MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
RULES COMMITTEE MEETING
(ANDREW CLARK, CHAIR – SANJENA CLAY – CHRIS JENSEN – DARRIN WILLIAMS)
VIDEOCONFERENCE MEETING
OCTOBER 19, 2026 – 10:00 A.M.

A. Call to Order, Preliminary Remarks, and Roll Call

Mr. Andrew Clark – Good morning, everyone. Thank you for joining us. I will call the meeting to order, and then I'll turn it over to Ms. Schwantes.

Ms. Mary Schwantes – Thank you, sir. Good morning. My name is Mary Schwantes. I'm the Division Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Friday, October 19, 2026, and it is approximately 10:00 AM. This is a public meeting of the Rules Committee for the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held via video conference. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for the meeting and the meeting materials have been made available for all interested persons. Both the link and call-in number are on the agenda, which has also been published on the Division's website and made available to the public. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

The purpose of the meeting is to conduct the business of the Rules Committee. The first main part of this meeting will consist of the initial annual review of seventeen (17) rules which the Committee was not able to discuss at its September meeting. The second main part of the meeting will be to continue follow-up discussion on four rules impacted by the passage of Senate Bill 598.

As a general rule, please do not utilize your video camera for the meeting unless you are a Committee member, Board counsel, or an authorized Division employee. At this meeting, public comments will be taken during the review of each rule being discussed. Comments should be limited only to that particular matter at that time and ultimately only to the issues which are listed in the agenda, or which may be further discussed by the Committee. Do not use the waive hand or the chat feature of GoTo Meet to make comments or be recognized by the Committee Chair. Instead, please turn your video camera option on when we reach the agenda item on which you want to be heard and raise your physical hand to be called upon, then turn your video camera option off again as soon as your matter has been addressed by the Committee. After comments have been received from those attending with video cameras, we will ask if there are any public comments from those attending by phone. In this way, we hope that all who want to be heard on an issue can be recognized by the Committee Chair to express their concerns.

As always, we need everyone on the call who is not speaking to place their phone or audio feed on mute. The ambient noise coming from someone's phone or audio which is not muted causes severe disruption to the meeting. If you are not muted, you may be muted by Division staff and as a result, you may need to call back into the meeting because that may be the only way to unmute your phone. Also, if you are using your computer or smart phone for your audio feed, please remember to speak directly into the microphone on your device. To do otherwise negatively impacts the recording of this meeting. Just as in a live meeting, persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Committee Chair, Andrew Clark, runs the meeting. Persons desiring to speak should initially ask the Chair for permission and make sure that they are recognized and acknowledged by Chair Clark before they speak. At this time, I'll call the roll. Committee Chair Andrew Clark?

Chair Clark – Present.

Ms. Schwantes – Committee member Sanjena Clay?

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Ms. Sanjena Clay – Present.

Ms. Schwantes – Committee member Chris Jensen?

Mr. Christian Jensen – Present.

Ms. Schwantes – Committee member Darrin Williams? Hearing no response. Mr. Chair, there is a quorum for the business of the Committee. For our records, I also need to do roll call of other members of the Board to confirm if they are attending the meeting in the audience. Jill Peeples?

Ms. Jill Peeples – Present.

Ms. Schwantes – Thank you, ma'am. David Chapman? Hearing none. Todd Ferreira? Hearing none. Ken Jones? Hearing none. Janis Liotta? Hearing none. Bill Quinn? Hearing none. Mr. Chair, would you like me to continue on to the next item on the agenda?

Chair Clark – Yes, please. Thank you.

Ms. Schwantes – Thank you, sir.

B. Action on Minutes and Report and Recommendations

(1) *September 25, 2026*

Ms. Schwantes – These are the minutes from the September 25, 2026, Rules Committee meeting. Committee action is required on this item, and assuming the Committee approves the minutes, they will be presented to the Board at its December meeting for review and Board action. The plan is to submit them to the September Board along with report from this meeting and from the September meeting for a joint report on those two (2) meetings. Mr. Chair?

Ms. Clay – Mr. Chair?

Chair Clark – Ms. Clay?

MOTION: Ms. Clay moved to approve the minutes. Mr. Jensen seconded the motion, which passed unanimously.

C. Overview of Reference Materials Provided to Committee

Ms. Schwantes – This is the overview of reference materials that have been provided to the Committee for use during this meeting.

(1) *Updated Workbooks for Rules Committee Meeting October 19, 2026*

Ms. Schwantes – These are the two (2) workbooks which were designed for the Committee's use during the meeting today, and they're provided in the order that they're going to be discussed and used today. I'd like to take a closer look. And you will note that we flipped the meeting this time so that we can talk about the initial rule review first before we get into more of the detail that may still be required on review of the Senate Bill 598 impacted rules.

(a) Updated Workbook #2 - 2026 Annual Rule Review

Ms. Schwantes – There are thirty (30) Board Rules and five (5) Shared Rules or total of thirty-five (35) rules to be covered during this year's Annual Rule Review. All 35 are contained in this workbook. However, the review notes and related tables are completed for the eighteen (18) rules which were covered at the September 25th meeting. And the initial rule review is completed for those eighteen (18) rules. Today, we're only going to be discussing the seventeen (17) rules which were not covered at the prior meeting as we ran out of time. And you'll see that those

rules are highlighted in yellow in the table of contents. And the table of contents also now shows the date on which each rule was reviewed and the resulting Committee recommendation for that rule. As we go through the workbook, you'll see that it contains the following for each of the rules to be discussed. It has the full rule as currently published. It has space for review notes from today's meeting, including a chart showing the questions that must be asked during this initial phase of the rule review. Based on our meeting in September, we have shortened those tables so that we're not asking quite as many questions as we were before. Do we have any questions about workbook number two at this time? I know there may be some as we get into it, I just kind of wanted to cover some basics.

(b) Updated Workbook #1 – SB598 Follow-up Rule Discussions

Ms. Schwantes – For each of the four rules on today's agenda, the workbook contains the following. The full rule is currently published. The full statute that was changed by Senate Bill 598 as now published. Review notes from June 12th, August 6th, and September 25th Committee meetings, space for review notes from today's meeting, and reference to any written comments that were received. All written comments to these rules are contained in Addendum A to the workbook. Please note that Addendum A for this workbook contains only the comments from WRW Legal that are relevant to the four rules being discussed during this part of the meeting. And the only other comment I wanted to make about both the workbook and the agenda, you may note that if you recall, there was a new rule that was proposed by Luke Grabowski that was tabled to December. You will not see that discussed today. We will get to that when we have the December Rules Committee. Do we have any questions about workbook number one at this time? Yes, sir, Mr. Jensen?

Mr. Jensen – Ms. Schwantes, thank you for putting this rule book in a concise method for us. I appreciate the way that you guys are doing this. I just wanted to say that it just makes it a lot easier. There's a lot of material in this, the way it's compiled in the workbook is what makes it a lot easier.

Ms. Schwantes – I very much appreciate that. Thank you, Mr. Jensen. As we have discussed many times, it is a confusing process, particularly going through the two different processes, both the rule review and the Senate Bill 598 follow-up. I'm trying to keep it separate and these workbooks we hope will help, particularly because they all have the same January 1st deadline.

(2) ***Gary Brown Program Director St. Petersburg College – email 9.25.26.pdf***

Ms. Schwantes – Gary Brown of St. Petersburg College provided written comments and suggestions which are included in the meeting packet. The Department is of the opinion that the changes suggested would require legislative changes and not something that we can do through rulemaking, but we've included Mr. Brown's comments here for the Committee's review or consideration just because it was requested and again, for your interest. Any questions about that?

(3) ***WRW Legal Rules Revisions for 2026 10 19.pdf***

Ms. Schwantes – WRW Legal provided updated written comments on the four rules we're discussing today that were impacted by Senate bill 598. The firm also commented on some of the thirty-five (35) rules which are part of the Annual Rule Review including the seventeen (17) which will be discussed today. This is the full document, updated document, submitted by WRW legal containing all comments and I think we may want to refer back to that document as we go through the Annual Rule Review. Any questions so far? Mr. Chair, do you want me to go ahead and move into agenda item D?

Chair Clark – Yes, please, thank you.

Ms. Schwantes – Thank you.

D. 2026 Annual Rule Review per section 120.5435, F.S.

(1) ***BOARD RULES***

(a) Rule 36K-7.001 – Care and Maintenance Trust Fund Deposits

Ms. Schwantes – This rule is one that we left off of the meeting agenda inadvertently in September, so it's a little out of order .It is found on Page 3 of the workbook, and the written comments from WRW are on WRW document, Page 12.

Chair Clark – So, we can start off with the Committee if they have any questions or initial thoughts.

Ms. Schwantes – I think so, and public comments as well. And then we'll go through the questions like we did last time.

Chair Clark – Perfect, thank you. Any questions from the Committee?

Ms. Wendy Wiener – Good morning. I'm just a tiny bit confused. Are we in Workbook #2 or Workbook #1?

Ms. Schwantes – We are on Workbook #2. Remember last time we did the Annual Rule Review second. So, it's still Workbook #2. I just updated it, but I flipped the agenda because I thought this would take the longest to get through and I wanted to get it over with.

Ms. Wiener – I appreciate that. When you said you flipped the agenda, I was still back over in Workbook #1 and I was like, wait those pages do not work at all. Okay comment on and when you say Page 12, you're referring to my rule submission.

Ms. Schwantes – The full revision document, item C3.

Ms. Wiener – Yes. Okay. Yes.

Ms. Schwantes – I'm just calling it WRW.

Ms. Wiener – And please note for reference that these are also the comments from IFDF as well. We work together with Mr. Grabowski. So, these are comments from both of the associations and from SCI and Funeral Services Incorporated. So, I am now officially caught up. We didn't have any comments on that one.

Ms. Rachelle Munson – Did you not ask that the deposit be deleted from the title?

Ms. Wiener – Oh, we did. Yes. Oh, actually, I think we say this rule can be repealed. Ok, sorry, guys.

Ms. Munson – Now caught up.

Ms. Wiener – I am caught up now. This rule literally just almost verbatim recaps the law. And so, we don't believe that there is any need for this rule. It literally goes basically verbatim from the law on required trust fund deposits. We didn't see anything in it that was supplementary to or added on in any way to the statute. And so, this actual rule we believe can be eliminated.

Ms. Munson – Where do you say that?

Ms. Wiener – Let me pull up the statute and have that handy as well. The law on topic is...

Ms. Munson – Did you say that in your materials that you thought it should be repealed?

Ms. Wiener – We did. It's not just the word. At the very top of that section, it says this can probably be repealed. We were referring to the rule.

DRAFT

Ms. Munson – Okay I guess I don't see that language anywhere.

Ms. Wiener – It's in the comment on Page 12 of 49.

Ms. Munson – And I thought you meant just the word. The word that's highlighted is deposits.

Ms. Wiener – No, we're referring to the entire rule, and I can point you to the actual um statutes that set forth these percentages. They are in 497.268, and it's just what it says in this rule. There was one (1) additional issue that we thought actually would call for repeal. In the rule itself, it says in number (4), 100% of all special endowments must be set aside in a special trust account or savings account. The law actually says for special endowments, the cemetery company may set aside the full amount received in a separate account. However, if the licensee does not set up a separate trust fund or a savings account, the full amount shall be deposited into its care and maintenance. And so, the language just doesn't really match up. Be that as it may, this rule says what the statute says, 497.268.

Chair Clark – Thank you, Ms. Wiener. Any other public comments? Hearing none. Committee, do you have any questions for Ms. Wiener? I have 497.268 pulled up. It looks the same to me as well.

Mr. Jensen – Question, Mr. Chair?

Chair Clark – Mr. Jensen?

Mr. Jensen – Ms. Wiener, so I see on Page 12, it's got here that you withdrew your comments on this rule, but you're saying it can be repealed. I'm a little confused. Which one are you saying?

Ms. Wiener – I'm on Page 12 of 49 of the documents, titled WRW Legal Rules Revisions.

Mr. Jensen – Oh. I'm on Page 12 of the workbook. I'm sorry.

Ms. Wiener – Yes, we're going to hop around a little bit. So, if you have both of those in front of you, that'll be super helpful.

Mr. Jensen – Yes, okay. Thank you. And Mr. Chair, I will recommend to repeal the rule if it's the same. If we can clean it up, let's do it.

Ms. Munson – So, just to be clear, I know we were making comparison between 268, and the rule. It is not verbatim, so there are certain things that are different. So, when you said it repeats the statute I just want to be clear. It repeats it in the meaning of the statute is what you're saying. I don't want the Committee to, if they're not looking at the rule, I know Mr. Clark says he was, but to feel...

Ms. Wiener – It repeats the substance, exactly.

Ms. Munson – With some changes. So, I don't know if it behooves before you vote to take a look at the statute or not, but I just wanted to just make that statement. It's not a mirror image of the statute.

Chair Clark – I would agree with it. Substantively, it's the same.

Ms. Munson – Again, you're going to find that concept with a lot of rules that substantively is going to be, but I just wanted that out there in the atmosphere.

Mr. Jensen – Ms. Munson, are you saying we should probably keep the rule.

Ms. Munson – No, I'm not. I just didn't want any statements to be a part of these minutes that are verbatim to maybe not be 100% accurate, that's all. It's really your call. If you feel it is repetitive enough or duplicative enough, then you

go to repeal it. I'm not putting a vote one way or another because I can't, but I just wanted to make that statement clear for the record.

Chair Clark – Thank you, Ms. Munson. Ms. Schwantes, would it be appropriate to go through the questions?

Ms. Schwantes – Yes, sir. Let's do that. I'm hearing that you are interested in repealing the rule. Is that correct?

Chair Clark – That is correct.

Ms. Schwantes – Thank you, sir. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory material?

Committee members [Unison] – Yes.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – Is it consistent with express legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – We don't want to make any technical or substantive updates because you're interested in repealing it. Is that correct?

Chair Clark – That's correct.

Ms. Schwantes – And then you do need a motion as to what your recommendation to the Board would be which would be the overall change, no change, or repeal.

Chair Clark – Thank you, Ms. Schwantes. Mr. Jensen?

MOTION: Mr. Jensen moved to open the rule for repeal based on statute 497.268. Chair Clark seconded the motion, which passed unanimously.

(b) Rule 69K-8.007 - Processing Fee

Ms. Schwantes – The rule is found on Page 31 of the workbook. Remember, we already covered most of the other rules in between during the last meeting, and written comments provided by WRW are found on Page 29. Actually, there's a rule that was copied, but there were no written comments.

Chair Clark – Thank you Ms. Schwantes. Does the Committee have any initial questions or comments? Hearing none. Any public comments on 69K-8.007?

Ms. Wiener – We did not think that this rule needed any changes or updates.

DRAFT

Chair Clark – Thank you, Ms. Wiener. Does the Committee believe any changes need to be made? If not, we can go through our questions.

Ms. Clay – No, we don't believe any changes are required.

Chair Clark – Thank you, Ms. Clay. Ms. Schwantes?

Ms. Schwantes – Thank you, sir. I'm hearing no changes. You're not going to repeal it, and you're not going to make any changes. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – Okay and then the answers to the next would be no updates because we're not making any changes. Again, we'll need Committee action on the recommendation.

Chair Clark – Thank you, Ms. Schwantes. Ms. Munson?

Ms. Munson – Thank you, Chair. The last section of that rule, this rule does not apply to contracts written prior to this rule's effective date. I'm not certain the relevance of that language and if the rule did, if the contract did apply to that date, is there no governance of that contract? Thank you.

Chair Clark – Thank you, Ms. Munson. Ms. Wiener?

Ms. Wiener – So, the reason that that language is there is because prior to this rule, the way that processing fees are handled, and just for the benefit of Ms. Munson and maybe non-industry Board members, a processing fee is a fee charged by cemeteries and by preneed licensees for are archiving, creating the files associated with the contract, doing the sort of administrative tasks that are associated with the creation of the contract. It's a long bin of fee that has been charged, but up until this law was enacted and then there was a rule to follow the law, what happened with those was that the fee was charged, the money would go into trust, and then the licensee would have to process a partial fulfillment of the trust and take the money out of trust. So, for contracts that were written prior to the effective date, which was in 2000, so this really is not going to be imperative, but for some reason the Division were to go back and inspect or examine contracts from prior to November of 2000, then the way that those processing fees would have lawfully been handled would have been to charge the fee, put the money into trust as a service, process a partial cancellation. So that language is not as relevant now, but I don't necessarily think it should come out because there could be an occasion where the Department is having for some reason to look back to a contract prior to 2000 for whatever reason.

DRAFT

Ms. Munson – So, we're saying that the Department and agency knows what to do with pre-2000 contracts as far as processing fees go? Because I just want to know if there was governance. Because it doesn't speak to the governance of pre-2000. And we're leaving it in rules. I was just curious. If it's fine with the Committee, I was again just pointing that out.

Chair Clark – Ms. Schwantes, I believe you've answered all the questions. We're just waiting for a motion.

MOTION: Ms. Clay moved that there be no changes. Mr. Jensen seconded the motion, which passed unanimously.

(c) Rule 69K-8.008 - Defaults on Sold or Discounted Installment Sales Contracts or Promissory Notes

Ms. Schwantes – The rule is found on Page 32 of the workbook, and written comments are found on WRW Page 30.

Chair Clark – Thank you, Ms. Schwantes. Committee, any initial questions? Hearing none, Ms. Wiener?

Ms. Wiener – This rule, from 1981, is totally inconsistent with 497.459 that governs cancellation of preneed contracts. This was an old law on canceling a cemetery preneed contract before the preneed law made its way in 1993 into Chapter 497, and we created one governing law governing all preneed contracts, whether sold by a cemetery or a funeral home. So pursuant to this rule, if someone were to try to use it, which would still be deemed invalid, on a cancellation of a preneed contract with merchandise on it sold by a cemetery, they would be able to withdraw and retain the amount paid for the merchandise. And that's not how that works at all under 497.459, and sub (1) is already contained in 497.268 that we were just looking at a few moments ago. So, this rule should be withdrawn or repealed.

Chair Clark – Thank you, Ms. Wiener. Any other public comments? Hearing none. Any questions? Go ahead, Mr. Jensen.

Mr. Jensen – Ms. Schwantes, are you in agreement with what Ms. Wiener just said, that it's a duplicate that is covered in the statutes?

Ms. Schwantes – Essentially, yes.

Ms. Munson – She said paragraph (1) is duplicative and the rest of it is inconsistent.

Ms. Wiener – Correct.

Ms. Schwantes – We're in agreement.

Mr. Jensen – Thank you, Mr. Chair.

Chair Clark – Thank you, Mr. Jensen. Well, I think the Committee is comfortable with repealing, Ms. Schwantes. We can go through the questions.

Ms. Schwantes – Thanks, sir. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory material?

DRAFT

Committee members [Unison] – Yes.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – Is it consistent with express legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – And we are not making any changes. The Committee is interested in recommending repeal. We'll need action on that.

Chair Clark – Thank you, Ms. Schwantes.

MOTION: Chair Clark moved to open the rule for repeal based on it being inconsistent with 497.459 and duplicative 497.268. Ms. Clay seconded the motion, which passed unanimously.

(d) Rule 69K-9.002 - Residential Solicitations

Ms. Schwantes – The rule is found on Page 33 of the workbook, and the written comments are on WRW Page 30.

Chair Clark – Thank you Ms. Schwantes. For the Committee, any initial questions? Hearing none. Ms. Wiener?

Ms. Wiener – The statute that is cited as being implemented does not actually exist, 497.321. It goes from 497.287 to 497.365, so that change needs to be made. Otherwise, we didn't have substantive comments about this rule or objections to it per se, but it does not implement that statute for sure. It implements 164, so that's just a Scrivener's error change kind of thing. So, I don't know the process for that. Would they have to open the rule to make that change to the law implemented section, Ms. Munson, or no?

Ms. Munson –It won't open the rule, but when they go through their questions and that's going to be considered a technical change.

Chair Clark – Thank you, Ms. Wiener. Thank you, Ms. Munson. Any other public comments? Hearing none. So, Committee, Ms. Wiener has not recommended any substantive changes, just a technical change. Are we good with that or any other thoughts?

Mr. Jensen – I'm good.

Ms. Clay – Mr. Chair?

Chair Clark – Go ahead, Ms. Clay.

Ms. Clay – Just wanting clarification on what the next step would be. So, because there are changes, but they're technical, do we not make the motion inclusive of that? Or do we just motion for the no changes?

Chair Clark – Great question. We'll go through the question and note a technical change and then we'll entertain a motion as such. It will be a change. Ms. Munson?

Ms. Munson – I just had a question about the language in the rule, just for my personal information.

Chair Clark – Ms. Clay, did that answer your question?

DRAFT

Ms. Clay – Yes, thank you.

Chair Clark – Okay, thank you. Ms. Munson?

Ms. Munson – This may have been addressed by statute that I just was not aware. The subsection (2) that the hours of after the hours of 9 p.m., and before 9 a.m.?

Ms. Wiener – That is not in the law, but that's what the rule is doing was, you know, building out those parameters for no solicitation.

Ms. Munson – It's just because it's kind of arbitrary, but I want to make sure that because it was done a while ago, that is still the mindset of what this body feels is important.

Ms. Wiener – Neither we nor any of our members that we've heard from or people looking at these had any complaint with that. This rule has been in place, as you can see, since '86 and amended in '03. I mean, it's just a well-established part of every funeral director's world. So, we didn't see any reason to make a change there.

Ms. Munson – Just bringing it to the Committee's attention. I appreciate the industry's input.

Ms. Schwantes – Absolutely.

Chair Clark – Thank you, Ms. Munson. Ms. Schwantes?

Ms. Schwantes – We do not want to repeal it, correct?

Chair Clark – We do not want to repeal, we would like to make a technical change, yes.

Ms. Schwantes – Okay, I'm going to mark it as a change. It will not be open for development necessarily, but it'll be noted as a technical change, but I still have to go through the rest of the question. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – We want a technical update, correct? Not a substantive update.

Committee members [Unison] – Correct.

DRAFT

Ms. Schwantes – Then we just need Committee action on the recommendation, and that would be the change for a technical update.

Ms. Wiener – To strike 497 321, the reference to that non-existent law.

Ms. Clay – Mr. Chair, just for clarification, we are going to move to not change the rule, but address the technical issues associated with it?

Chair Clark – Well, we did mark it as a change, but it's not open for development for substantive changes, just the technical updates. Go ahead, Ms. Munson.

Ms. Munson – I was just going to say that you can probably do a motion say that we move that we only make a technical change by deleting that statute 497.321. That the body moves solely for a technical change to remove 497.321 as law implemented.

MOTION: Ms. Clay moved solely for a technical change to remove 497.321 as law implemented. Chair Clark seconded the motion, which passed unanimously.

(e) Rule 69K-9.003 - Solicitation in Healthcare Facilities

Ms. Schwantes – The rule is found on Page 34 of the workbook with the written comments found on WRW Page 31.

Chair Clark – Thank you, Ms. Schwantes. Committee, any initial questions? Hearing none. Ms. Wiener?

Ms. Wiener – Yes, thank you. We thought that the definition of health care facilities in number (1) should be expanded to include hospices and palliative care facilities, which is how the rule is interpreted at this point, but there were no such things as hospice facilities when this law was new, probably, or there might have been, but they weren't prolific like they are now.

Chair Clark – Thank you, Ms. Wiener. Any other public comments? Go ahead, Ms. Munson.

Ms. Munson – What's a palliative care facility? What does it include?

Ms. Wiener – Hospices. So, there are licensed hospices and then there are hospice houses, and I believe palliative care facility is defined in…Let me find the reference to it for you.

Ms. Clay – I believe it also includes home care under those facilities.

Ms. Munson – So, I'm wondering, are you asking the Committee to consider replacing… What is the language that you're suggesting?

Ms. Wiener – That in subsection (1), for the purposes of the rule, healthcare facilities shall include hospitals, nursing homes, hospice facilities and palliative care facilities.

Ms. Munson – The palliative care is a part of hospice or hospice is a part of palliative care so that's duplicative.

Ms. Wiener – Well, yes.

Mr. Jensen – Well, not necessarily. I could probably help you out that. The hospice, Ms. Munson, is an organized facility {inaudible. When she refers to a palliative care house, it's mainly volunteers where people can get some palliative care that, you know, even though a lot of hospices don't charge for it, a lot of places do not want, you know, a brand name hospice coming to give them palliative care. I even think we should also include, I do like the definition, adding that to the definition, we should also include any assisted living facilities of any kind in that

definition because, you know, just saying hospitals and nursing homes really doesn't cover what some of the issues are because, and I think this is aimed at keeping people from making contracts with a big hospice provider saying we'll give you this or we'll kick back this or something if you tell everybody about us. Most hospices operate under the premise that there's a list of funeral homes and here's your choices, but if I were you, I would maybe choose this one. And I think that's what this is aimed at stopping.

Ms. Wiener – I would say this rule actually doesn't address that. That's more what Mr. Grabowski's rule that we've tabled until December is going to touch. This literally is funeral homes can't call into patient rooms in hospitals or nursing homes. I think there may be issues around assisted living facilities because at assisted living facilities, some people are totally of their right mind and are able to make contracts and others are not. So that might be a bridge too far. Certainly, I think you could include memory care facilities in this definition. We just wanted to start this conversation because, at a minimum, it should include hospices. I'm not finding an actual definition of palliative care facility. So, I think what Ms. Munson is going to say is that If we say palliative care facility, JAPC is going to kick it back and go, no, no, no, there's not really any such thing. So, we might have to be satisfied by including hospice facilities, which are recognized and licensed under law. And we could also certainly include memory care facilities, which is another statutorily recognized term.

Chair Clark – Thank you, Ms. Wiener. And just a reminder, the purpose for now is whether we want to open it or not. But I think the discussion is helpful because we will be asking for feedback on language. Ms. Munson?

Ms. Munson – And to that point, when you give that more detailed consideration, I just want you to understand and consider playing with the wording of it as well, because it says shall include. It does not say exclude. So, it opens it up to say, it can be a lot of stuff, including these. That's the way that language reads. So, I don't know what issues may be occurring in the industry where it needs to be more definitive, but just by the way it reads, it does not exclude palliative care, hospice, memory. None of that's excluded, but I don't know what's going on to make it feel like it should be highlighted. I'm not sure, but that's just for consideration when you go into detail, because when you right listing, you're going to leave stuff off the list as well.

Ms. Wiener – Ms. Munson, I would say if I'm reading this rule, I would say it includes hospitals and nursing homes period. If I wanted to read it the way that you are saying, which may be the answer to the question, it would say for purpose of this rule, healthcare facilities include but are not limited to hospitals and nursing homes. And then I think you have an argument that the definition is broader. But to Mr. Clark's point, I think the Committee should vote to open this rule for a substantive change because it will need substantive attention. And we can work with our associations and with our clients to try and help bring additional clarity here. That's why the comments on these are not in line word for word comments because we knew the exercise was open, don't open. So that's why we are opening for discussion rather than trying to wordsmith every one of these.

Chair Clark – Thank you, Ms. Wiener. We appreciate that. This is helpful. Mr. Jensen, did you have another comment?

Mr. Jensen – Yes. Just for maybe Ms. Wiener, when she does her comments down the road, I think we should add in there, unless invited in by the family. I've made arrangements in hospice facilities and assisted living facilities when the families ask me to come in and make arrangements.

Ms. Wiener – That's already covered, Mr. Jensen, in (3).

Mr. Jensen – Yes, I just wanted to make sure.

Ms. Wiener – Oh, yes, I think you're totally covered, and I have advised many clients on that, because if the family calls you to the hospice and says, come over and let's make arrangements, I mean, of course you're invited, and that's not in violation of this rule or the law.

Mr. Jensen – Okay, yes, I just wanted to make sure that was clear. I didn't want to go too far, but I understand the

meaning of this rule with what we're trying to keep out.

Chair Clark – Thank you, Mr. Jensen, Ms. Clay, did you have a question?

Ms. Clay – I was just wanting to ask Ms. Wiener the rationale for including the palliative care because the hospice care as we know is for kind of end of life. Palliative care is used just for, it can be at any phase of life, just someone with an illness that has continuous pain. And so, it would include like pain management, but it can be any age in any stage of life during a serious illness. So, a child born with cancer perhaps has to have continuous treatment. So just trying to figure out the inclusion of palliative care.

Ms. Wiener – That was not my phrasing, but we'll dig deeper into this because you do make a great point. The end of life discussions may not even be part of the consideration in certain situations. I don't think palliative care is going to make the cut anyway because as we were saying, Ms. Munson is going to say that's not a statutorily recognized term so you can't have it, so.

Chair Clark – Thank you, Ms. Wiener. Ms. Clay, anything else?

Ms. Clay – No.

Chair Clark – Okay, thank you. Ms. Schwantes, we can go through the questions, I believe.

Ms. Schwantes – Thank you, sir. I'm hearing that the Committee wants to recommend a change. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – And I believe that the Committee is recommending a substantive update, not a technical update.

Committee members [Unison] – Correct.

Ms. Schwantes – Committee action is needed on the recommendation to open for development.

MOTION: Ms. Clay moved to open the rule for development due to potential substantive changes. Chair Clark seconded the motion, which passed unanimously.

(f) Rule 69K-12.001 - Installation of Monuments

DRAFT

Ms. Schwantes – The rule is found on Page 36 of the workbook and written comments from WRW are found on Page 31, at the very bottom of the page going into the next page.

Chair Clark – Thank you. Ms. Wiener?

Ms. Wiener – We could discuss this rule for at least an hour or more. I think if you take a look at what we have highlighted and the additions suggested by the associations, this rule needs attention. It's old. I can't tell you how many times every month I answer questions from cemeteries about installing monuments, monuments from third parties, monuments we sell ourselves. What can we do? What can we not do? The rule is there, but it is not clear. It doesn't give clear guidance. And the associations certainly think it needs attention. There is some language that's directly duplicative to the statute and ultimately there's additional language that we think goes beyond what is required in the law with regard to what the cemetery has to do and what it doesn't have to do. Without using any more words, we all recommend that this rule be opened for substantive consideration.

Chair Clark – Thank you, Ms. Wiener. Any other public comments? Hearing none. For the Committee, any thoughts, questions, comments?

Mr. Jensen – Question for Ms. Wiener.

Chair Clark – Go ahead, Mr. Jensen.

Mr. Jensen – Ms. Wiener, on number (11) in this rule, you've got it duplicates the language in 497.278. I just wanted to make sure that because it looks like the event that it would keep some small time monument dealers out of, you know, big perpetual care cemeteries, you know, having to have all this stuff, and you're saying take the stuff out? I'm a little confused.

Ms. Wiener – I am saying that in the statute, it already says in subsection (3) of 278, a cemetery company may require any person or firm that delivers, installs, or sets to show proof of liability coverage and if required workers comp. However, a cemetery company may not set liability insurance coverage limits or require any person to obtain any form of bond surety or make a form of pledge deposit monetary guarantee as a condition. Subsection (11) is already covered in the statute.

Mr. Jensen – Well, that's my question because in the rule it says a cemetery shall not require and what you just said is a cemetery can require. So that's where I'm having a little issue there and you're wanting to delete a cemetery shall not require. Page 34 of your notes is where I'm reading this.

Ms. Wiener – Oh, I see. You are correct. The law says that you can require proof of liability insurance coverage. You cannot require a bond or a surety. You cannot require any form of pledge or deposit or a monetary guarantee, but you're correct. You can require liability insurance And that may have been a change that came after this rule was last amended. I see the last update to the statute was in 2010. The last time this rule was amended is 2009. And you just further make our argument that this needs substantive attention here. So, you're absolutely right. It just needs attention.

Chair Clark – Did you have any other question, Mr. Jensen?

Mr. Jensen – No, sir. I think the wording needs to be looked at a little closer. Thank you.

Chair Clark – Thank you, sir. Ms. Munson?

Ms. Munson – So, it may or may not be a good time to mention this. I don't know when we're actually going to start looking at the rule languages. I don't know if that's December or not.

Ms. Schwantes – Possibly December, possibly after January. We have to have the language submitted by April 1st.

Ms. Munson – So if in December, just like FYI, I'm not going to be at the December meeting because I'm going to be on leave and there's going to be another attorney here. So, when you all are going through detailed consideration as to how to look at the changes in the language, I'm just going to just leave this just as a big flat landscape for consideration, even with the repeals, even with, if you hear statements that this is covered by statute. When you see the law implemented sections of these, that law implemented section says that that is the statutory basis that we get to use the language that we've used in the rule, and sometimes it will be a little repetitive. That's why the question in this comprehensive rules' analysis asks if it repeat or paraphrase statute. It's kind of a quirky question because a lot of the rules indeed do that. So, you can actually have just statutes on the book and may not need any rules because it's all by statute. But the reason these rules sometimes are put in place the way they are is they take a section of this statute and a section of this statute because it's kind of a holistic concept based on the title of the rule, so that when somebody has a question about that topic, they can go to a rule and pull from that rule to see how to govern that conduct. And they're pulling from the words in the statute. So, I don't want there to be just an overreaching thought that it's already stated in another statute, so you don't need it in this rule as a basis to necessarily rid yourself of a rule. The purpose is to clean up a rule if it doesn't mirror the statute, but if a person has a question about how to handle a certain topic, there's a rule by its title that tells you what to do, and the language that gives them authority to use that language in the rule comes from the language they're pulling from statute. And that's just such a general statement, but I want that to be a clear understanding, and it's not just black and white. It's stated in statute, so you don't need to state it in a rule. You're going to have different parts of statutes indicated in one rule because they pull from different statutes to cover a topic in a rule. And I just wanted to clarify that. If I'm not here in December, I don't want us to say, oh, well, it's in this statute so you could take it out of this rule because then it might not give the public a basis of legal understanding of how they should operate with a certain topic that they may I've had a better basis of understanding this. And it was just a very general statement. And I thank the Committee for indulging me because you'll going to be looking at this in more detail, possibly.

Chair Clark – Thank you Ms. Munson. I have a quick question. So is it possible, I don't, I think for this rule, I agree with Mr. Jensen, at least for the purpose of today's meeting, we open it, and then we'll come back and revisit it. But are you state what you just said, it's possible that we could say, no change, but when we get to whether it reiterates or paraphrase, we say yes. Is that correct?

Ms. Munson – Yes, but it looks like you all are going to change the way some of this is worded. So, it looks like you're asking for substantive changes.

Chair Clark – If we were on a different rule is it possible that the Committee say no change, but when we get to that question, we say yes? Is that a possible scenario?

Ms. Munson – Yes, but it's unlikely.

Chair Clark – Okay, I just want to make sure. Thank you so much. That was helpful.

Ms. Wiener – This is a great example of exactly what Miss Munson said. The law on the installation of monuments doesn't have a ton of meat on the bones and so we need a good comprehensive rule because it is not well understood by cemeteries or by third-party monument sellers.

Chair Clark – Thank you, Ms. Wiener. Ms. Schwantes?

Ms. Schwantes – Just as a reminder to the Committee, too, that when we do go back, even if we open it to development and we go back through, we could decide at that time we want to repeal it. We could decide at that time that certain provisions need to be changed and others not. I mean, it's wide open. All we're saying is look at it in more detail when we say open for development.

Chair Clark – Yes, thank you, Ms. Schwantes. I believe, based on Mr. Jensen's comments and my comments, we can go through the questions, which is we do want to open the rule up for change.

DRAFT

Ms. Schwantes – Thank you, sir. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory material?

Chair Clark – Yes, some, not all.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – Is it consistent with express legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – And we're looking at a substantive update?

Chair Clark – Correct.

Ms. Schwantes – We need Committee action.

Mr. Jensen – Mr. Chair?

Chair Clark – Yes, sir?

Mr. Jensen – Quick question. Does it paraphrase the legislative intent? The rule says something different than the than the legislative intent.

Ms. Schwantes – Is it consistent with legislative intent is the question.

Ms. Wiener – Not right now.

Mr. Jensen – Not right now. No. I think we answered yes. So, I just have a question about that.

Chair Clark – Is that based on the law saying may and the rule saying shall?

Mr. Jensen – Well yes. The rule says the cemetery shall not and the law says it may.

Ms. Wiener – That's correct.

Mr. Jensen – Yes that's a that's a little different.

Chair Clark – Ms. Munson, I know that's one small piece of that whole rule. What's your guidance.

Ms. Munson – Because these questions are what they are, I think you would have to say it's not consistent, and that's going to be the basis why you feel there's a need for a substantive change.

Mr. Jensen – Mr. Chair, that's what I was getting at because we answered yes to that question. And I think that

DRAFT

answer should be no for purposes of going forward.

Chair Clark – I'm comfortable with that. Ms. Schwantes?

Ms. Schwantes – I've made that change.

Chair Clark – Thank you. Mr. Jensen, would you like to make a motion?

MOTION: Mr. Jensen moved to open the rule for development for substantive change. Chair Clark seconded the motion, which passed unanimously.

(g) Rule 69K-12.004 - Cancellation of Monument Establishment Retail Sales Agreements and Refunds

Ms. Schwantes – The rule is found on Page 38 of the workbook, and written comments are found on WRW Page 34. Ms. Wiener did not provide comments. She just provided a copy of the rule.

Chair Clark – Thank you Ms. Schwantes. Any other public comments? Hearing none. For the Committee? I don't see any changes, but I am certainly open to discussion.

Ms. Wiener – I didn't have any to propose.

Chair Clark – Ms. Schwantes, I think the Committee's comfortable with no change. Ms. Schwantes?

Ms. Schwantes – Thank you. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – And we don't want any updates. We need Committee action on the recommendation for no change.

MOTION: Ms. Clay moved that there be no changes. Mr. Jensen seconded the motion, which passed unanimously.

(h) Rule 69K-12.005 - Requirements for Monument Establishment Retail Sales Agreements

Ms. Schwantes – The rule is found on Page 40 of your workbook, and WRW had no written comments, but you'll find the rule on Page 34 of the WRW document.

Chair Clark – Thank you, Ms. Schwantes. Any public comments? Hearing none. For the Committee, any questions,

DRAFT

thoughts? I don't see anything that needs to be changed.

Mr. Jensen – I'm good with it also, Mr. Chair.

Chair Clark – Thank you, Mr. Jensen. Ms. Schwantes?

Ms. Schwantes – I'm hearing no change.

Committee members [Unison] – Correct.

Ms. Schwantes – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – No updates, so Committee action would be appropriate.

MOTION: Mr. Jensen moved that there be no changes. Chair Clark seconded the motion, which passed unanimously.

(i) Rule 69K-12.011 - Annual Inspection Fees for Monument Establishments

Ms. Schwantes – The rule is found on Page 43 of your workbook, and there were no written comments proposed, but you'll find the rule on Page 37 of the WRW document.

Chair Clark – Thank you, Ms. Schwantes. Any public comments? Hearing none. It's probably the shortest rule I think we've reviewed. One sentence. I say no change. Committee, what do you think?

Mr. Jensen – Agree.

Ms. Clay – I agree.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

DRAFT

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – And we're recommending no changes.

Committee members [Unison] – Correct.

Ms. Schwantes – Committee action would be appropriate.

MOTION: Ms. Clay moved that there be no changes. Mr. Jensen seconded the motion, which passed unanimously.

(j) Rule 69K-16.0001- State Examination for Funeral Industry Professionals

Ms. Schwantes – The rule is found on Page 44 of the workbook, and the written comments are found on Page 37 of the WRW document.

Chair Clark – Thank you, Ms. Schwantes. Ms. Wiener?

Ms. Wiener – So the notation here was that this should be open for discussion for consideration of separating funeral director from embalmer. I know that there is concern about the way that if you are going to be an embalmer only, laws and rules contains a lot of information that is in no way relevant to being an embalmer. And likewise, the funeral director applicants often are not required to know certain of the things that would also be on laws and rules. So, this was just a note that it is possible that this could be open for discussion on whether we're changing rules, now is the time. I haven't had clients approach me directly that have felt a super strong particular way about this, but if Mr. Grabowski wants to come on or Mr. Beckham is here, who I know is obviously highly involved with applicants getting ready to be licensed, someone other than I may have another more specific view, but our collective comment was, should this be opened for a substantive change to contemplate whether laws and rules should be different for funeral director only or embalmer only versus funeral director and embalmer?

Chair Clark – Thank you, Ms. Wiener. Ms. Schwantes?

Ms. Schwantes – Yes, I'd like some clarification on that, please. Are you suggesting that the embalmers would not need to take the Florida Laws and Rules exam because that would require statutory changes? Or are you suggesting that we would have to have two (2) separate types of exams?

Ms. Wiener – The thought was that perhaps we would be better served if there were two (2) types of examinations for these two (2) separate kinds of applicants. Again, as I said, I don't have clients that feel super strongly about this topic, but when Mr. Grabowski and Ms. Coney and I were discussing, we especially, I don't think Lisa is on today. I think she had a conflict, but I know that she sometimes has applicants that are faced with a lot of content on laws and rules actually doesn't have anything whatsoever to do with practicing funeral directing or being an embalmer. It's a

DRAFT

lot of technical stuff from Chapter 497. And so, the question was, should there be separate Laws and Rules exams, one (1) for funeral directors, one (1) for embalmers?

Chair Clark – Thank you, Ms. Wiener. Ms. Schwantes, does that answer your question?

Ms. Schwantes – It did.

Chair Clark – Thank you. Mr. Jensen?

Mr. Jensen – So I understand what Ms. Wiener is saying, but as the exams are not likely to be changed anytime soon, this rule covers the current exams that we have in our industry. So there really is no need for change here that I can see. But that's just my two (2) cents.

Chair Clark – Yes, and I heard there may be some others on this call that have more feedback because I think there's some value in understanding, you know, everything within the statutes, whether you're just licensed as one or the other, but I don't know if there's anyone else. Any other public comments on 69K-16.001? Mr. Grabowski?

Mr. Luke Grabowski – Good afternoon. This isn't something we've really discussed thoroughly as an association, but as Miss Wiener said, I think it might warrant a discussion to see if maybe perhaps two (2) separate exams makes more sense. But I'd also kind of be curious to see what Mr. Beckham has to say as well.

Chair Clark – While we're waiting for Mr. Beckham, Mr. Jensen, the last time we did this, there were rules that we opened at this stage and then later said no, no change. So, I just mentioned it as an option to maybe get more feedback, but as of right I do agree with you, unless there's some compelling evidence of changing it, but again, we could open it and then decide no change. So, any other public comments, Ms. Munson?

Ms. Munson – For the purposes of what this Committee is charged to do today with this rules review, when you go through those questions, if those questions don't warrant you to open it, this is not the time to consider opening it, just for basic understanding. Like these rules exist, if they exist in good form and you decide to open it later, you know you can open the rule at any time. But this is not the discussion to open a rule, to open a rule, to investigate. I mean, unless you see there's no statutory authority, it doesn't make sense, the language is wrong. Those are what questions the Director is taking you through. That's the basis of your decision-making or should be.

Chair Clark – That's a great point, Ms. Munson, Ms. Schwantes?

Ms. Schwantes – Thanks, sir. The Department at this point would recommend no change on this rule. And that is primarily because we think that in-depth discussion of these issues is really going to lead to legislative changes. We're not agreeing that a review or consideration needs to be done at some point, but not now.

Chair Clark – Based on that, Ms. Schwantes, I would recommend no change. Committee, are you comfortable with it?

Ms. Clay – I am.

Mr. Jensen – Yes. Mr. Clark, just so you know, I heard from Mr. Beckham before the call. He's having computer issues coming off mute. So just for reference.

Chair Clark – Thank you, Mr. Jensen.

Ms. Schwantes – Mr. Beckham, if you log off and try logging back in again it might help with that. It's not a guarantee but it does help sometimes when we have computer issues. I'm hearing no change. I'll go through the questions. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – And the other answers would be no for any updates and would need Committee action on the recommendation for no change.

MOTION: Ms. Clay moved that there be no changes. Mr. Jensen seconded the motion, which passed unanimously.

(k) Rule 69K-16.001 - Examination for Embalmer Applicants

Ms. Schwantes – The rule is found on Page 45 of the workbook. Written comments from WRW are found on Page 38 of that document. The rule actually is there, but there were no comments provided.

Ms. Wiener – Correct.

Chair Clark – Thank you, Ms. Schwantes. Any public comments? Hearing none. Committee, is there a recommendation?

Ms. Clay – I recommend no change.

Chair Clark – I agree. Ms. Schwantes?

Ms. Schwantes – Thank you. I'm hearing no change. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

DRAFT

Committee members [Unison] – Yes.

Ms. Schwantes – And there would be no updates. Committee action would be needed on the recommendation for no change.

MOTION: Ms. Clay moved that there be no changes. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you, sir.

(l) Rule 69K-16.002 - Examination for Funeral Director Applicants

Ms. Schwantes – The rule is found on Page 47 of the workbook with the written comments on the WRW document Page 39. And again, there are no comments on this, but a copy of the rule has been provided.

Chair Clark – Any public comments? Hearing none. Committee, any comments, questions?

Mr. Jensen – Just a question, Mr. Chair. This rule seems to mirror the one that we did two times ago. Is there something different here?

Chair Clark – Well, the other one I think was the Laws and Rules, this has to do with National Board.

Mr. Jensen – Okay.

Ms. Wiener – That's correct. This one and the last one are both about the National Boards.

Mr. Jensen – I'm good with no change.

Chair Clark – I am, as well. Ms. Schwantes?

Ms. Schwantes – Thank you, sir. I'm hearing no change. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – There would be no updates. The Committee action is needed on the recommendation for no change.

MOTION: Ms. Clay moved that there be no changes. Mr. Jensen seconded the motion, which passed unanimously.

DRAFT

(m) Rule 69K-16.004- Examination for Licensure by Endorsement

Ms. Schwantes – The rule is found on Page 48 of the workbook with the written comments found on Page 39 of the WRW document. And again, they have provided a copy of the rule with no comments on that.

Chair Clark – Thank you, Ms. Schwantes. Any public comments? Hearing none. Committee, any comments, thoughts?

Mr. Jensen – No change.

Chair Clark – I agree. Ms. Schwantes?

Ms. Schwantes – Thank you, sir. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – There are no updates. Committee action would be needed on the recommendation for no change.

MOTION: Chair Clark moved that there be no changes. Ms. Clay seconded the motion, which passed unanimously.

(n) Rule 69K-16.005- Reexaminations

Ms. Schwantes – The rule is found on Page 49 of the workbook and again no comments were provided by WRW, but you'll find the rule on Page 39 of that document.

Chair Clark – Thank you, Ms. Schwantes. Any public comments? Hearing none. Committee?

Mr. Jensen – No change needed.

Ms. Clay – I agree.

Chair Clark – I agree, Ms. Schwantes.

Ms. Schwantes – Thank you, sir. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

DRAFT

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – Recommendation is for no updates, and Committee action is needed on the recommendation for no change.

MOTION: Ms. Clay moved that there be no changes. Mr. Jensen seconded the motion, which passed unanimously.

(o) Rule 69K-22.004 - Operating Procedures

Ms. Schwantes – The rule is found on Page 50 of the workbook. There were no comments from WRW, but the rule is cited on Page 40 of the WRW document.

Chair Clark – Any comments? Hearing none. For the Committee?

Ms. Clay – I'm fine with no changes.

Chair Clark – I agree. Ms. Schwantes?

Ms. Schwantes – Thank you, sir. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – There would be no updates. Committee action is needed for the recommendation of no change.

DRAFT

Mr. Jensen – I do have one quick question, if I may.

Chair Clark – Sure.

Mr. Jensen – Is this a proper time to talk about how this rule interacts with DEP or EPA or no? What I'm getting at there is I get a lot of DEP complaints at my crematory basically because the container gives off black smoke as mandated by the rules and laws, but the DEP does not understand that. So, I'm just wondering at what point can the state maybe coordinate with the DEP since there's two state agencies to let them know that hey the container is going to give off black smoke in the beginning. I don't know if that's a problem for anybody else. But I've faced that problem several times. Miss Wiener, do you have any clients that have that issue with the DEP or EPA?

Ms. Wiener – Every now and again we get an inquiry from DEP but somebody you're cremating for is not using good stuff. I mean I don't get that a lot. I'm heading to New York in a week and a half to teach the crematory operator certification program and there we talk a lot with New York about this particular matter and the black smoke and things of that nature. And that's not really a problem there either. So, and I don't know how that could be accomplished in a rule for the division either, but it's a great question.

Mr. Jensen – Yes, I don't know either. I just know that not only myself, but I do know of other crematories in the panhandle that may get the same issue from neighbors saying, oh, I see black smoke. And it's completely unavoidable, but there's a law out there that you've got a minute and a half that it can have black smoke without having a problem. My issue is the DEP or EPA does not know this. So, I don't know where you can address that or how to be addressed, but it just seems to create a little bit of issues for some places.

Ms. Wiener – Chris, call me after and we'll take a look and see if we can help you with this issue.

Mr. Jensen – Yes, I get, I'm located on some major thoroughfares, and the DEP will call me and say, well, somebody was riding down the interstate and saw black smoke at your facility. And I'm like, well, you got a minute and a half legally that it can black smoke. And so, I don't know. We're not doing anything wrong, but it's just for a minute. It's not even that long, maybe fifteen (15) seconds. But the container's causing that.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Mr. Chair, it's just that this is not anything that can be addressed in all this.

Mr. Jensen – I didn't understand what she said.

Chair Clark – I think she was advising that it wouldn't be appropriate to try to address that through rules.

Mr. Jensen – Yes, I don't know how to address it that's what I'm saying and thank you.

Chair Clark – I'm talking about you don't get calls and then they have to follow up, and I know what you mean.

MOTION: Chair Clark moved that there be no changes. Mr. Jensen seconded the motion, which passed unanimously.

Chair Clark – Ms. Schwantes, I know we have two (2) more, but why don't we take a quick ten (10) minute break and then we'll come back and finish the agenda.

Ms. Schwantes – Sure.

Chair Clark – We'll be back at 11:40. Thank you.

**********BREAK**********

Chair Clark – It's 11:40 and I'll call the meeting back to order. Ms. Schwantes?

Ms. Schwantes – Thank you, sir.

(p) Rule 69K-24.034 - Operating Procedures for Refrigeration Services

Ms. Schwantes – The rule is found on Page 52 of the workbook, and there were no written comments from WRW, but the rule is on Page 40 of that document.

Chair Clark – Thank you, Ms. Schwantes. Any public comments? Hearing none. Committee, any comments, questions?

Ms. Clay – I have no comments or questions.

Chair Clark – Yes, I don't see any changes. Mr. Jensen, are you good?

Mr. Jensen – Yes, sir. I'm good. Thank you.

Chair Clark – Thank you. Ms. Schwantes?

Ms. Schwantes – Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – And no updates to it. Committee action will be on the recommendation of no change.

MOTION: Mr. Jensen moved that there be no changes. Ms. Clay seconded the motion, which passed unanimously.

(q) Rule 69K-33.001 - Requirements Regarding Handling and Storing of Human Remains

Ms. Schwantes – The rule is found on Page 53 of the workbook and there are written comments received from WRW found on Page 41 of that document.

Chair Clark – Ms. Wiener?

Ms. Wiener – Thank you. This is a rule that addresses a problem in Florida. We live in Florida. We open the cooler door in the summer. Refrigeration gets about forty (40) degrees. For a while, it was a basis for a lot of discipline that

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we saw. There have been lots of comments from Board members made over time about the way that this rule works and the lack of any leeway that it has built into it. And so, the associations recommended that this rule be open to address refrigeration related issues. At a minimum, including, you know, some kind of exception for a limited amount of time or whatever the industry ends up coming up with related to, you know, if your cooler is down and do you have leeway and what proof do you need? And if you have on-site refrigeration but it is not operating because you don't utilize refrigeration onsite, licensees are still getting from time to time disciplined or at least written up. I don't know that it has come all the way to discipline, but it has licensees have been written up for on-site refrigeration that was off when they don't have any decedents in their care, even though this rule says human remains shall be refrigerated at forty (40) degrees or below. And so, this is the rule that would contemplate the kinds of issues that I think we could address with regard to this issue.

Chair Clark – Thank you, Ms. Wiener. Any other public comments? Hearing none. Ms. Wiener did reference Board members who have been pretty vocal about this. I am one of those, so, I would like to open it up just for further discussion. Ms. Wiener, you mentioned this used to come up a lot. I haven't seen it in a while, but I think for purposes of the Rules Committee, I would recommend opening it up. Again, just take the next step of getting some maybe proposed language for us to discuss and react to. Committee members, I don't know how you feel. Are you okay with that?

Mr. Jensen – For myself, I would definitely agree with the temperature thing needs to be looked at. I do have a question for Ms. Wiener on Page 42. The strikeouts that you have there. I'm wondering what is your, because I can see where it might be necessary for an embalmer or funeral director embalmer to have to do something that is out of the purview of say an insect person or something like that. So, I don't know if those need to be stricken. I'd like to hear what you say about that.

Ms. Wiener – Our concern was that the way the language is written, it is fairly broad. Maybe as a profession, we decide that that needs to stay in there. The law does not require that the treatment be by a funeral director, an embalmer or an embalmer or an intern or apprentice of same. So, it goes beyond statutory authority. But again, our primary goal here was to open this rule and have further substantive discussion by participants in the industry. And once this process has concluded and Ms. Schwantes delivers out the list of rules that she's seeking comments on, then we will come back with much more substantive comments and the rationale for those comments.

Mr. Jensen – All right. Thank you.

Chair Clark – Thank you, Mr. Jensen. Ms. Munson?

Ms. Munson – Just a comment. When you guys go through these questions that Director Schwantes is going to go over, it might be consistent if you have a basis for opening it up. Like we said, we didn't have before. So, if you're going to think something is too vague or something, I think that's one of the questions, you'll answer yes, and then you're going to have substantive changes or something. Because I think she's asking those questions directly. And those questions are there to kind of provide the foundation as to what these changes are to support the repeal, technical, substantive or no change decision-making that the Committee is going through.

Chair Clark – So, which question? Consistent with express legislative intent?

Ms. Munson – Let me go back, I haven't been focusing on the questions per se, so.

Chair Clark – I feel like it's consistent. It may need a substantive update.

Ms. Schwantes – And that would probably be satisfactory.

Chair Clark – Okay. Just want to make sure. I think we are good.

Ms. Munson – Yes, that's fine. I'm looking at these and beyond these questions, there's that five (5) page

questionnaire for each rule. And I think it's that five-page questionnaire that I'm about that has those additional questions on them, because that's what they're also going to have to answer on each of these rules as well to support why you ended up where you ended up.

Ms. Schwantes – But there is more detail that we would go through.

Ms. Munson – It is a more detailed layer than this.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Thank you, sir. I'm hearing that there's a change needed, so it will not be repealed, because we're going to mark change. Is the rule a valid exercise of delegated legislative authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it have current statutory authority?

Committee members [Unison] – Yes.

Ms. Schwantes – Does it reiterate or paraphrase statutory materials?

Committee members [Unison] – No.

Ms. Schwantes – Is it in proper form?

Committee members [Unison] – Yes.

Ms. Schwantes – And is it consistent with expressed legislative intent?

Committee members [Unison] – Yes.

Ms. Schwantes – And you're wanting a substantive update. And so, Committee action would be needed on the recommendation to open for development.

Chair Clark – Thank you.

MOTION: Chair Clark moved to open the rule for development for possible substantive update. Ms. Clay seconded the motion, which passed unanimously.

Chair Clark – Ms. Schwantes, if my math is right, I have four (4) for change, eleven (11) no change, and two (2) repeal.

Ms. Schwantes – Actually, I am looking at all thirty-five (35) rules, and just to give you a summary, we have six (6) repeal, ten (10) open for development. Included in that open development is the one (1) we're saying only for technical change.

Chair Clark – Okay.

Ms. Schwantes – I'm just categorizing it right now and no change are nineteen (19). That's over thirty-five (35) from the two (2) meetings. The goal would be, so that we have the minutes available at the same time, to provide a joint report on the September meeting and today's meeting, and the minutes. You've already approved the minutes from September 25th, and we will present them to December Board along with the minutes from today's meeting. It gives us a little bit more time to put some stuff together for purposes of the Board review. And if we're at the December

meeting and the Board approves things then we have what we need for the January 1st report on the Annual Rule Review. I want to thank you guys. This finishes the Committee's activities on the initial rule review for 2026 and going forward when we look at the ones that are open for development, assuming Board approval, I will probably be removing the tables from those workbooks so that we don't have to focus on that anymore because our focus will be done as soon as we file that January 1st Report. Any questions on this part of today's meeting or the process?

Chair Clark – Ms. Wiener, do you have a question?

Ms. Wiener – Yes, so on the nine (9) that need substantive proposals from the profession when would you anticipate releasing the list of those? Or can you just shoot me a list sometime in the next week or so? And then when would you anticipate those comments would be due back?

Ms. Schwantes – For the beginning part of your question, if you'd like, and this is up to the Chair, I can go through those rules right now.

Ms. Wiener – That'd be amazing.

Chair Clark – If you'd like.

Ms. Schwantes – I'm going to include that one (1) for technical changes. 69K-7.017, and these are the ones that are open for development, 69K-8.003, the one that we said change for technical is 69K-9.002, open for development 69K-9.003. 69K-12.001, 69K-33.001, and then most of the Shared Rules that we talked about last month, 69K-18.001, 69K-18.002, 69K-18.003 and 69K-18.004. Did I come up with ten (10) total there, including the technical?

Ms. Wiener – I think so, but aren't we about to do those last four (4)?

Ms. Schwantes – For purposes of the Annual Review, the four (4) were reviewed last month and open for development. What we'll be talking about next are the two (2) that we indicated need to be changed as a result of Senate Bill 598. And since we have some proposed wording on those, we may actually be a little bit further along in terms of those two (2) as we get closer to January 1st, but we would also want to be looking at the other two (2) as well. My thinking is that it really depends on the Committee, what the Committee wants to do, but I would think probably we would not want to look at substantive language until December.

Chair Clark – That's what I was thinking. Ms. Manson?

Ms. Munson – And even though you listed rules that were open for development, please know technically all rules that are recommended for repeal are also open for the development.

Ms. Schwantes – Thank you. I did not list those, but there were six (6) of them total.

Chair Clark – Thank you, Ms. Munson. Committee and Ms. Wiener, addressing this in December, would that give you enough time Ms. Wiener?

Ms. Wiener – Oh yes, absolutely. Ms. Schwantes, when would you expect our comments?

Ms. Schwantes – Beginning of December at the latest. Okay?

Ms. Wiener – Sure. So, I'm going to target to get them to you before Thanksgiving break.

Ms. Schwantes – And that would be great.

Ms. Wiener – Yes, we'll make sure that happens Friday before Thanksgiving.

DRAFT

Chair Clark – Mr. Jensen and Ms. Clay, are you okay with the fact that we'll get the proposed language in December?

Ms. Clay – Yes.

Mr. Jensen – Yes.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Yes, sir. And for the Committee's use, we are now looking at updated Workbook #1, which contains the four rules that were impacted by Senate Bill 598, on which we have not already suggested changes of some sort, or no changes or have not reviewed. We have follow-up discussions, let's get with that.

E. SB598 Follow-up Rule Discussions

Ms. Schwantes – These are the Senate Bill 598 follow-up rule discussions on the four rules that are required as a result of the passage of Senate Bill 598.

(1) *Rule 69K-18.002, F.A.C. - Funeral Director Intern Training Program*

Ms. Schwantes – The rule is found on Page 3 of the workbook, and the relevant statute is 497.375, which is found on Page 8 of the workbook. Written comments regarding the rule were received from WRW Legal. The written comments, again, so that we were only looking in one location, the written comments received from WRW Legal for this purpose are found in Addendum A to the workbook. Those written comments are found on Page 2 of Addendum A, which is Page 25 of the full workbook PDF.

Chair Clark – Thank you, Ms. Schwantes. Ms. Wiener?

Ms. Wiener – Thank you. Again, these are comments from both FCCFA and IFDF, along with SCI and Funeral Services Incorporated. Substantively, our comments start on Page 28 of your workbook. So, the 90-day bridge contemplated in section 497 375(4)(e), has never been addressed in the rule, so we need to probably embody that in this rule, and we have two (2) suggested strikes. One in (b) because it's already in the law and in (d) because it is not supported by the law. So, these were our comments. These are similar comments to those that we made previously. You've seen a lot of our comments on these. We resubmitted these because, if I recall correctly, these were also left open for more comments to come in. We were expecting comments from the schools and others.

Chair Clark – Thank you, Mr. Wiener. Ms. Schwantes?

Ms. Schwantes – Thank you. Just to clarify, the only comments that we received from the schools came from Gary Brown that was attached as part of item C on your agenda. And again, regarding his, we thought that those involved legislative changes.

Ms. Munson – And just quickly reminder that when you strike something from a rule, because it's already in law, be mindful as to why that language is in that rule. And if you strike language that is in law, we'll have to make sure that the law is implemented, because that language could refer to a law implemented section in the citation area, and if we strike it then that law implemented language is no longer necessary. So, when you're not doing the whole rule but just portions of the rule the second reason for the strike is that is not supported that is unequivocally that makes sense but if you're striking a section because it's already in law confirm as to why it's placed in the rule the way it's placed in the rule. And if the law implemented section in the citation references that is listed, but then you struck the language, then you don't need that law implemented citation either. So that's the type of things to always look at again. I'm only saying this because for November and December, I'm not going to be here for these comments, and I just want to make sure it's clear.

Chair Clark – Thank you Ms. Munson.

Ms. Wiener – And so Mr. Clark, and I guess Ms. Schwantes as well. So, we started to have some discussion on this last meeting, we're going to have more discussion this meeting, and then this is going to come back again in December, because I have a note here that this will be among the nine (9) substantive rules, ten (10) if you include the technical change that we're going to take up in December. So, is that correct?

Ms. Schwantes – Let me just clarify if I'm right. For these two (2) rules, we have to have proposed language ready by January 1st. We do not have to have proposed language ready on the other two (2) rules that are in 69K-18 until April 1st. That would be the reason for going ahead on these two (2) rules and trying to firm it up as best as possible. Again, of course, you know once it goes through the rulemaking process, changes can still be made if needed. If the four (4) rules need to be better aligned after the rulemaking process starts on these two (2) that can occur, but we've got to get proposed language in by January 1st.

Ms. Wiener – Okay that's perfect. I think as a Committee I'd like for you all to consider the possibility of including language and depending on what you say as a Committee then the associations will get together and propose language on this. But as I mentioned, a couple of years back, and I think it was maybe 2021, subsection (e) was added to section 497.375, which says, upon expiration of a funeral director intern license, any intern that has completed the educational credentials required for a license as a funeral director and has applied for licensure may continue to perform the tasks, functions, and duties related to a funeral, related to funeral directing in a manner provided in paragraph 1D until a license is issued or denied or for a period of ninety (90) days, whichever occurs sooner. So that statutory change solved a big problem that licensees were having, but there is a problem in interacting with the Division with regard to this section. What happens is when the internship license ends, the internship license number goes away. And even though the law gives them ninety (90) more days to act as a funeral director intern, you need a license number to do a lot of those things. So, part of this discussion may not result in rule language being written. Part of it is just a shortcoming in the system that we need to figure out how to bridge or how to address because this has become a rather common practice among licensees who have finished all their credentials, they've applied and their internship ends, but they don't have a license number. And without a license number, you can't do certain things.

Chair Clark – Ms. Munson?

Ms. Munson – Just to that point. And I know this is not wordsmithing, this is not that, but this is because I know this needs to be done by January 1st, so we're going to dig a little deeper. With that (3)(e) language though, Just help me to understand. It says, or for a period of ninety (90) days, whichever occurs sooner. So, I'm trying to think of a scenario where a license is denied, because if it's denied, then that, them not having a number, that doesn't matter because it says whatever is sooner. So, if the denial comes before the ninety (90) days, it doesn't matter. Am I missing something?

Ms. Wiener – Sort of. So, in practice, internship ends, credentials are done, application is done, hasn't been to a Board meeting yet. Isn't going to be to a Board meeting for a period of time. What this law does is it lets them continue their internship until you get to the Board. Now, if the Board denies their license, then upon the issuance of the order from the Board, that should be the last day of the internship license. But the way it works in the system, and I lay no blame at the Division level, because I know it doesn't.

Ms. Munson – {Inaudible} ninety (90) days from a Board meeting decision to the actual order. Is that what you're saying?

Ms. Wiener – No, that's not where the problem is. If at a Board meeting it's denied, then of course they have to stop their internship at that moment, because you're going to date the order of their internship was denied at a Board meeting on April 2, 2027.

Ms. Munson – It should be dated the effective date of the order, which is why I was asking. Everything is the effective filing date of an order. That's what a denial is. It's not effective the day the Board votes to deny.

DRAFT

Ms. Wiener – Well, if they got... That creates a little bit of a loophole that I hadn't even thought of or I'm sure it's not intended.

Ms. Munson – I'm just saying. That's the legal effect of the law.

Ms. Wiener – No, I hear what you're saying, But where the problem lies is that the number goes away. The Division recognizes that these people can continue to practice as interns for a period of ninety (90) days or until they get to the Board meeting and then they get approved and pass Laws and Rules to get their license. The Division recognizes that, but the number goes away. So, in the system, there's a problem when the number goes away.

Ms. Munson – And maybe I don't know what happens with the Division and the timing of stuff, but if the number shouldn't go away before the order is filed and the order is filed, usually three (3) months. So, they shouldn't be so far apart where there's this big gap of no number.

Ms. Wiener – But to Ms. Schwantes' defense or the Division's defense, this law only applies if all these criteria are met, including the application coming in. So, Ms. Schwantes can't just automatically let internships go and go and go and go until somebody gets to a Board. So, it's just a problem.

Ms. Munson – Before it gets to the Board, they still have the number, because the Department {inaudible}.

Ms. Wiener – No, they do in the system and just it just goes away.

Ms. Munson – Okay.

Chair Clark – Ms. Schwantes, go ahead.

Ms. Schwantes – Thank you. I would like to give full credit to our systems, which are old, outdated and need to be replaced. Part of the problem that we've seen on this is when people take exams, they often don't do it within that 90-day period. But my question really goes to Ms. Wiener. Are you hearing from people when the Division recognizes that these interns can continue. We're not dinging them for it, if you will.

Ms. Wiener – Correct.

Ms. Schwantes – Ok. Then what do they need the numbers for, technically, unless they're trying to file something in EDRS? This is just really a question for you, for what you're seeing.

Ms. Wiener – Well, probably to file in EDRS. But also, because people feel very, like I send at least several times a quarter, I write to clients and I say, no, really, you're really, really good until it's not like they're going on my word. People don't like to practice without having a license number or some acknowledgement. And the Division doesn't want to acknowledge that I mean maybe it's a maybe we should write into the law or into the rule something about upon receipt of an application and expiration of an internship then the Division will acknowledge receipt of the application and that the applicant is currently in the period contemplated by 497.375(4)(e), or something like that. People just don't want to sit out there going on my word or Lauren's word or Hank's word or Luke's word that they're okay practicing. It makes everybody super uncomfortable.

Ms. Munson – So they're not calling the Division to see if they're okay practicing?

Ms. Wiener – They do, and the Division will not give them an okay. The Division says they can't give you legal advice. And there has been a refusal to issue any kind of acknowledgement that they are good to keep practicing during that time period. So, we're just trying to figure out, is there a way to fill this gap? And if there's a way to fill a gap that requires some language and a rule so that everybody's enabled to do this thing, then we would love to help you write that. But we're also sitting on the back end of, you know, we don't know how the systems work and what can be done. So, I think it's a problem for everybody.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Yes, it is a problem for everybody in terms of our systems, certainly. Part of what you're talking about is so system oriented. And honestly, when we looked at this, we saw your thing about the bridge comment, we really were not sure what you were going with for that, you know, what the issue was. It's something that we could either address this again at a subsequent Rules Committee meeting and in the meantime have conversations with staff and taking a look at the system, but just system tweaks are not easy. Let's just put it that way. Even to say something in a rule that says that we would automatically give them ninety (90) days over or whatever, you're looking at maybe up to a year before a change could be made to our system. I think some of these turns into the practical technical issues that we have.

Ms. Wiener – Yes.

Ms. Schwantes – And the other comment that I wanted to make is that I do think, and I'd have to confirm with staff, but I do think that there is a notice that goes out that specifies that provision in the statute but you are correct that they're not going to be able to automatically when somebody calls send them something that says yes you are automatically authorized or whatever because every situation with these interns you've got to go back and look through the records and see if they've completed tests. See if they've got all the internship requirements in, et cetera. It's just not something that the people who are answering the phones are able to easily do.

Ms. Wiener – Well, I think we've at least accomplished the purpose to start the discussion on this and just to everybody to know. And as we work toward before Thanksgiving comments, if we have further suggestions on language or anything that we can think of, then we'll include it. But otherwise, I'm fine to move on to our next strike through, Mr. Chair.

Chair Clark – I just had one more comment for Ms. Wiener. You talk a lot about it from the perspective of the licensee, but I also think like the employer, these interns, generally speaking, the employers invest a lot of time and energy into these team members. And if they don't have a license, they can't do their job. I just wanted to add that. Yes, we hear it from the licensee perspective, but also you have these employers that, you know, are anticipating they're going to get licensed and now I've got a fully licensed individual. If they can't, or if the employer doesn't have comfort in them being licensed, they can't do that work. So, it is a big issue. Would you agree with me on that?

Ms. Wiener – Yes.

Chair Clark – We can move on to your next. I just wanted to point that out.

Ms. Wiener – Thank you. And so again, we touched on these comments a little bit, but we tabled a final discussion of them for this meeting. And then I guess ultimate final discussion for the next meeting there in the opinion of the associations is no reason to reiterate literally these specific statutory references that are in subsection (b). It's just that is true. They may be renewed under this section may not be renewed or you know they can't be renewed under this section unless they were applied for under this section it already says that in the statute. To Ms. Munson's point, if you want to leave it fine but it's already there and I don't think it moves the rule forward in any meaningful way. That's opposed to subsection (d) which says that an applicant has to be enrolled in and attending the course of study identified in their original application. That's simply not supported by the law as we discussed at the last meeting. People change schools. So that should come out, we think. On the next Page 29. The requirement that the application to renew be filed before the initial period ends and that no renewal will be granted unless they file by the end of the initial internship and that the application has cannot be filed earlier than the 10th month of the internal intern or the initial internship period. Not a bit of that is in the law. And it does prejudice certain licensees who are unable to make those deadlines. And so, I don't think those deadlines are supported by the statute or the statutory authority.

Ms. Munson – I'm going to go ahead and say, because I know I mentioned this is the last meeting. I want to be careful when we say not supported by the law, because the statutes have very broad statements about rulemaking authority of the Board. And that's where some of these, I'm not saying that they should stay, but every statement in a rule

could fall under that very catch all broad, "The Board shall make rules to control or should make rules to describe how such and such should be done." And in that broad rulemaking authority, they can put in dates and deadlines and 9 a.m. to 9 p.m. That's because that's not in statute, but you get to add details in your rules under that broad rulemaking authority. So, I don't want to confuse the two and say, Because what I'm hearing and I just thought it might be confusing to public meeting and understanding that I'm thinking we should remove language from this rule because it's repeated in statute. I'm hearing statements, I'm thinking we should remove this language because it's not supported by statute. The statutes are not going to cover everything, and the rules are going to possibly mirror but not necessarily replicate word for word. And some things may, when you say something isn't supported by law, there can be no language in a rule that says the Board shall create a directive that controls DEP regulation. That's not supported by law. But if it says the Board may create a rule that governs how internships will, whatever, then that is supported by law. That 9 a.m. to 9 p.m. window that the industry enjoys is not in statute, but you can't say that because it's not in statute, it's not supported by law. So, this tenth of the month, where it just may not make sense anymore, and that may be, but I would just, it requires a very broad and detailed understanding of where your statutory authority is. And I guess that's what I'm just trying to really hone in on, because I want to be careful in the rules review that you don't think you have the authority to say and do certain things with your rule or that you have too much authority. It's a balance and you just have to very carefully review the language that you're wanting to change, repeal, or in any way revise. And that's just my only point too. So, I'm concerned sometimes when I say definitely not supported by law. Cause I could go-.

Ms. Wiener – So to address your comments, I think you're totally correct that the rulemaking authority allows the regulator to build out detail, but it doesn't give the regulatory authority the capacity to stop someone from renewing their license because they failed to make a deadline or failed to do this or fail. Like these are bigger prohibitions than just adding details about the forms you have to use and the materials that you have to submit, the law says you can renew an internship. It doesn't say you cannot renew an internship unless you submit it before the end of the period. And I think that if we ever went back and any of those people whose internships have not been renewed because they failed to submit prior to the end of their initial period, if they were to challenge that outcome by the Board on the basis of this rule, I am nearly positive that the outcome would be. The Board doesn't have the capacity to say no internship, period, because you did this thing. Whereas this rule is very, very harshly worded, no renewal unless you submit in a very limited window. You can't submit earlier than the 10th month, but you've got to submit before the end, or you have foregone your opportunity for an internship.

Ms. Munson – I'm not arguing with that, but this catchphrase unsupported by law is use repeatedly in some of the consideration. And I just want to be careful because they're not all apples and apples.

Ms. Wiener – I agree with that.

Ms. Munson – I don't agree with that. It didn't seem that way because now I don't want the Committee or the Board to ever hook with, well, it's not supported by law. And it applied to all of these variety of scenarios. So, everything, and I'm not saying, like I said, I'm not saying I'm in disagreement with this 10th of the month. I'm not saying that. But I'm not wanting to be repetitive. It's just that I want to be clear with this Committee that this unsupported by law, you have to look at what that language is doing to Ms. Wiener's point, Attorney Wiener's point, what it's restricting, is it being over prohibited? I mean, all of that is a consideration, but this catch-all not supported by law, it's applied to everything. And it's not always because it's overly restricted. It's for a lot of reasons. And you have to be careful in your detail review.

Ms. Wiener – Yes, and that's why. Where we have provided these substantive comments, where we say unsupported by law, there's usually the reason we think it's not supported. So, let's take a look at this one specifically. In applicants that apply under (4)(c) of the law, The law actually does say this, that there is the requirement to apply before the end of the internship actually does apply under the statutory scheme to applicants under (4)(c). It does not apply to applicants in this particular rule. I want to say this is who is this funeral director. So, where it where the statute is clear in one section, but it doesn't exist as relates to another section. I lost my comment now. There we go. Where it doesn't exist for another section, then the fact that it's included in one section but excluded from another section means we can't just drag it across and make it a requirement by way of a rule where there's no statutory authority to

do so. There is statutory authority to do this for an applicant that applies under foresee, but not under the other statutory capacity to apply for renewal.

Ms. Munson – And that's the argument that the Committee will consider. Again, my point was unsupported by law. Don't run with that as, I don't see this in the statute, so this language is unsupported by law. I do that. That is just not the purpose of rulemaking. Because I just have to be that's just because I that catch-all phrase made me a little nervous as far as the overall understanding of the application of it. That's it. That was it, Chair Clark. Nothing else.

Chair Clark – So a couple of thoughts and I want to go back to (b) really quick because I meant to say I completely agree with that. That needs to be completely stricken. We've seen so many students having to change courses, and I've been very vocal about this, where they can't get a class at a particular college and they have to go somewhere else. So, I completely agree, (d) needs to go away. On (f), so I'm not a lawyer, we all know that, but I feel like the intent of F is to make sure interns are staying on top of am I getting everything done. And if I need more time, let me ask for more time. I know in speaking with the mortuary schools, a big challenge in this industry right now are interns are waiting to the 11th hour to take national Boards, then they fail. And then Oh, my life, my internship has expired. And my only fear and just striking all of it is, it's like making it even easier for them to just Oh, my internship expired. I agree with this whole you need to apply in this little window. I think that is something that needs to be looked at. But if there's any way to still incentivize these interns, I wish there was a way to say, hey, you need to take your national Boards earlier. I know we can't do that for this rule. I'm just saying, I don't want to make it easier for an intern to just wait even longer. And I also have a concern of like, how do you manage this? Okay, either as an employer or the Division, an intern, their license is expired, now they're not licensed, so now we had this come up last Board meeting, okay, they can't do their job anymore. Like, I just don't know how you regulate, you have an intern, and you have no indication of where they're at, they're just, oh, their license expired, and then, you know, we have to wait for them to reapply. So, I don't know if any of that you can respond to, It's just, it's a tough one for me. I agree, work needs to be done, but I don't want to make it easier for interns to not complete what they need to. And I just don't know how you manage this from a regulatory standpoint. Ms. Wiener, I said a lot, but {inaudible}, you would have.

Ms. Wiener – Sure, no, listen, I want everybody to do what they're supposed to do and do it on time also. Totally agree with that. The dichotomy here is there are different internship paths. In the law, one of the paths says you must apply before the end of the period in order to renew. One path does not say that. So, this particular rule we're looking at is about the other path. And because the statute says it for this path, but doesn't say it for this path, statutory interpretation rules would suggest that the legislature intended that they have to apply before the end of the period for this path. But because they didn't include it for this path, they didn't intend for it to apply, apply. And so, we can't as a regulator bootstrap that requirement over to the path that the statute does not specifically apply it to. That's the reason for the strike. We're not seeking to strike that language from the other path because it is supported by legislative intent and the statute clearly gives authority to the Board to impose that requirement. But with regard to this other path the legislature failed to or did not for whatever reason, but when the legislature puts a requirement here but doesn't put a commensurate requirement here the implication about statutory authority is that the legislature always means what it says. It meant to have it here, but it didn't put it here, so it didn't mean for it to apply here. The rule that we're looking at now, the strike in F, is putting that requirement on this path that the legislature did not give you permission to put that requirement on top of. That's where that is. I don't disagree. Now, problems can be solved at the legislative level. Bring that requirement over, apply it to all internship pass, Please make statutes that do what we want them to do. But while you're making rules, we cannot, as an industry, stand by and let the regulator deny renewals on this path. Now, we've been complicit as an industry. We have not, nobody has challenged these denials. And many have been denied because people didn't file before the end of their period. Now in looking at these rules, we see the Board didn't have authority to deny them because the legislature didn't give authority to deny them. Only the rule has that authority and that rule is not supported by its own statutory authority because they said you can make that requirement over here, but you can't make that requirement over here.

Chair Clark – And that's helpful. I appreciate that. Based on what you just said, I mean, it really puts the responsibility on the employer. If we were to remove that, in theory, internship ends, they haven't reapplied. It's the employer's responsibility that only licensed individuals are doing licensed work. But Mr. Jensen?

Mr. Jensen – Yes, I mean, I got some real strong some views on this and I think I know where some of the schools stand as well is, and a lot of this is covered in statutes. Do we really even need a rule on internships? I think you know, when you mentioned Mr. Clark about managing this, the easiest way to not act of manage is you got your license, you got your license, here's your job. If you don't have interns at all, then we wouldn't have to worry about any of that. I mean, when they get their license, they're licensed to do things, and then the law-abiding and so forth and teaching reflects on the FDIC of whatever establishment they're at. So, I don't even know why, I mean, maybe there's some background on interns that I don't know anything about, But I don't even know why we need interns. When they get out of school and they pass all their tests and their license, in most other professions, they can go to work as that license gives them to do. So just let that be it, not require an internship. That might solve all these issues. Thank you.

Chair Clark – Thank you, Mr. Jensen. And I know when we went, I know Ms. Peeples is on here, when, after I finished school, I thought I had one year. And I think about the intent of this and the statute, the intent was you have a year, you have to do this amount of work and get your tests done. And at the end, if you pass everything, you're a director. Going back to when I first got licensed, I never thought to extend it unless there was this extreme hardship. But that's not the culture. I mean, with kids, post-school students, I apologize, students, after they get done with school, that's not what we're seeing. And they're not. In many cases, they're not taking that year seriously. They wait till the end. And then I've never, I've been on the Board a long time. The number of renewals over the last four (4) or five (5) years. Is triple or quadruple what I saw when I first started in 2012 on the Board. So, I hear what you're saying. I do think we need the rule, but there is a, I don't know, culture within the industry that's shifted. Because when we all got licensed, we had a year and we got to be done, and a renewal or an extension was a rare, rare occurrence. And now we're seeing them every Board meeting. Ms. Peeples?

Ms. Jill Peeples – Thank you, Mr. Chair. And I concur is I go back to being a 470 Board member, now a 497 Board member, is our culture has changed and it has shifted. But going to Mr. Jensen's comment, we need rules, sir. That's kind of like our handbook for our composition of our industry, so we've got to have rules, which have to be supported by statute, which is the law, but we've got to, it's got to be drilled into these young people or whatever age they are, that they've got to take their national Board and they've got to do their internship and these renewals have been. Since I've been on the 497 Board, it has been more, each meeting than I've ever seen before. So, Mr. Jensen, I respectfully disagree with your comment that we don't need internships because any profession that's worth its weight has an internship to where you have to go through some kind of process to make sure because if we don't, I think that will be a very bad area for the consumer, for the state of Florida. I think we need to maintain this, but I do agree with Ms. Wiener and some of the comments that she's made. If we could get this kind of compiled to where I know it's specific to every like embalmer, field director, concurrent, all these different things, I think it would make it a whole lot easier for the ones that are applying or need to renew or whatever it may be. But I appreciate the opportunity just making a few comments. Thank you, Mr. Chair.

Chair Clark – Thank you, Ms. Peeples. And I agree, it'd be great to have the same rules for each of them.

Mr. Jensen – Mr. Chair, if I may, I do agree with what you had to go through and Ms. Peeples had to go through. I too went through the same thing. And I'm not saying we don't need rules. I'm just saying maybe internship, that word, maybe we need to change that to a probationary period or something when they go to work at a funeral home. I don't know how that's different. I do understand a lot of professions do require some type of internship or apprenticeship, so to speak. Maybe we need to call it an apprenticeship, but we do need to simplify it. It has gotten completely out of hand and the students nowadays; they're just not doing it nowadays. But that's not our fault. And I don't even know that that's a school's fault because I know they're getting told they need to do it, but they're just not doing it. So, and what I was getting at when you talked about managing it, we need to have a stronger repercussion. Maybe they go through a period and if you didn't pass it according to your supervisor or do satisfactory on that, you know, I mean, another whole issue with the Department is keeping up with all these reports and everything that has to get turned in for internships. I'm just looking for a way to simplify it. I'm not by any means saying no training is needed, but maybe we do a probationary period or something of that nature where it has to be satisfactory in order for them to continue. We need to have some definite boundaries there to where it forces them to do it. Otherwise, they just spent their money going to school and taking the test for nothing. So that's kind of where, just to try to

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clarify, I'm certainly not wanting to skirt any rules. I just, it is extremely confusing. It's hard for the Board, it's hard for the students, it's hard for everybody concerned, and I don't know exactly how to fix it. But I mean, this is a very long rule, if you look at it here, and it just needs to be simplified in a simple term. Hey, you have got this much time to get this done. If you don't do it, see you later. You know, you can go through the whole process over again of reapplying. You know, maybe we should stop giving extensions. You know, like you mentioned, you had a year, unless the world falls apart, you're not extending it. So maybe they got that and let it be a case-by-case thing before the war.

Chair Clark – Thank you, Mr. Jensen.

Ms. Schwantes – I did see Mr. Beckham and a Misty. I don't have the last name on Misty.

Chair Clark – Yes, thank you, Ms. Schwantes. Mr. Beckham?

Mr. Howard Beckham – Good afternoon. All these are good points and there are complications. I will say that half of our students at FSCJ who graduated last December have already taken their Boards and we have a very good pass rate from those people that are interning. I do think the internship. Process is overly complicated for some reason, somehow. I think that also I agree with the sentiment that Ms. Peoples, Mr. Clark, and Mr. Jensen all say, you know, when I went through mortuary school in 2002, 2003, I had that one-year internship, and I had to get all my national Boards. State laws and rules, everything completed well within the first six months of that internship. I think that I've tried to get students to be required to take the national Board to graduate from school. Unfortunately, the college does not allow me to do that. That's another rule. If that was in statute, perhaps they needed to take the rule in a certain, the national Boards within a certain time of graduation. Maybe that will change, but that's not the purpose of our meeting here, but it does bear looking at not just what we do here in Florida. I encourage the state to look to states to find out what they do that works. That's a simpler, easier process. Other states do have simpler, easier processes than our state does. And I've looked at several of them over the years. And I've just scratched my head on how come that we go around to scratch our ear in Florida. So also, I'm against these extensions for internships. You know students need to get down to it and get it done and they need to know that this is a serious thing and they need to get this thing accomplished within that year period. You better have a doggone good reason not to complete these things and to ask for an extension. If you have an accident and your legs cut off because of that accident and I had a student that had that exact thing happen, she came back and took her Boards as quickly as she could. And so, you know, some people think life is hard. Well, you know what? Get over it. It is hard. If it was easy, everybody would do it. So, I'm sorry, maybe I'm getting my first sergeant hat on here, but I'm just saying that I think there's valid points to be made here, but also, I think that the laws and rules in the state of Florida are overcomplicated on this. I think the consolidation of all internships, everything to be consistent, very clear, in simplest way stated would be advantageous to the production and to remove rolling barriers for interns proceeding. And I'd be happy to try to help with that. That's all I have to say about that at this point. Thank you very much for allowing me to speak, Mr. Chairman and Ms. Director.

Chair Clark – Thank you, Mr. Beckham. We appreciate that very much. I did see Misty's hand. I don't see it on camera, but if you'd like to address the Committee, please let me know. Hearing none. Ms. Wiener, I know you represent, you talked about this as kind of consolidated feedback from those you represent, Mr. Grabowski, I mean, it feels like the sentiment is like, and I, over the last few comments, that, you know, renewal should be rare and really have an explanation as to why. So, I'm just curious if you have any other, a lot of the cleanup I agree with completely. I just don't know if any of the comments of it you agree. Do you have any pushback maybe from a different perspective or? Ms. Schwantes?

Ms. Schwantes – I just want to point out a couple of things. Senate Bill 598 made changes to 497.375 regarding educational requirements and obviously when we look at these rules, the two (2) that we're talking about today, 18.002 and 18.003, there is cleanup that's needed. I agree with that for the most part. For these two (2) rules, the Department agrees with WRW's proposals, other than that bit about the 90-day bridge because it's not in {inaudible} language and we really didn't know what was being proposed there. But where I really wanted to go with this, we have to make changes to the concurrent internship rule because of the significant changes that were made on the

statute, and more than likely that's going to end up being changed again at some point. Either if not this session, the next session, and we'll have to revisit all these rules again. The other thing I wanted to point out is that a lot of the changes Mr. Beckham and Mr. Jensen have talked about would be legislative and would require legislation to make those changes, which again would result in rulemaking again. The whole internship program in terms of the statutes and the rules is complicated. It is difficult when you go through these rules and you see, as Ms. Wiener's pointed out, okay, that's already in the statute, so we don't need to rephrase that here. And while most of the time I would agree with that kind of a concept when it comes to the interns, because they need so much help in understanding what they're doing, I don't have a problem reiterating things when it comes to interns. I just wanted to point that out. So those are my comments.

Mr. Jensen – Mr. Clark?

Chair Clark – Yes, sir?

Mr. Jensen – Yes, just along those same lines, kind of what I was saying is, you know, if the meat of what needs to happen with interns is in the statutes, then do we have to have a rule covering that? And maybe Ms. Munson can answer that. That's kind of the point I was getting at. I'm not saying we don't need interns or shouldn't have any rules. That's not what I was saying. What I was saying is, is this completely redundant? Or am I way off base there?

Ms. Schwantes – If I may, Mr. Clark? It is not completely redundant. Absolutely we need to have rules that clarify what's in the statutes. The interns are not going to understand what it is they need to do without clarification of the statutes.

Mr. Jensen – Yes and that was the other part of what I was saying, Mr. Clark. We just got to make it simple yes.

Ms. Munson – That's why some of the language that's in this internship and maybe some of the other rules that mirror the statute, is the Board decided to include or keep it, is yes, it may be redundant, which we need to stay away from, but it's because the rules are just the base point for a basic overall understanding. And I think that's why some of that language is there, repeating statute language or whatever. And I just wanted to also note that they look at the rule, a lot of them look at the rule as their one stop spot to figure out what am I going to do with this situation? What do I need to do? And not have to look at a statute or somewhere else to figure out what I need to do. They find it in the language of 69K- whatever.

Chair Clark – Thank you Ms. Munson. Ms. Wiener?

Ms. Wiener – This provision in (f), the change suggested in (f) is not because it's redundant. Let me be clear, let's just talk about internships under the current statutory scheme. In 4(a), the law says a funeral director intern license expires one year after issuance and accept as provided in paragraph (b), paragraph (c), or paragraph (e) may not be renewed. Paragraph (b) is for only the applicants that are getting their license under 375(1)(b)(2). That's the path that says I have an AA or higher and I'm in school. The law says that that kind of funeral director can renew his or her intern license for an additional one year if the FDIC of the intern training agency certifies that the intern has completed at least one half of the course of study in mortuary science for funeral service arts. So, I've got to have, I can get one more year if I'm in the program where I've got a college degree and I'm in school, as long as I'm halfway done with school plus. Then, the other option is subsection (c). This is getting a renewal for hardship or waiting to get a test result. In that section, it clearly says the licensing authority may adopt rules to allow a funeral director intern to renew their license for an additional one (1) year. If the intern demonstrates failure to complete the internship before expiration due to illness, personal injury, other substantial hardship beyond reasonable control, or awaiting exam results. There's you can renew your license under (b) or (c) or (e): (e) is the 90-day bridge. So, forget about that for now because that is what it is. The point I'm making is that (f) is in the section of the rule about people that have a college degree and are getting their internship and are getting their education. The law does not permit you to require them to submit a request to renew prior to expiration. It does if their reason to renew is because they're in a substantial hardship or they're waiting for a test result. That one they have to submit before the end, which is why if you scroll down to Page 30 of our document, you will see that, is it 30? It's the one about hardship, hardship. There's

a section about hardships. Oh, no, it's still on Page 29. If you scroll down on 29, you will see that under subsection seven about renewing due to illness, or awaiting exam results, on that one, it still says you have to apply before the initial internship period ends. And that's because the law lets you have that rule for the hardship renewals. But if you've got a college degree and you're in school, you can renew just because you're halfway done with school. That's what your legislature did. So, subsection F above on Page 29 that is stricken is outside of the statute that you are implementing. It literally cannot be and we have got to get it out of our rules because I can't tell you how many people have been turned away, even if they're in college and they're on the go-to-school plan and they've got a master's degree in astrophysics and they're on the go-to-school plan. We have turned them away because they have not submitted their application before the end of their internship. And that is beyond statutory authority that you have to implement a rule. You've got to compare those two paths. On one, totally can do it, and we leave it right there in the rule. On the other one, can't do it, shouldn't have done it, been doing it for a long time. It's got to come out of that rule.

Chair Clark – I appreciate that clarification, because I was, I'm more concerned, I'm significantly more concerned about taking your test, waiting for the 11th hour than I am here in school.

Ms. Wiener – On that one, you've got us committed before the end of the internship period.

No question.

Ms. Wiener – Right.

Chair Clark – That's why I appreciate they're differentiating the two (2) because that's the one that I'm worried about. So that was helpful to me. Ms. Munson, saw your hand.

Ms. Munson – Yes. Really not here to litigate the information right now. When I made the comment earlier, it had nothing to do with Section (f), by the way, because I know that that is the key section that's being discussed. My comment wasn't about Section (f), it was for about another section that I think could disputably remain in the rule because, but it says it's unsupported by law. So, I think in this type of discussion, what attorney Wiener is giving is a very strong argument as to why she feels speaking on behalf of the industry, it should be removed. I know the Division is going to have an opportunity to look at it. I am just trying to determine with Director Schwantes if this is the opportunity to litigate this in its final stage regarding removal or non-removal since I know the January 1st deadline is out there or is this just for consideration that will come back in December. Because it seems to be a huge chunk of what this rule is about causing issues.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – In order to finalize discussion on the proposed language on these four (4) rules, we have to finalize the Committee recommendation at the November Rules Committee meeting, because the language itself would have to be approved by the Board at its December meeting, and then we have to file that by January 1st.

Ms. Munson – So you guys are voting on language.

Ms. Schwantes – We have to vote on the language no later than November for the Committee in order to get it before the Board in December and hope that the Board agrees with the recommendation, so that we can file it on January 1st and if they don't then we'll have to come up with something else.

Ms. Munson – And remember wherever language is voted on is subject to changes, right? So, I just also want to put that, you may not want to do it, but notices of changes exists for a reason.

Ms. Schwantes – The other two (2) rules contained in 69K-18, which are part of the Annual Rule Review, we do not have to have language approved or voted by the Committee prior to January 1st. We just have to have that language finalized by April 1st.

Ms. Munson – So I'm thinking when we come back for the November meeting, when this body meets again, they're going to have rule with recommended language on it, presented from the Division's perspective.

Ms. Schwantes – At this point, I would agree that we're going to have to do that. I was hoping that we would, like I said, the Department looked at the two (2) proposed rules on internships and really didn't have too many suggested changes to what's been proposed. Basically, it was okay with it, other than the bit about the bridge, which is not actually proposed language was just for talk. The endorsements are a different issue, and we definitely want to come back, just putting it out there right now. We definitely want to come back in November to discuss the endorsements because we do know we're going to have to propose something else that better addresses the two (2) different paths on endorsement. I don't want to get into that too much now because we've been talking about different paths here too that Ms. Wiener is talking about, so we do need more work in November. It's really up to the Committee whether we want to bring all four back again, discuss what we can discuss today, and then bring all four back again and finalize it November. But we have to have finalized language to take to the Board at the December Board meeting.

Chair Clark – Thank you Ms. Schwantes. Ms. Wiener?

Ms. Wiener – I'm hearing Ms. Schwantes to say the Division doesn't object to the removal of this language from the rule. And I think Ms. Schwantes, as an attorney, understands why. Because next time I have an applicant with a college degree, and halfway through their internship, and I apply, and you deny them, because they did not file before their internship was done, you have to pay me attorney's fees when I challenge that in court. Because I'm going to win at the administrative hearings level, 100%, no question. But I don't want to do that. I want to help. I want the industry to be, I want the rules that govern our profession to match their statutory authority. So, there's no reason to be fighting this fight. It's just not supported by the law. We can sidebar, you guys can table this, Ms. Schwantes can analyze it, Ms. Munson can analyze it, you guys can come back, but the law is very clear. It says you can renew under (b) or (c) or (e). It doesn't say (b) and (c) and (e), it says (b) or (c) or (e). (B) can't limit it to applying before the internship ends. (C) can limit it to applying before the internship ends. (E), not relevant, 90-day bridge. It's as simple as that.

Ms. Munson – Closing arguments, got it, yes.

Chair Clark – I agree with Wiener, I think, but I also think some of the comments from Mr. Jensen, the people, Mr. Beckham was also like, we have what you submitted, but this is a big topic because it is worse, it's more prevalent than it has been in years past. So, like, at least from my perspective, I want to understand, yes, I agree, we should remove it. But I just want to make sure we're not making it easier for them to delay whatever they need to do. And again, at the same time, are there like, I'll use an example, this getting rid of the must be submitted under seven, this is illness injury, if we remove the language about it must be filed before it ends, but not earlier than the 10th month, like how does that work? Does Division just hold these applicants until the end or now is the Board going to have to review two or three times more because folks are reapplying it seven (7) months or eight (8) months? So, my comment is I just want to make sure, I don't disagree with it, but I want to understand it better Before I say, yes, let's adopt these recommendations because I don't know how that works? Is the Board going to have a lot more applications or is the Division going to have a folder that they have to wait? Three or four months before they bring it to the Board. So anyway, I just don't want you thinking my comments were in disagreement. I'm trying to understand more and at the same time because this is a big topic for the industry, are there other things that we should have to it?

Ms. Wiener – Absolutely and I think that so the problem of people applying and applying over and over again that is already prohibited by law and in your rule, it says only one renewal shall be granted to anyone intern that's under both of the statutory scheme period so that's that they're not going to be coming back and back and back and trying to renew and renew and renew. On the timing to renew, my guess is people don't renew until they get close to the end anyway. But on the one that you have the capacity to tell them that they have to apply before it's done, I think that's the litmus test. They apply before it's done. Is that three (3) months before it's done because they are in mortuary school and also have a doctorate and they have to write their thesis or getting a, who knows what that reason is, but they can only renew it one (1) time, period.

Ms. Munson – Mr. Chair?

Chair Clark – Ms. Munson?

Ms. Munson – So quick, like just a renewal of any license, just general license, not even just outside the internship realm. The requirement to renew by a certain date, where it may not be specified with statute is probably included in language or an expectation for operational purposes. And you just don't want to be arbitrary, right? So, when you say again, not supported by law, I just want, as to Chair Clark's point, you always have to look at whatever unintended consequences are when you remove language, when you revise language, when language exists. So, in whatever we do by November, it appears by November, it's that type of consideration that I'm asking. It's not just the thought of take something out because it's not supported by law. It is more of what is the operational parameters that the Board can support by rule for internships that exist, just like any other type of renewal consideration. So that's the only thing, I just don't want those lines to be so blurred that it's an all or nothing type of consideration because there has to be some type of operational consideration in any of this, but I don't know what's that. I don't know what type of changes. I can't answer those questions, but those are considerations.

Chair Clark – Thank you, Ms. Munson. Mr. Jensen?

Mr. Jensen – On speaking on operational that and going by what Miss Wiener touched on the renewals, I think we should have some sort of language in there that after a certain period of time, if they want to renew and maybe the Board says it's not that great of one of their excuses that they have to start anew. So, you know, I don't think they should be able to come back a year later and pick up, you know, after ten (10) months of their internship, they should have to start over. So, I don't know how you would incorporate that, Ms. Wiener. I think you put everything in four pretty precise points. I'd like to see that written up, bring it back, as Mr. Clark said, so we could better understand it. In the industry, I mean, I understand it, Mr. Clark probably understands it, Ms. Peeples, Mr. Beckham, everybody who's licensed here probably understands it, however, it needs to be easier and simpler for the schools and employers to convey this to the prospective employees and students out there. And I do like having four precise points as you did Ms. Wiener. So, I think Mr. Chair, that's where we're at, is we're going to have to wait for some revised language here to simplify this thing. That's what we're going to have to do.

Ms. Wiener – I'm happy to prepare an analysis of the statute, but I'll just go back one more time. I don't hear the Division to object to the removal of the language in (f), particularly because that language is retained where appropriate down below in 7(c).

Ms. Schwantes – Our Rules Committee meeting in November will be on the 16th, and packets have to go out on the 9th of November. We would need comments in at least a week earlier than that and frankly because of, as an example, not knowing what the bridge proposal was going to be and we didn't get this or have a chance to review it. Actually, we got it on October 2nd, but we did not have a chance to review it because of the storm right up until it was time to send out packets. Because of that, I would ask for written comments to come in by October 28th, which gives us a week and a half within the Department to try to put together all the comments that receive and provide a Division proposal, as well as the written comments from others. The other thing I wanted to say is that we gave until October 5th this time for the written comments to come in, and that was later extended to the 7th in part because we only received comments from WRW Legal and did not receive, although we talked about at the Committee meetings, did not receive comments from, other than Mr. Brown's comments, which were legislative in nature, from any of the other schools or those involved with students at that level. We can set deadlines, but that doesn't mean that we're going to get comments that you might think we would.

Ms. Munson – One final comment?

Chair Clark – Go ahead, Ms. Munson.

Ms. Munson – Just quickly. I just want for the purposes of these minutes because it's been stated that it is clear that the Division does not oppose that statement being made is a point of argument and it is not a point of acceptance by

the Board that the Division does not oppose. The Committee's decision making is still fluid, and the arguments and proposals are being placed before you for consideration. It is not a statement of fact that the Division does not oppose. I would suggest to this Committee until the Division says the Division does not oppose. I don't want there to be }inaudible{.

Ms. Wiener – I thought I heard her say that earlier.

Ms. Schwantes – I did come up earlier and say that the Division, based on what we've seen, doesn't have objections to most of the changes, most of the changes that have been suggested by Ms. Wiener, other than the bit about the bridge and maybe a couple others. We didn't get into it much more than going through (f) because in terms of today's meeting, because we already know we need to bring it back, but thank you, Ms. Munson, because you are correct. And if we're going to come back, we do want the opportunity to present our own proposal with the items.

Chair Clark – Do we need a motion? I think we're a lot closer than maybe it feels. I just think this is a topic that the industry is very passionate about certain Board members, including myself, which are passionate about, but please don't think that I disagree with your recommendations. I just want to understand them, but I feel as the Chairman and hearing everything that we're a lot closer than maybe it feels.

Ms. Wiener – I think the debate on this topic is great. I wish that the law on this topic were clearer easier for people to understand You know, this is another one of those items where there's a lot of misunderstanding about how it works and what you've got to do when. The more clarity, the better because we want people to go to school, do their internship, get a license and be funeral directors or embalmers. Everybody wants the same outcome here, but we've got to work with the laws that we have until we change them.

Chair Clark – Ms. Schwantes, would it be appropriate for the Committee to entertain a motion to continue the discussions at the November meeting? What would be appropriate?

Ms. Schwantes – Yes, please. Continue discussions at the November 16th meeting with written comments due by October 28th.

Mr. Jensen – Yes, just a quick question for Ms. Wiener. I assume that your comments when you put those together also include the input from Mr. Grabowski and Mr. Beckham as well.

Ms. Wiener – Not Mr. Beckham. Mr. Grabowski and I work together on these, and I assure you he's already fearing the request from my administrative assistant for a long meeting coming up soon.

Mr. Jensen – And I would assume Mr. Beckham goes through Mr. Grabowski. I just want to make sure those are heard on that end as well.

Ms. Wiener – The more the better on this, yes.

Chair Clark – Ms. Munson?

Ms. Munson – For the purposes again of these minutes, this Committee is in no means suggesting that those named individuals are the only names providing input. It's open for everyone, and everyone equally.

Chair Clark – Thank you, Ms. Munson.

Ms. Clay – And just for clarification, Mr. Chair, you're speaking about all of the rules that were up for follow-up or just those two (2) that have been discussed extensively?

Chair Clark – I was going to take everything one at a time. I was talking about 69K-18.002.

Ms. Clay – Okay. Thank you.

MOTION: Chair Clark moved to table this matter to allow for others to comment and that those comments be submitted to staff by October 28th to be reviewed at the November 16th Rules Committee meeting. Ms. Clay seconded the motion, which passed unanimously.

(2) ***Rule 69K-18.003, F.A.C. - Concurrent Internships***

Ms. Schwantes – The rule is found on Page 11 of the workbook. Relevant statute is Section 497.375, found on Page 13 of the workbook. Written comments regarding the rule were received from WRW Legal and are found on Page 8 of Send them a to the workbook, which is Page 31 of your full workbook PDF. Again, mostly the Department was okay with these changes, but in line with the other one, we would recommend that discussion is continued at the November 16th meeting with written comments due by October 28th.

Chair Clark – Thank you, Ms. Schwantes. Ms. Wiener, anything you want to address?

Ms. Wiener – No, we did build out some additional context. There was a lot of discussion at the last meeting about renewals based on personal illness or personal injury and nobody was really focused on that last bit in the law, that says, or a substantial hardship beyond his or her reasonable control. And that is already baked into the law. So, we just, you'll see the comments there. When I submit my materials on October 28th. I'm going to include two (2) versions. I'll include the redlined version with the comments, and I'll also include a clean version because I think also it's very hard to read some of these to really know what we were trying to get at and what comment goes with what. So, I'll do both of those things so that everybody can just see them.

Chair Clark – Yes, that would be helpful. Thank you, Ms. Wiener. Ms. Schwantes?

Ms. Schwantes – Yes, Ms. Wiener, you mean traditional red line. You do not mean in format ready to be presented to JAPC?

Ms. Wiener – No, no, I don't know how to do that. I just mean like when you look in the packet on Page 32, like it's hard to tell what we're leaving and what we're getting rid of and what comment goes with what and whatnot. So, I'll try and make it a little clearer and cleaner in the document, and then I'll send both a red line version and a clean version just so people could see if we went with this, this is what it would actually read like, and we know kind of what we were doing later on.

Ms. Munson – If I may, turn to the Substantial Hardship section that you said is baked in, where are you reading that again?

Ms. Wiener – It's in the law 497.377(2)(d)(2).

Ms. Munson – Understanding that that's a question of fact for the Board to deliberate when that issue comes forward.

Chair Clark – Thank you, Ms. Munson. Any other public comment on current internships? Hearing none. Ms. Wiener, for what it's worth, I think this is based on Ms. Schwantes' comments and having reviewed the materials. I'm very supportive of how this one is in current. And I know Mr. Grabowski was able to speak at our last meeting about some of his recommended changes. And so, taking those comments into consideration, I think this one's in pretty good shape. However, I do think Ms. Schwantes has made a recommendation that we continue.

MOTION: Chair Clark moved to table this matter to allow for others to comment and that those comments be submitted to staff by October 28th to be reviewed at the November 16th Rules Committee meeting. Mr. Jensen seconded the motion, which passed unanimously.

(3) ***Rule 69K-25.001, F.A.C. - Licensure by Endorsement; Embalmers***

Ms. Schwantes – The rule is found on Page 16 of the workbook. The relevant statute is section 497.369, found on Page 17. Written comments from WRW Legal are found on Page 11 of addendum A to the workbook, which is Page 34 of your full workbook PDF. And the Department's recommendation on this is a lot closer than we saw the last one, but it still does not give enough clarity as to the difference between education versus the experience paths. Again, we did not have the opportunity to really work with this before the packet had to go out, primarily because of the storm and the fallout that we had to do there. We would like opportunity to come back on both this one and the next one, 25.002. Let's go ahead and put that out there. And it would have to be the same thing, continued in the November 6th meeting with written comments due by October 28th.

Ms. Wiener – Ms. Schwantes, is there a world where you can send us that, like take our comments and accept them and then redline them and change them or send us back a version that you think we went around and around the language. The language, it feels tortured to describe these two (2) paths. But we did the best we could on trying to get us these two paths. But if you have changes, we'd be happy to look at them and see if we can all come back together with a version we all agree to.

Ms. Schwantes – I agree. And actually, I would like to see something like that with the others that we've also discussed, too.

Ms. Wiener – Absolutely. Send us anything. We're happy to take a look at it.

Ms. Schwantes – Okay.

Chair Clark – Any other public comments? Hearing none. For the Committee?

MOTION: Chair Clark moved to table this matter to allow for others to comment and that those comments be submitted to staff by October 28th to be reviewed at the November 16th Rules Committee meeting. Mr. Jensen seconded the motion, which passed unanimously.

(4) *Rule 69K-25.002, F.A.C. - Licensure by Endorsement; Funeral Directors*

Ms. Schwantes – The rule is found on Page 20 of the workbook, relevant statute to section 497.374, which is found on Page 21. Written comments from WRW Legal are found on Page 12 of Addendum A to the workbook which is Page 35 of the full workbook PDF. The Department's recommendation is the same as the other one, continue the discussion, full discussion on this matter to November 16 with written comments due by October 28th.

Chair Clark – Thank you, Ms. Schwantes. Any other public comments? Hearing none.

MOTION: Chair Clark moved to table this matter to allow for others to comment and that those comments be submitted to staff by October 28th to be reviewed at the November 16th Rules Committee meeting. Ms. Clay seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you. That ends the portion with regard to the rule relating to Senate Bill 598 that are still outstanding. You will recall that we have already made suggested changes and recommendations regarding other rules that were impacted by Senate Bill 598 that have already been approved by the Board. These were just the four (4) that were outstanding.

F. Summary Regarding Meeting Results and Future Plans

Ms. Schwantes – To reiterate our two (2) main goals over the next few months are to complete the approved proposed language on these remaining four (4) rules. We have to get the proposed language filed no later than January 1st which means that it's got to be approved by the December by the Board at its December meeting and then also the second thing would have the initial phase of the Annual Rule Review completed and approved by the Board again no later than the meeting so the results can be timely filed by January 1st. A lot of work that would have to be

done in December even after the Board meeting to finalize matters and get it before JAPC by January 1st. That's where we are in terms of timing on it. We've already talked about a lot of the other.

The next Rules Committee meeting is on Monday November 16th via video conference at 10 a.m.

G. Chair's Remarks

Ms. Schwantes – Chair Clark?

Chair Clark – I will be brief. So much work goes into this so much pre-work goes into this meeting and sounds like everybody has homework so I just want to acknowledge that this is a lot of work the industry may never see or understand all that goes into rulemaking, but I'm grateful for it and this work is meaningful we're this this work will have meaningful impact on industry, and for that I'm grateful. Ms. Munson?

Ms. Munson – Just a quick comment. I've said as a sidebar, but I just wanted to notify the Committee that I will not be at your November and December meetings. There will be a representative from the Office of the Attorney General that will be available to assist in this rulemaking task, plural. And I just wanted to thank you for all of your passion regarding this and devotion to it and to be kind to my subs, please.

Chair Clark – We will do our best and you will be greatly missed. Ms. Schwantes?

Ms. Munson – Be kind.

Ms. Schwantes – Thank you, sir. On the agenda for the November meeting, if we can have the minutes done and the dual report I talked about, we'll have those ready for the Committee to review first. If they're not completed by that November meeting, we may have to just take them directly to the Board at the December meeting, okay? Which I know is okay. But the other thing is the only thing on the agenda for November will be further discussion on these four (4) rules. I'm sure we're all good with that.

Chair Clark – Yes, we are. We've made a lot of progress.

Ms. Wiener – Hold on. So, you don't want comments on the other six (6), five (5) rules before Thanksgiving? We only want to focus on these four (4)?

Ms. Schwantes – No, ma 'am. The November 16th meeting is only going to talk about these four (4) rules. Comments are due by October 28th for these four (4) rules. The December meeting will start into proposed language, et cetera, on the ones we talked about opening as part of the Annual Rule Review, and those are due before Thanksgiving unofficially at the moment.

Ms. Wiener – And in the list we read out earlier, the list you read out earlier, included in that list of ten (10) was 18.002 and 18.003. Because we're doing those in November, I will not re-comment on those on the Friday before Thanksgiving. So actually, it will be eight (8).

Ms. Munson – Unless you don't like the comments you got in November.

Ms. Wiener – Well, you never know. I'm sure we're going to love it.

Chair Clark – Thank you, Ms. Wiener.

Ms. Schwantes – I think one of those also was the one that was just the technical challenge.

Ms. Wiener – Yes. So, seven (7) substantive and one (1) technical.

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Ms. Schwantes – Yes.

Ms. Wiener – And I won't submit going forward. I'm not going to submit anything that we don't have comments on or whatever is going forward. It will just be red lines of the things that are on the assignment list.

H. Adjournment

Chair Clark – So, Mr. Jensen and Ms. Clay, thank you so much. It is 1:25 and the meeting is adjourned. Thank you everybody.

The meeting was adjourned at 1:25.

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