

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**  
**TELECONFERENCE MEETING**  
**June 4, 2015 - 10:00 A.M.**

**1. Call to Order, Preliminary Remarks and Roll Call**

Mr. Jody Brandenburg, Chair – I would like to call to order the Board of Funeral, Cemetery and Consumer Services' Teleconference meeting. It is June 4, 2015. Mr. Doug Shropshire, will you make the usual preliminary remarks for the record and then call the roll.

Mr. Doug Shropshire – Yes, Mr. Chairman. My name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, June 4, 2015. The time is approximately 10:00am. This is a public meeting of the Board of Funeral, Cemetery and Consumer Services. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting had been made available to interested persons. The meeting is occurring by Teleconference with some members of the public here with the Division staff here in the Pepper Building, in Tallahassee, Florida. The call in number has also been made available to the public. Members of the Board are participating by phone. My assistant, LaTonya Bryant, will take minutes of the meeting, which is being recorded. Board Counsel is also appearing by teleconference.

Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. All persons participating by phone are asked to place their phones on mute at all times while listening. I repeat, please place your phones on mute at all times while listening. We ask this to enhance the audio quality of the Teleconference. If any Member or participant is disconnected they can call back to the same number called initially. Participants are respectfully reminded of the necessary protocol that only one person may speak at the time.

At this time I will take the roll and Board members will please respond clearly with "present", as preferred, when I call their name:

**PRESENT (via phone):**

Joseph "Jody" Brandenburg, Chairman  
Keenan Knopke, Vice-Chairman (in person)  
Jean Anderson  
Andrew Clark  
James "Jim" Davis  
Lewis "Lew" Hall  
Powell Helm  
Ken Jones  
Richard "Dick" Mueller  
Vanessa Oliver

**Also noted as present:**

Tom Barnhart, Board Legal Advisor (via phone)  
Ellen Simon, Assistant Division Director (via phone)  
LaTonya Bryant, Department Staff  
Jasmin Richardson, Department Staff (via phone)  
LaShonda Morris, Department Staff

Mr. Shropshire – Mr. Chairman there is a quorum for the business of the Board.

**2. Action on the Minutes**

**A. April 30, 2015**

Chair – Is there a motion?

**MOTION:** Mr. Keenan Knopke moved to adopt the minutes of the meeting. Mr. Powell Helm seconded the motion, which passed unanimously.

- 3. **Application(s) for Preneed Sales Agent**
  - A. **Informational Item (Licenses Issued without Conditions) – Addendum A**

Mr. Shropshire – The application(s) presented are clean and have been approved by the Division. This item is informational only and does not require Board action.

- 4. **Application(s) for Continuing Education Course**
  - A. **Recommended for Approval without Conditions – Addendum B**
    - (1) *Cremation Association of North America (16008)*
    - (2) *Ellis, Ged & Bodden P. A. (17408)*
    - ~~(3) *Florida Morticians Association, Inc (133)*~~
    - (4) *FuneralCE (43)*
    - (5) *Independent Funeral Directors of Florida Inc. (135)*
    - (6) *International Order of the Golden Rule (2201)*
    - (7) *National Funeral Directors Association (136)*
    - (8) *New Jersey Funeral Service Education Corp (7002)*
    - (9) *SCI Management - Dignity University (99)*

Mr. Shropshire – Please allow the Division to note that on Addendum B, the Provider listed “Florida Morticians Association, Inc” should be considered removed from this addendum as they have not renewed their provider status. Therefore, the courses are being withdrawn from the addendum. With that exception, the majority of the Continuing Education Committee and the Division recommends approval of the application(s) for the number of hours indicated on Addendum B in the right hand corner.

**MOTION:** Mr. Knopke moved to approve the application(s) with the exception noted by the Division. Mr. Lew Hall seconded the motion, which passed unanimously.

- 5. **Application(s) for Approval as a Continuing Education Provider**
  - A. **Recommended for Approval without Conditions – Addendum C**
    - (1) *Florida Tissue Services (22608)*

Mr. Shropshire – The majority of the Continuing Education Committee and the Division recommends approval of the application(s) for the number of hours indicated on Addendum C in the right hand corner.

**MOTION:** Mr. Helm moved to approve the application(s). Mr. Andrew Clark seconded the motion, which passed unanimously.

- 6. **Application(s) for Florida Law and Rules Examination**
  - A. **Informational Item (Licenses Issued without Conditions) – Addendum D**
    - (1) **Funeral Director and Embalmer (Endorsement)**
      - (a) *Kolonich, Paul L*
      - (b) *Kramer, Autumn R*
      - (c) *Renaud, Thomas H*
      - (d) *Rosser, David R*
      - (e) *Trent, Steven*
    - (2) **Funeral Director and Embalmer (Internship and Exam)**
      - (a) *Blanks, Suzanne M*
      - (b) *Castillo, Gloria Y*
      - (c) *Spalding, Lucas W*

*(d) Starks, Anna C*

Mr. Shropshire – The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

**7. Application(s) for Internship**

**A. Informational Item (Licenses Issued without Conditions) – Addendum E**

- (1) *Funeral Director*
  - (a) *Gunn, Lawrence F (F036656)*
  - (b) *Pulda, Kelley A (F083924)*
- (2) *Funeral Director and Embalmer*
  - (a) *Dorsey, April N (F083862)*
  - (b) *Guerra, Milagro (F084201)*
  - (c) *Mendez-Castro, Jorge L (F083861)*
  - (d) *Wilson, Maleah J (F084364)*

Mr. Shropshire – The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

**8. Application(s) for Embalmer Apprenticeship**

**A. Informational Item (Licenses issued without Conditions) – Addendum F**

- (1) *Carroll, Kenya D (F076678)*
- (2) *Ford, Jennifer N (F084200)*
- (3) *Swindell, Christopher E (F084088)*

Mr. Shropshire – The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

**9. Application(s) for Registration as a Training Agency**

**A. Informational Item (Licenses issued without Conditions) – Addendum G**

- (1) *Florida Cremations Services LLC d/b/a Affordable Cremation & Funeral Services (F067521) (Opa-Locka)*
- (2) *Legacy Funeral Holdings of Florida LLC d/b/a Collison Carey Hand Funeral Home (F079242) (Winter Garden)*
- (3) *Miami Memorial LLC d/b/a Branam Funeral Home Memorial Plan (F081146) (Homestead)*
- (4) *Starke Enterprises LLC d/b/a Archie Tanner Funeral Services (F050432) (Starke)*
- (5) *Veterans Funeral Care Inc (F040002) (Clearwater)*

Mr. Shropshire – The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

**10. Notification(s) of Change in Location**

**A. Informational Item – Addendum H**

- (1) *Covenant Mortuary Inc (F073044) (Pompano Beach)*

Mr. Shropshire – This item is informational only and does not require Board action.

**11. Consumer Protection Trust Fund Claims**

**A. Recommended for Approval without Conditions – Addendum I**

Mr. Shropshire – The Division recommends approval of the claim(s) for the amount indicated on the Addendum entitled “Amount Recommended.”

**MOTION:** Mr. Jim Davis moved to approve the claim(s) for the amount indicated on the Addendum entitled “Amount Recommended.” Mr. Knopke seconded the motion, which passed unanimously.

Mr. Helm – Mr. Shropshire, I know we are going to see a lot of these JGR’s. Are they thoroughly checked out to make sure they are legit?

Mr. Shropshire – Yes sir.

Mr. Helm – Ok. That was my only question.

## **12. Application(s) for Funeral Establishment**

### **A. Recommended for Approval with Conditions**

#### ***(1) Baldwin Brothers Memorial Care Services Inc d/b/a Baldwin Brothers (Debary)***

Mr. Shropshire – This item has been withdrawn at the request of the Applicant, possibly to be resubmitted on a subsequent Board meeting agenda.

#### ***(2) Chala D Parish d/b/a Kelley Funeral Home***

An application for a Funeral Establishment was submitted on April 29, 2015. The application was incomplete when submitted. All deficient items were returned on May 15, 2015. The Funeral Director in Charge will be Tammie Kelley (F044175). All fingerprint results have been returned with no criminal history. This funeral establishment is not the qualifying entity for a preneed licensee. The current owner of the licensed establishment, Marion Kelley, passed away in December 2014 and this application is being submitted by his daughter, Chala Parish. Tammie Kelley, wife of the deceased, submitted a letter gifting the business to Chala Parish. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

**MOTION:** Mr. Helm moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Mr. Hall seconded the motion, which passed unanimously.

#### ***(3) Huff Funeral Home Inc d/b/a Huff & Battise Funeral Home (Fernandina Beach)***

Mr. Shropshire – An application for a Funeral Establishment was submitted on November 26, 2014. The application was incomplete when submitted. All deficient items were returned on April 2, 2015. The Funeral Director in Charge will be Roderic Feacher (F057655). This funeral establishment is not the qualifying entity for a preneed Licensee. The current owner of the licensed establishment, Fareedah Jones, passed away in May 2014 and this application is being submitted by her daughter, Luciana Jones. A letter of administration from the Circuit Court in Duval County is enclosed. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

**MOTION:** Mr. Knopke moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Ms. Jean Anderson seconded the motion, which passed unanimously.

#### ***(4) Huff Funeral Home Inc d/b/a Huff & Battise Funeral Home (Jacksonville)***

Mr. Shropshire – An application for a Funeral Establishment was submitted on November 26, 2014. The application was incomplete when submitted. All deficient items were returned on April 2, 2015. The Funeral Director in Charge will be Laprinzo Banks (F029566). This funeral establishment is not the qualifying entity for a preneed Licensee. The current owner of the licensed establishment, Fareedah Jones, passed away in May 2014 and this application is being submitted by her daughter, Luciana Jones. A letter of administration from the Circuit Court in Duval County is enclosed.

The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

**MOTION:** Mr. Davis moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Mr. Hall seconded the motion, which passed unanimously.

**(5) *NFH Services LLC d/b/a David-Russell Funeral Home (Lakeland)***

Mr. Shropshire – An application for a Funeral Establishment was submitted on May 7, 2015. The application was complete when submitted. The Funeral Director in Charge will be Scott Norris (F043210). This funeral establishment is the qualifying entity for a preneed Licensee. As stated in the letter from Scott Norris, NFH Services LLC will assume all existing preneed liabilities for any unfulfilled contracts sold while this location maintained a preneed license. Furthermore, the Applicant will be submitting a new application for a preneed license once this application has been approved. All fingerprint information was returned without criminal history.

The Division is recommending approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the Applicant in the application and related materials provided to the Board or FCCS Division by the Applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

**MOTION:** Mr. Knopke moved to approve the application subject to the conditions recommended by the Division. Mr. Clark seconded the motion, which passed unanimously.

**(6) *Trahan Family Funeral Home of Milton Inc (Milton)***

Mr. Shropshire – An application for a Funeral Establishment was received on April 21, 2015. The application was complete when submitted. The Funeral Director in Charge will be Jennifer Trahan (F045195). The fingerprint cards for all principals were returned with no criminal history. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

**MOTION:** Mr. Helm moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Mr. Davis seconded the motion, which passed unanimously.

**(7) *Waters & Hibbert Funeral Home LLC (Pensacola)***

Mr. Shropshire – An application for a Funeral Establishment was submitted on April 6, 2015. The application was complete when submitted. The Funeral Director in Charge will be Richard Bailey (F046659). All fingerprint information was returned without criminal history. The current owners are Cathy Moore and Clarence Cooper. Ms. Moore is seeking 100% ownership. This funeral establishment is the qualifying entity for a preneed Licensee, license number F065167. The Applicant has submitted an application for a new Pre Need license that will be presented at the next Board meeting, June 25, 2015.

The Division is recommending approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the Applicant in the application and related materials provided to the Board or FCCS Division by the Applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

**MOTION:** Mr. Helm moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Mr. Clark seconded the motion, which passed unanimously.

**13. Application(s) for Monument Establishment Sales Agent License**  
*A. Informational Item (Licenses issued without Conditions) – Addendum J*

Mr. Shropshire – The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

**14. Application(s) for Removal Facility**  
*A. Recommended for Approval with Conditions*  
*(1) Comfort Touch Transport Service LLC (Jacksonville)*

Mr. Shropshire – An application for a Removal Facility was received on March 3, 2015. The application was incomplete when submitted. All deficient items were received on May 6, 2015. The fingerprint cards for all principals were returned with no criminal history. \*Special note\* When the LLC was registered with the Division of Corporations, the Applicant inadvertently placed an "S" on Service. The Applicant is in the process of getting the registration amended.

The Division is recommending approval subject to condition(s) as follows:

- 1) That the establishment passes an onsite inspection by a member of Division Staff.
- 2) That the establishment submits the revised registration from the Division of Corporations.

**MOTION:** Mr. Knopke moved to approve the application subject to the conditions that the establishment passes an onsite inspection by a member of Division Staff and that the establishment submits the revised registration from the Division of Corporations. Ms. Anderson seconded the motion, which passed unanimously.

**15. Contract(s) or Other Related Form(s)**  
*A. Preneed Sales Agreement(s)*  
*(1) Recommended for Approval with Conditions*  
*(a) StoneMor Florida Subsidiary, LLC d/b/a Daytona Memorial Park Inc (F038725) (Daytona Beach)*

Mr. Shropshire – StoneMor Florida Subsidiary, LLC d/b/a Daytona Memorial Park (StoneMor), submits the attached preneed sales agreement forms for approval: Cemetery Interment Rights, Merchandise and Services Purchase/Security Agreement (Form FL4/15), and Prearranged Trust Funded Funeral Agreement. If the forms are approved, they are to be used for the sale

of trust-funded preneed contracts by StoneMor, and its various licensed preneed branches. The Division is recommending approval subject to condition that two full sized print-ready copies of each contract are received by the Department within 60 days of this Board meeting.

**MOTION:** Mr. Hall moved to approve the agreement subject to the condition that two full sized print-ready copies are received by the Department within 60 days of this Board meeting. Mr. Davis seconded the motion, which passed unanimously.

- (2) *Recommended for Denial*
  - (a) *Loyal Christian Benefit Association (Erie, PA)*

Mr. Shropshire – The Division has reviewed the form and for the reasons set forth in the Division remarks section of the coversheet provided to the Board concerning this item, the Division recommends denial.

Mr. Knopke – Since the package was made available, has there been any change of position from the Applicant as far as changing any of the things the Division has concerns about or waiting until the June 25<sup>th</sup> meeting so that it could be discussed there? Has any of that changed?

Mr. Shropshire – Mr. Knopke, let me ask our Lashonda Morris who is with us at the meeting here today. Lashonda, have you heard anything in that regard from the Applicant?

Ms. Lashonda Morris – I have spoken with the Applicant and yes, they have agreed to make revisions as suggested and have it presented again at the June 25<sup>th</sup> meeting. I believe they may be on the line as well.

Ms. Rebecca Black – Hi Mr. Chair. This is Rebecca Black with Loyal Christian Benefit Association. We are on the line and we are in the process of making the suggested changes going from one (1) form and splitting it into two (2) separate forms, one (1) for guaranteed and one (1) for non-guaranteed.

Mr. Helm – Would it not be better if they just withdrew the application rather than having it denied?

Mr. Shropshire – There are several ways we could proceed. If the Applicant is willing to accept all of the Division’s concerns and remove them you could approve it subject to the Division being satisfied that all of those matters are taken care of. That might save the Applicant some additional time and effort and the Board some time. Or you could just defer this item to the June 25<sup>th</sup> meeting although the Applicant would have to waive deemer in order to do that because the deemer would run between now and that meeting.

Mr. Helm – Ms. Black, how would you like for us to handle that for you? You do not want to have a denial on your record.

Ms. Black – No, we do not. We are happy to make all of the suggested changes and split it into two (2) forms. I am new to this process.

Mr. Helm – Will you waive the deemer so we can take care of it at the June 25<sup>th</sup> meeting?

Ms. Black – Yes.

**MOTION:** Mr. Helm moved to defer the item to the June 25<sup>th</sup> Board meeting agenda. Mr. Hall seconded the motion, which passed unanimously.

- 16. **Request(s) to Extend Internship**
  - A. *Recommended for Approval without Conditions*
    - (1) *Funeral Direction and Embalmer*
      - (a) *Dell, Rose C (F079334)*

Mr. Shropshire – Ms. Rose Dell was approved for an internship on June 6, 2014. On December 26, 2014, Ms. Dell fractured her foot and was unable to work for ten weeks. She returned to work full time on March 4, 2015. Ms. Dell is requesting an extension of the time she was unable to work. The Division is recommending approval of this request with the internship to end on August 14, 2015.

**MOTION:** Mr. Davis moved to approve the request. Mr. Hall seconded the motion, which passed unanimously.

17. **Executive Director's Report**

A. *Extension Granted – NorthStar Funeral Services of Florida, LLC/NorthStar Cemetery Services of Florida, LLC (Informational)*

Mr. Shropshire – This is an extension granted by the Director.



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April 27, 2015

Doug Shropshire, Director  
Division of Funeral, Cemetery and Consumer Services  
[Doug.Shropshire@myfloridacfo.com](mailto:Doug.Shropshire@myfloridacfo.com)

**Re: NorthStar Funeral Services of Florida, LLC / NorthStar Cemetery Services of Florida, LLC**

Dear Doug:

As you know, we represent NorthStar Funeral Services of Florida, LLC, and NorthStar Cemetery Services of Florida, LLC (NorthStar). On March 6, 2014, the Board approved the funeral establishment and cemetery license applications submitted by NorthStar, with the condition that the transactions close within 60 days (i.e., May 5, 2014). Subsequently, the Division granted extensions on the closing deadline. In early September, all save one of the transactions closed, and the licenses were issued. The exception was the cemetery known as “The Gardens.”

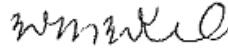
On November 4, 2014, we notified the Division that the closing date for “The Gardens” remained uncertain due to litigation. An extension of time to close was requested and granted. On January 9, 2015, a further extension to close was granted (until May 15, 2015), in order to allow time for court proceedings to conclude. The case has been concluded, and the transaction is moving toward closing. However, our client has informed us that it is unlikely that the May 15<sup>th</sup> deadline will be met.



Therefore, we would like to request a further extension of time to complete the transaction, until August 15, 2015, at which time we will revisit this matter, if necessary.

Please let us know if you require additional information.

Sincerely,



Wendy Russell Wiener

*Extension thru 6-4-15 granted. Bd Mtg agenda and recommend Bd grant extension to 8-15-15. - DAS*

Doug Shropshire, Director  
Funeral & Cemetery Division

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4842-6618-4483.1  
50839/0001 KJH kh

**B. Rulemaking Cleanup Project (Informational)**

Mr. Shropshire – This is just more in the Department of Financial Services’ Legal Division’s continuing rulemaking cleanup project, in which they are going through the rules of all Department of Financial Services’ entities, including this Division and the Board, and just cleaning up the rules to make sure they comply with the various technical aspects of Chapter 120, F.S. There are no substantive changes being made.

Chair – Thank you for keeping us updated on that project.

**MEMORANDUM**  
**Department of Financial Services**  
**Division of Funeral, Cemetery, and Consumer Services**

TO: Board Members (Board of Funeral, Cemetery, and Consumer Services)  
FROM: Doug Shropshire, Division Director *DAS*  
RE: Rulemaking Cleanup project  
Date: June 4, 2015

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The Legal Division of the Department of Financial Services continues its project to review all rules of all DFS Divisions, to ensure that the rules meet the current standards of rulemaking statutes in Chapter 120, Florida Statutes, and the current standards of the Florida Administrative Code.

As part of that project the DFS Legal Division has identified for change the revisions set out in the attached materials.

I do not believe the changes are substantive.

This is an informational item.

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF FINANCIAL SERVICES  
Division of Funeral, Cemetery & Consumer Services

RULE:           RULE TITLE:

69K-10.001       Preneed Funeral Contract Consumer Protection Trust Fund.  
69K-10.002       Disbursement From the Preneed Funeral Contract Consumer Protection Trust Fund.

PURPOSE AND EFFECT: The proposed modifications will update Rules 69K-10.001 and 69K-10.002, F.A.C., to reflect that the rules' respective forms have been updated and were previously added to and incorporated in the forms rule, Rule 69K-1.001, F.A.C., and the respective forms' effective dates and incorporation in these rules are redundant.

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 69K-10, F.A.C., Preneed Funeral Contract Consumer Protection Trust Fund

RULEMAKING AUTHORITY: 497.103, 497.456, F.S.

LAW IMPLEMENTED: 497.456, F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: [intentionally left blank]

PLACE: [intentionally left blank ]

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Ellen Simon at (850)413-3620 or [Ellen.Simon@myfloridacfo.com](mailto:Ellen.Simon@myfloridacfo.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ellen Simon, Assistant Division Director, Division of Funeral, Cemetery & Consumer Services, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0361; or [Ellen.Simon@myfloridacfo.com](mailto:Ellen.Simon@myfloridacfo.com).

A copy of the text of the proposed changes can be found on the Department's website at: <http://www.myfloridacfo.com/Division/LegalServices/RuleWorkshopMeetings/default.asp> .

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

THE FULL TEXT OF THE PROPOSED RULES ARE:

**69K-10.001 Preneed Funeral Contract Consumer Protection Trust Fund.**

(1)-(6) No change.

(7) All remittances shall be sent with the Quarterly Preneed Funeral Contract Consumer Protection Trust Fund Remittance Invoice Form. This form, DFS-N1-2013 DFS-TFR-1, effective May 23, 1994, is incorporated herein by reference in Rule 69K-1.001, F.A.C., and shall be available from the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. Checks should be made payable to the Department of Financial Services. Remittances should be submitted to the board office within 60 days following a calendar quarter.

(8)-(9) No change.

*Rulemaking Specific Authority 497.103, 497.456(3) FS. Law Implemented 497.456 FS. History--New 5-23-94, Amended 10-26-00, Formerly 3F-10.001, Amended \_\_\_\_\_.*

**69K-10.002 Disbursement From the Preneed Funeral Contract Consumer Protection Trust Fund.**

(1) No change.

(2) Requests for restitution shall be submitted on the Preneed Funeral Contract Consumer Protection Trust Fund Proof of Claim and Disbursement Request form, DFS-TFD-1, effective June 21, 2001, which is incorporated herein by reference in Rule 69K-1.001, F.A.C., and available from the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, FL 32399-0361. Restitution will only be made if the preneed licensee or otherwise covered provider was licensed as a preneed license or was regulated under Chapter 470, F.S., when the contract was written. All requests for restitution from the Preneed Funeral Contract Consumer Protection Trust Fund shall be accompanied by a copy of the preneed contract and documentation which verifies the total funds paid on preneed contract, and that the applicant has not defaulted in the terms of the contract. In addition, documentation that the preneed licensee or otherwise covered provider has failed to provide the benefits of the preneed contract or has failed to refund the appropriate principal amount by reason of cancellation.

(3)-(8) No change.

*Rulemaking Specific Authority 497.103, 497.456 FS. Law Implemented 497.456 FS. History--New 5-23-94, Amended 12-4-95, 10-18-99, 6-21-01, Formerly 3F-10.002, Amended \_\_\_\_\_.*

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF FINANCIAL SERVICES  
Division of Funeral, Cemetery & Consumer Services

RULE:            RULE TITLE:  
69K-16.0001    State Examination for Funeral Industry Professionals.

PURPOSE AND EFFECT: It would be clearer if the Department's examination was referred to uniformly as the "Florida Law & Rules Exam" which is both a less wordy alternative to "the examination prepared and administered by the Department of Financial Services as set forth in Rule 69K-16.0001" and is an existing defined term in Rule 69K-18.002, F.A.C. The proposed amendments will update the rule to incorporate the defined term for the Department's Florida Law & Rules Exam.

SUBJECT AREA TO BE ADDRESSED: This chapter sets forth examinations that must be taken by funeral industry professionals in order to obtain various licenses.

RULEMAKING AUTHORITY: 497.103, 497.144, 497.368, 497.373, F.S.

LAW IMPLEMENTED: 497.144, 497.368, 497.369, 497.373, 497.374, F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: [intentionally left blank]

PLACE: [intentionally left blank]

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Ellen Simon at (850)413-3620 or [Ellen.Simon@myfloridacfo.com](mailto:Ellen.Simon@myfloridacfo.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ellen Simon, Assistant Division Director, Division of Funeral, Cemetery & Consumer Services, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0361 or (850)413-4985 or [Ellen.Simon@myfloridacfo.com](mailto:Ellen.Simon@myfloridacfo.com). A copy of the text of the proposed changes can be found on the Department's website at: <http://www.myfloridacfo.com/Division/LegalServices/RuleWorkshopMeetings/default.asp> .

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**69K-16.0001 State Examination for Funeral Industry Professionals.**

(1) In addition to all other requirements, any person desiring to be licensed, whether initially or by endorsement, as an embalmer, funeral director or direct disposer, in the state of Florida shall:

(a) Apply to the Board to take the Florida Law & Rules Exam examination prepared and administered by the Department of Financial Services.

(b) Pass the Florida Law & Rules Exam examination prepared and administered by the Department of Financial Services with a score of 75% or more. A fraction of a percentage point of one-half (.5) or higher on this examination shall be raised to the next highest whole number.

(2) No change.

(3) No change.

*Rulemaking Specific Authority 497.103, 497.144, 497.368, 497.373 FS. Law Implemented 497.144, 497.368, 497.369, 497.373, 497.374 FS. History--New 4-27-03, Amended \_\_\_\_\_, Formerly 61G8-16.0001.*

**RULE 69K-16.0001, F.A.C.**

**STATEMENT OF FACTS AND CIRCUMSTANCES**

Pursuant to subparagraph 120.54(3)(a)4., F.S., the Department of Financial Services hereby submits a detailed written statement of the facts and circumstances justifying the proposed modification of Rule 69K-16.0001, F.A.C.

The reasons which necessitate the proposed action are as follows: It would be clearer if the Department's examination was referred to uniformly as the "Florida Law & Rules Exam," which is both a less wordy alternative to "the examination prepared and administered by the Department of Financial Services as set forth in Rule 69K-16.0001", and is an existing defined term in Rule 69K-18.002, F.A.C. The proposed amendments will update the rule to incorporate the defined term for the Department's Florida Law & Rules Exam.

The Department believes these facts and circumstances justify the proposed action.

**RULE 69K-16.0001, F.A.C.**

**STATEMENT RELATING TO FEDERAL STANDARDS OR RULES**

There are no federal standards or rules on the same subject matter.

**RULE 69K-16.0001, F.A.C.**

**STATEMENT OF ESTIMATED REGULATORY COSTS  
AND LEGISLATIVE RATIFICATION**

The agency has determined that the proposed rule amendments are not expected to require legislative ratification based upon the statement of estimated regulatory costs or, if no SERC is required, the information expressly relied upon and described herein: The Department conducted an economic analysis of the potential impact of the proposed rule amendments and determined that there will be no adverse economic impact or regulatory increases that would require legislative ratification.

*C. Report: Payment of Disciplinary Fines and Costs (Informational)*

Monthly Report of Fine and Costs Assessed and Paid  
Division of Funeral, Cemetery and Consumer Services  
June 5, 2015 Board Meeting  
Date of Report: May 26, 2015

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Cemetery Professionals, LLC dba Beaches Memorial Gardens and Cemetery Professionals, LLC dba Beaches Memorial Park	Jun-12	110156-10-FC & 110157-10-FC	\$5,250 \$5,000 38,859.57	9/6/2012 12/7/2012 35 mo pymts	YES YES Status Pending	Licensee monthly restitution payments are current.
Carriage Florida Holdings, Inc., d/b/a Forest Lawn Memorial Cemetery	Feb-15	159822-14-FC	\$2,250	3/25/2015	Yes	
Carriage Florida Holdings, Inc., d/b/a Evergreen Memorial Park	Feb-15	159824-14-FC	\$2,250	3/25/2015	Yes	
Carriage Florida Holdings, Inc., Garden of Memories	Feb-15	159820-14-FC	\$2,250	3/25/2015	Yes	
Rick Groover	Feb-15	162136-14-fc	\$1,000	3/25/2015	Yes	
SCI Funeral Services of Florida, Inc. Groover Funeral Home at Mansion Memorial Park	Feb-15	162135-14-FC	\$1,000	3/18/2015	Yes	
			\$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50			
Buy and Sell Cemetery	Dec-14	154941-14-FC	\$62.50 \$62.50	\$62.50 Initial payment/ \$62.50 First installment payment (paid)	On time	

Jay Monument & Vault a/k/a Jay Monument & Vault Inc.	Oct-14	153256-14-FC	\$5000 and 13 years of renewal fees	11/24/2014	No	Legal is currently in the process of attempting to serve the entity with a Notice of Intent on issuing an emergency order of suspension.
Janorise Stone	Nov-14	144432-13-FC	\$1,500	12/25/2014	Yes	
Rogers Funeral Home	Dec-14	150303-14-FC	\$3,000	January 23, 2015	No.	Legal action pending
Delvis Rogers	Dec-14	150301-14-FC	\$3,500	January 23, 2015	No	Legal Action pending

Barney Skinner	Apr-15	154935-14-FC	\$1000 fine/\$1000 restitution	5/8/2015	Note D	License revoked. Because the license was revoked, the Division will not be asking for legal action to be taken on the violation of the court order. If the entity ever seeks re-licensure, the fine would have to be paid before licensure is granted.
Able Monument Company	Apr-15	154939-14-FC	\$1000 fine/\$1000 restitution	5/8/2015	Note D	License revoked. Because the license was revoked, the Division will not be asking for legal action to be taken on the violation of the court order. If the entity ever seeks re-licensure, the fine would have to be paid before licensure is granted.
Georgina Ronick	Apr-15	157226-14	\$3,166	7/8/2015	Note D	
John Gallaher	Apr-15	157224-14-FC	\$3,166	7/8/2015	Note D	
Gallaher Services, Inc.	Apr-15	157220-14-FC	\$3,166	7/8/2015	Note D	
New Horizon Funeral Chapel & Cremation, Inc.	Apr-15	154917-14-FC	\$3,500	5/9/2015	Paid in full	
<p>A. When payment in full becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment.</p> <p>B. Once fines and costs are paid in full, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensee dropped off report after disciplinary action filed due to nonpayment of the fine and costs.</p> <p>C. The Order re this case is still in process, so no Due date is not yet established.</p> <p>D. Due date has not passed, as of the date of this report.</p> <p>E. As of the date of this report, monthly payments were current.</p>						

**18. Upcoming Meeting(s)**

- A. June 25<sup>th</sup> (Tallahassee)
- B. July 9<sup>th</sup> (Teleconference)
- C. August 6<sup>th</sup> (Altamonte Springs – Hilton Orlando/Altamonte Springs)

**19. Adjournment**

The meeting was adjourned at 10:25 a.m.