any regulatory authority in Florida or any other state or jurisdiction? **YES NO**

(b) Have you ever had any application for a deathcare industry license denied for any reason by any regulatory authority in Florida or any other state or jurisdiction? **YES NO**

(c) Have you ever voluntarily relinquished or surrendered a deathcare industry license while under investigation, or after initiation of a disciplinary proceeding against you or the license? **YES NO**

(d) Are you currently to your knowledge under investigation by any regulatory or law enforcement authority in Florida or any other state or jurisdiction in regard to alleged misconduct or incompetency in the performance of work under a deathcare industry license? **YES NO**

If the answer to any of the questions in this Section is YES, you must fill out and submit with this application, an “Adverse Licensing Action History Form.” You must disclose on that form details of each adverse licensing action and pending investigation that required a “YES” answer to any of the questions in this Section of this application. This form may be obtained from the website of the Division of Funeral, Cemetery & Consumer Services, or it may be requested by letter directed to the Division office at the address shown at the top of this form.

Section 7. CRIMINAL HISTORY QUESTIONS

For purposes of this section, the phrase “ person subject to disclosure requirements” should be understood to refer to and include the following persons:

- 1. If the applicant is a natural person, only the natural person making application.*
 - 2. If the applicant is a corporation, all officers and directors of that corporation.*
 - 3. If the applicant is a limited liability company, all managers and members of the limited liability company.*
 - 4. If the applicant is a partnership, all partners.*
 - 5. The licensed direct disposer or funeral director in charge.*
- (see s. 497.142(10)(e), Florida Statutes)*

1. Has any person subject to disclosure requirements ever plead guilty, been convicted, or entered a plea in the nature of no contest, regardless of whether adjudication was entered or withheld by the court in which the case was prosecuted, in the courts of Florida or another state of the United States or a foreign country, regarding any crime indicated below:

a. Any felony or misdemeanor, no matter when committed, which was directly or indirectly related to or involving any aspect of the practice or business of embalming, funeral directing, direct disposition, cremation, funeral or cemetery preneed sales, funeral establishment operations, cemetery operations, or cemetery monument or marker sales or installation. **YES NO**

b. Any other felony not already disclosed under subparagraph 1. immediately above, which was committed within the 20 years immediately preceding the date this application is submitted. **YES NO**

c. Any other misdemeanor not already disclosed under subparagraph 1. above, which was committed within the 5 years

immediately preceding the date this application is submitted? **YES NO**

If applicant circled YES to any of the above questions, there must be filed with this application a “Criminal History Form” by and regarding each person subject to disclosure requirements for whom the YES answer applies. There must be disclosed on that form details of every criminal action that required the “YES” answer to any of the above questions. That form may be obtained from the website of the Division of Funeral, Cemetery & Consumer Services, or it may be requested by letter directed to the Division office at the address shown at the top of this form.

2. If YES was answered to any question above, name here every person subject to disclosure requirements (if none, write “none”).

Section 8. PRIOR NAME INFORMATION

Have you, the applicant, ever used, or been known by, any name other than the name under which you make this application?

YES NO

If you answered YES, enter in the space below every such prior name in full, and the period of time it was used (attach additional sheets if necessary):

Section 9. MISCELLANEOUS MATTERS

1. Please state any and all names under which the cemetery may do business if licensed, if different from the Applicant’s name.
2. Please state the exact location of the proposed cemetery and the exact number of acres in the cemetery (*must be at least 30 contiguous acres*).
3. Please attach a copy of the legal description of the cemetery. Include maps, surveys and development plans.
4. A Financial Statement, completed on an accrual basis, must be submitted with this application for each principal of Applicant’s business entity.
5. A Business Plan including the proposed financial structure of the cemetery, capital structure, and projected revenues and costs. (*See Rule 69K-5.009, F.A.C.*)
6. An Historical Sketch must be submitted with this application for each principal of Applicant’s business entity.
(*Forms can be found on the Division’s website.*)
7. Written approval from the governing zoning authority, or if none exists, from a majority of the adjacent property owners.
8. Do you understand that after licensure, you have a continuing duty under state law (s. 497.146, Florida Statutes) to notify this Division within 30 days of any change in your mailing address? **YES NO** (*A “Change of Address or Contact Data” form may be found on the Division’s website.*)
9. Do you understand that as part of this application, you must submit your fingerprints for a criminal background check?
YES NO
Instructions concerning how and where to submit fingerprints may be reviewed and printed from the website of the Division of Funeral, Cemetery and Consumer Services, as follows: go to the website of the Department of Financial Services (www.myfloridacfo.com); click on FLDFS Divisions and Offices; click on Funeral and Cemetery Services.
8. Applicant may attach to this application additional pages to explain any answer herein, or provide additional information the applicant desires the Division and Board to consider regarding this application. Are you attaching any additional pages? **YES NO** If yes, how many pages? _____

Section 10. APPLICANT’S CERTIFICATION & SIGNATURE

All applications shall be signed by the applicant. Signatures of the applicant shall be as follows:

1. *If the applicant is a natural person, the application shall be signed by the applicant.*
2. *If the applicant is a corporation, the application shall be signed by the corporation's president.*
3. *If the applicant is a partnership, the application shall be signed by a partner, who shall provide proof satisfactory to the licensing authority of that partner's authority to sign on behalf of the partnership.*

4. *If the applicant is a limited liability company, the application shall be signed by a member of the company, who shall provide proof satisfactory to the licensing authority of that member's authority to sign on behalf of the company. (s. 497.141(12)(e), Florida Statutes)*

Under penalties of perjury, I, the applicant or applicant's authorized signatory, do hereby declare that I have read the foregoing application and all attachments, and the facts stated in it are true and correct.

I declare that I have or will prior to commencing operations under this license comply with all requirements under Chapter 497, Florida Statutes, relating to the license for which I have applied.

I hereby authorize any court, law enforcement agency, or licensing authority to release or make available to the Division of Funeral, Cemetery & Consumer Services in the Florida Department of Financial Services, and to the Florida Board of Funeral, Cemetery & Consumer Services, any and all information in their files concerning me.

Signature of Applicant

Date Signed

Name and Title

Mail completed application with all attachments, and required fees to:

Division of Funeral, Cemetery & Consumer Services
Revenue Processing
P.O. Box 6100
Tallahassee, FL 32314-6100

Social Security No. or FEIN: _____

(If applicant is an individual person, enter SSN; otherwise, enter FEIN.)