

# **STATUTES IMPACTED BY SB598 – FUNERAL, CEMETERY, AND CONSUMER SERVICES – 2026**

## **FOR CONSIDERATION AT JUNE 12, 2026, RULES COMMITTEE MEETING**

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### **Purpose of June 12, 2026, Rules Committee Meeting**

Section 120.54(1)(b), F.S., provides: “Whenever an act of the Legislature is enacted which requires implementation of the act by rules of an agency within the executive branch of state government, the agency must publish a notice of rule development as provided in this section within 30 days after the effective date of the law that requires rulemaking and provides a grant of rulemaking authority.” Based upon this statute, a notice of rule development must be published within 30 days after the effective date of the legislative change requiring the rule change.

THE PURPOSE OF THE JUNE 12, 2026, RULES COMMITTEE MEETING WILL BE TO DETERMINE ON WHICH RULES THE BOARD WILL NEED TO FILE A NOTICE OF RULE DEVELOPMENT AS A RESULT OF STATUTORY CHANGES MADE BY SB598. The effective date of SB598 is July 1, 2026. The deadline for filing any notices of rule development would therefore be July 31, 2026.

To assist the Rules Committee in making this decision, this document provides the following for each statute contained in chapter 497, F.S., which is referred to in the bill:

- Information on each statute impacted by SB598, set out in the order in which the statute is referenced in SB598
- A brief description of the impact of SB598 on the listed statute
- A copy of the full, statute itself, incorporating the changes made by SB598. The changes are highlighted in yellow, underlined where language has been added, and crossed through where language has been deleted by SB598.
- A list of all rules contained in chapter 69K, F.A.C., in which the statute is referenced, with the following exceptions: 1) repealed statutes are not shown, 2) the disciplinary guidelines set out in rule section 69K-30.001, F.A.C., are not shown. Although the statute or related rules are likely referenced in these disciplinary guidelines, the Board has previously decided that the guidelines will be the last rule to be opened for annual review under section 120.5435, F.S.
- The Division’s recommendation as to any of the listed rules for which a notice of rule development should be filed.

**To expedite discussions during the Rules Committee meeting, it is recommended that the Committee members review each of the listed rules prior to the meeting.**

### **Statutes Impacted by SB598**

#### **497.164 Solicitation of goods or services.**

IMPACT OF SB598: prohibits a licensee of funeral or cemetery services from entering into certain contracts, agreements, or arrangements

##### **497.164 Solicitation of goods or services.—**

- (1) The board is authorized to adopt rules regulating the solicitation of sales of burial rights, merchandise, or services by licensees.
- (2) The board shall regulate such solicitation to protect the public from solicitation which is intimidating, overreaching, fraudulent, or misleading; which utilizes undue influence; or which takes undue advantage of a person's ignorance or emotional vulnerability.
- (3) The board shall regulate any solicitation which comprises an uninvited invasion of personal privacy. It is the express finding of the Legislature that the public have a high expectation of privacy in their personal residences, and the department by rule shall restrict the hours or otherwise regulate such solicitation in the personal residence of a person unless the solicitation has been previously and expressly requested by the person solicited.
- (4) Nothing in this section shall be construed to restrict the right of a person to lawfully advertise, use direct mail, or otherwise communicate in a manner not within the definition of solicitation or to solicit the business of anyone responding to such communication or otherwise initiating discussion of goods and services being offered.
- (5) At-need solicitation of sales of burial rights, merchandise, or services is prohibited. No person may contact the family or next of kin of a deceased person to sell services or merchandise unless the person has been initially called or contacted by the family or next of kin of such person or persons and requested to provide services or merchandise.

**(6) A licensee under this chapter may not enter into a contract, agreement, or other arrangement in which such licensee or any affiliated licensee becomes the exclusive or sole provider of funeral, cremation, refrigeration, or removal services for any entity that provides medical, palliative, or other end-of-life care and services to the general public.**

##### **RULES IN WHICH 497.164 IS REFERENCED:**

- 69K-9.002 Residential Solicitations.
- 69K-9.003 Solicitation in Healthcare Facilities.

##### **DIVISION RECOMMENDATION:**

- No rule changes required

**497.263 Cemetery companies; license required; licensure requirements and procedures.**

IMPACT OF SB598: revises the procedures for applicants seeking a cemetery license

**497.263 Cemetery companies; license required; licensure requirements and procedures.—**

- (1) LICENSE REQUIRED.—No person may operate a cemetery without first obtaining a license under this section, unless specifically exempted from this chapter.
- (2) APPLICATION PROCEDURES.—
  - (a) A person seeking a cemetery license under this section shall apply for such licensure using forms and procedures prescribed by rule.
  - (b) The applicant shall be a corporation, a partnership, or a limited liability company.
  - (c) The application shall require the name, principal place of business, date of formation, and federal tax identification number, of the applicant.
  - (d) The application shall require such historical sketches and audited or unaudited financial statements concerning the applicant and each principal of the applicant, as the licensing authority may require by rule.
  - (e) The application shall state any and all names under which the cemetery may do business if licensed, if different from the applicant's name.
  - (f) The application shall state the exact location of the proposed cemetery.
  - (g) The proposed cemetery must contain at least 30 contiguous acres. Such acreage must be contiguous, except that parcels of land divided solely by a public right-of-way or public road may be considered contiguous, provided the parcels are in close geographic proximity and form a unified cemetery property. The application must state the exact number of acres in the proposed cemetery and must identify any public rights-of way or roads dividing the parcels. Parcels located in separate or distant geographic areas, even if along the same roadway or corridor, do not satisfy the contiguity requirement of this paragraph. The application shall state the exact number of acres in the proposed cemetery.
  - (h) The applicant must have a net worth of \$50,000, as attested to by a sworn statement signed by all officers of the applicant. Such net worth must be continually maintained as a condition of licensure.
  - (i) The application shall be accompanied by such description of the proposed financial structure of the cemetery as the licensing authority may require by rule.
  - (j) The application shall be accompanied by a legal description of the cemetery.
  - (k) The application shall be accompanied by such maps or surveys of the proposed cemetery, and maps showing the location of the proposed cemetery in the local area, as the licensing authority may require by rule, and the licensing authority may by rule require such maps or surveys of the cemetery to be prepared by a licensed Florida professional surveyor.

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- (l) The application shall include such description of the development plans for the proposed cemetery as the licensing authority may require by rule.
  - (m) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. [497.142](#).
  - (n) The application shall require the applicant to disclose whether the applicant or any principal of the applicant has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. The licensing authority may require by rule additional information to be provided concerning any affirmative answers. A licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license. The licensing authority may require by rule additional information to be provided concerning any affirmative answers.
  - (o) The applicant shall submit fingerprints in accordance with s. [497.142](#).
  - (p) The applicant shall demonstrate by clear and convincing evidence that the applicant has the ability, experience, financial stability, and integrity to operate a cemetery, and that its principals are of good character.
  - (q) The application shall be signed in accordance with s. [497.141](#)(12).
  - (r) The application shall be accompanied by a nonrefundable application fee of \$5,000.
  - (s) The licensing authority may establish by rule requirements for the appearance before the licensing authority of the applicant and the applicant's principals, to stand for oral interview by the licensing authority at a public licensing authority meeting, before the application shall be deemed complete.
- (3) ACTION CONCERNING APPLICATIONS.—If the licensing authority finds that the applicant meets the criteria established in subsection (2), the applicant shall be notified that a license will be issued when all of the following conditions are satisfied:
- (a) The establishment of a care and maintenance trust fund containing not less than \$50,000 has been certified by a trust company, a state or national bank holding trust powers, or a savings and loan association holding trust powers as provided in s. [497.458](#), pursuant to a trust agreement approved by the licensing authority. The \$50,000 required for the care and maintenance trust fund shall be over and above the \$50,000 net worth required by subsection (2).
  - (b) The applicant files with the licensing authority an opinion or certification from a Florida attorney in good standing, or a Florida title company, in a form acceptable to the licensing authority, that the applicant holds unencumbered fee simple title to all land identified in the application.
  - (c) The applicant obtains approval of the local zoning authorities regarding the cemetery, and files with the licensing authority evidence satisfactory to the licensing authority of such approval, or if no approval by local zoning authorities is required, such approval of residents adjacent to the proposed cemetery as the licensing authority may require by rule.

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(d) The licensing authority determines that the applicant has designated as general manager of the cemetery a person of integrity, who has 3 years of cemetery management experience as defined by rule of the licensing authority, and who has the ability to operate a cemetery.

(e) Evidence satisfactory to the licensing authority that the applicant has fully developed not less than 2 acres for use as burial space, such development to include a paved road from a public roadway to the developed section.

(f) Regarding the cemetery land identified in the application, the applicant has recorded, and provides the licensing authority with a written attestation of such recording signed by a licensed Florida attorney, in the public records of real estate in the county in which the cemetery land is located, a notice which contains the following language:

### NOTICE

The property described herein shall not be sold, conveyed, leased, mortgaged, or encumbered without the prior written approval of the Department of Financial Services, as provided in Chapter 497, Florida Statutes.

Such notice shall be clearly printed in boldfaced type of not less than 10 points and may be included on the face of the deed of conveyance to the licensee or may be contained in a separate recorded instrument which contains a description of the property.

(4) **ISSUANCE OF LICENSE.**—There shall be issued a license to operate a cemetery company to any applicant who, within 12 months after notice that a license may be issued, meets the criteria of subsection (3). The licensing authority may, for good cause shown, grant up to two extensions of the 12-month period within which the applicant must meet the criteria of subsection (3).

### RULES IN WHICH 497.263 IS REFERENCED:

- 69K-1.001 List of Approved Forms; Incorporation by Reference.
- 69K-1.002 Fingerprint Requirement and Waiver.
- 69K-5.004 Procedures for Licensing a New Cemetery.
- 69K-5.007 Conversion Procedures.
- 69K-5.008 Request for Additional Information – Applications.
- 69K-5.009 Regulatory Standards for Evaluating Applications by the Board.

### DIVISION RECOMMENDATION:

- 69K-5.009 – changes needed, at least as to any references to “contiguous” in 69K-5.009(1)(b).
  - This Shared rule is currently open by Department with other changes pending. Will need to determine if additional changes can be made through pending rulemaking or if a new notice of rule development should be filed.
- Any related forms will be reviewed by Department for necessary changes.

**497.270 Minimum acreage; sale or disposition of cemetery lands.**

IMPACT OF SB598: conforms a provision to changes made by the act

**497.270 Minimum acreage; sale or disposition of cemetery lands.—**

(1) No land in a licensed cemetery may be sold, mortgaged, leased, or encumbered without prior approval of the licensing authority pursuant to procedures specified by rule. Such approval shall not be given unless it be shown that such approval would be in the public interest. The licensing authority may adopt rules establishing criteria for approval of the sale, mortgaging, leasing, or encumbering of cemetery land.

(2) Any lands owned by a licensee and dedicated for use by it as a cemetery, which meet the criteria set forth in s.497.263(2)(g) are in excess of a minimum of 30 contiguous acres, may be sold, conveyed, or disposed of by the licensee, after obtaining written approval pursuant to procedures and using utilizing forms specified by rule and consistent with subsection (3), for use by the new owner for other purposes than as a cemetery. All of the human remains which have been previously interred therein must shall first be have been removed from the lands proposed to be sold, conveyed, or disposed of; however, the provisions of ss. 497.152(8)(e) and 497.384 must be complied with before prior to any disinterment of human remains. Any and All titles, interests, or burial rights which may have been sold or contracted to be sold in lands which are the subject of the sale must shall be conveyed to and revested in the licensee before prior to consummation of any such sale, conveyance, or disposition.

(3)(a) If the property to be sold, conveyed, or disposed of under subsection (2) has been or is being used for the permanent interment of human remains, the applicant for approval of such sale, conveyance, or disposition must cause to be published, at least once a week for 4 consecutive weeks, a notice meeting the standards of publication set forth in s. 125.66(5)(b)2. The notice must describe the property in question and the proposed noncemetery use and must advise substantially affected persons that they may file a written request for a hearing pursuant to chapter 120, within 14 days after the date of last publication of the notice, with the department if they object to granting the applicant's request to sell, convey, or dispose of the subject property for noncemetery uses.

(b) If the property in question has never been used for the permanent interment of human remains, no notice or hearing is required.

(c) If the property in question has been used for the permanent interment of human remains, the department shall approve the application, in writing, if it finds that it would not be contrary to the public interest. In determining whether to approve the application, the department shall consider any evidence presented concerning the following:

1. The historical significance of the subject property, if any.
2. The archaeological significance of the subject property, if any.
3. The public purpose, if any, to be served by the proposed use of the subject property.

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4. The impact of the proposed change in use of the subject property upon the reasonable expectations of the families of the deceased regarding whether the cemetery property was to remain as a cemetery in perpetuity.
5. Whether any living relatives of the deceased actively oppose the relocation of their deceased's remains and the conversion of the subject property to noncemetery uses.
6. The elapsed time since the last interment in the subject property.
7. Any other factor enumerated in this chapter that the department considers relevant to the public interest.

(d) Any deed, mortgage, or other conveyance by a cemetery company or other owner pursuant to subsections (a) and (c) above must contain a disclosure in the following or substantially similar form:

NOTICE: The property described herein was formerly used and dedicated as a cemetery. Conveyance of this property and its use for noncemetery purposes was authorized by the Florida Department of Financial Services by Order No. , dated .

(e) The department shall adopt such rules as are necessary to carry out the provisions of this section.

(4) A licensee may convey and transfer to a municipality or county its real and personal property, together with moneys deposited in trust funds pursuant to this chapter, provided the municipality or county will accept responsibility for maintenance thereof and prior written approval of the department is obtained.

(5) The provisions of subsections (1) and (2) relating to a requirement for minimum acreage shall not apply to any cemetery company licensed by the department on or before July 1, 2001, which owns a total of less than 30 acres of land; however, no cemetery company shall dispose of any land without the prior written consent of the department.

(6) Except for road system, transportation corridor, or rights-of-way purposes, property dedicated for cemetery purposes and licensed under this part may not be taken by eminent domain if the area of property to be taken is 1 contiguous acre or greater in size, unless the taking entity determines in a public hearing that there are no reasonable alternatives except to use cemetery property for the project.

(7) A governmental entity may not require the transfer of property dedicated for cemetery purposes and licensed pursuant to part II as a condition of obtaining regulatory approval under this chapter.

### RULES IN WHICH 497.270 IS REFERENCED:

- 69K-1.001 List of Approved Forms; Incorporation by Reference.

### DIVISION RECOMMENDATION:

- No rule changes required.
- Any related forms will be reviewed by Department for necessary changes.



**497.369 Embalmers; licensure as an embalmer by endorsement; licensure of a temporary embalmer.**

IMPACT OF SB598: revises the requirements for an applicant seeking licensure by endorsement to be an embalmer

**497.369 Embalmers; licensure as an embalmer by endorsement; licensure of a temporary embalmer.—**

(1) The licensing authority shall issue a license by endorsement to practice embalming to an applicant who has remitted an examination fee set by rule of the licensing authority not to exceed \$200 and who the licensing authority certifies:

(a) Has completed the application form and remitted a nonrefundable application fee set by rule of the licensing authority not to exceed \$200. A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within the 2 years preceding application for licensure are exempt from the application fee. To qualify for the application fee exemption, an applicant must provide a copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document that indicates such member is currently in good standing or such veteran was honorably discharged.

(b)1. Holds a valid license in good standing to practice embalming in another state of the United States and has engaged in the full-time, licensed practice of embalming in that state for at least 5 years; or

2. Meets the qualifications for licensure in s. [497.368](#), except that the internship requirement shall be deemed to have been satisfied by 1 year's practice as a licensed embalmer in another state, and has, within 10 years before the date of application, successfully completed a state, regional, or national examination in mortuary science which, as determined by rule of the licensing authority, is substantially equivalent to or more stringent than the examination given by the licensing authority.

€ Has submitted proof of completion of a licensing authority-approved course on communicable diseases.

(d) Has made disclosure of the applicant's criminal records, if any, as required by s. [497.142](#). The applicant shall submit fingerprints in accordance with s. [497.142](#). The applicant may not be licensed under this section unless the licensing authority determines the applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters.

(2) State, regional, or national examinations and requirements for licensure in another state shall be presumed to be substantially equivalent to or more stringent than the examination and requirements in this state unless found otherwise by rule of the licensing authority.

(3) The licensing authority shall not issue a license by endorsement or a temporary license to any applicant who is under investigation or prosecution in any jurisdiction for an act which would constitute a violation of this chapter until such time as the investigation or prosecution is complete.

(4) Each applicant for licensure by endorsement ~~shall must~~ pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies ~~which is required under s. 497.368~~ and which shall be given by the licensing authority. Licensure by endorsement under subparagraph (1)(b)1. ~~Does not require any educational or testing requirements other than those required in this subsection.~~

(5)(a) There may be adopted by the licensing authority rules authorizing an applicant who has met the requirements of paragraphs (1)(b) and (c) and who is awaiting an opportunity to take the examination required by subsection (4) to be licensed as a temporary licensed embalmer. A temporary licensed embalmer may work as an embalmer in a licensed funeral establishment under the general supervision of a licensed embalmer. Such temporary license shall expire 60 days after the date of the next available examination required under subsection (4); however, the temporary license may be renewed one time under the same conditions as initial issuance. The fee for issuance or renewal of an embalmer temporary license shall be set by rule of the licensing authority but may not exceed \$200. The fee required in this subsection shall be nonrefundable and in addition to the fee required in subsection (1).

(b) A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within the 2 years preceding application for licensure are exempt from the initial issuance fee. To qualify for the initial issuance fee exemption, an applicant must provide a copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document that indicates such member is currently in good standing or such veteran was honorably discharged.

#### RULES IN WHICH 497.369 IS REFERENCED:

- 69K-1.001 List of Approved Forms; Incorporation by Reference.
- 69K-1.002 Fingerprint Requirement and Waiver.
- 69K-1.005 Licensure Application Procedures.
- 69K-16.0001 State Examination for Funeral Industry Professionals.
- 69K-16.004 Examination for Licensure by Endorsement.
- 69K-16.005 Reexaminations.
- 69K-17.002 Application Fees; Licensure by Endorsement for Embalmers and Funeral Directors.
- 69K-17.003 Fees.
- 69K-17.0036 Course Required for Initial Licensure.
- 69K-17.0042 Approval of Continuing Education Courses.
- 69K-25.001 Licensure by Endorsement; Embalmers.
- 69K-25.003 Licensure as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration.
- 69K-32.002 Approved Courses.

DIVISION RECOMMENDATION:

- 69K-25.001 – possible changes needed.
  - This is a Board rule scheduled to be reviewed in FY28-29; recommend moving to annual review this year.
- Any related forms will be reviewed by Department for necessary changes.

**497.374 Funeral directing; licensure as a funeral director by endorsement; licensure of a temporary funeral director.**

IMPACT OF SB598: revises the requirements for an applicant seeking licensure by endorsement to be a funeral director

**497.374 Funeral directing; licensure as a funeral director by endorsement; licensure of a temporary funeral director.—**

(1) The licensing authority shall issue a license by endorsement to practice funeral directing to an applicant who has remitted a fee set by rule of the licensing authority not to exceed \$200 and who:

(a) Has completed the application form and remitted a nonrefundable application fee set by rule of the licensing authority not to exceed \$200. A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within the 2 years preceding application for licensure are exempt from the nonrefundable application fee. To qualify for the exemption, an applicant must provide a copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document that indicates such member is currently in good standing or such veteran was honorably discharged.

(b)1. Holds a valid license in good standing to practice funeral directing in another state of the United States and has engaged in the full-time, licensed practice of funeral directing in that state for at least 5 years; or

2. Meets the qualifications for licensure in s. [497.373](#), except that the applicant need not hold an associate degree or higher if the applicant holds a diploma or certificate from an accredited program of mortuary science, and has successfully completed a state, regional, or national examination in mortuary science or funeral service arts which, as determined by rule of the licensing authority, is substantially equivalent to or more stringent than the examination given by the licensing authority.

© Has submitted proof of completion of a licensing authority-approved course on communicable diseases.

(d) Has made disclosure of the applicant's criminal records, if any, as required by s. [497.142](#). The applicant shall submit fingerprints in accordance with s. [497.142](#). The applicant may not be licensed under this section unless the licensing authority determines the applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters.

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(2) The licensing authority shall not issue a license by endorsement or a temporary license to any applicant who is under investigation or prosecution in any jurisdiction for acts which would constitute a violation of this chapter until such time as the investigation or prosecution is complete.

(3) State, regional, or national examinations and requirements for licensure in another state shall be presumed to be substantially equivalent to or more stringent than the examination and requirements in this state unless found otherwise by rule of the licensing authority.

(4) Each applicant for licensure by endorsement shall ~~must~~ pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies ~~which is required under s. 497.373 and which shall be given by the licensing authority. Licensure by endorsement under subparagraph (1)(b)1. Does not require education or testing requirements other than those required in s. 497.373(2)(b).~~

(5) There may be adopted rules authorizing an applicant who has met the requirements of paragraphs (1)(b) and (c) and who is awaiting an opportunity to take the examination required by subsection (4) to obtain a license as a temporary funeral director. A licensed temporary funeral director may work as a funeral director in a licensed funeral establishment under the general supervision of a funeral director licensed under subsection (1) or s. [497.373](#). Such license shall expire 60 days after the date of the next available examination required under subsection (4); however, the temporary license may be renewed one time under the same conditions as initial issuance. The fee for initial issuance or renewal of a temporary license under this subsection shall be set by rule of the licensing authority but may not exceed \$200. The fee required in this subsection shall be nonrefundable and in addition to the fee required in subsection (1). A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within the 2 years preceding application for licensure are exempt from the initial issuance fee. To qualify for the initial issuance fee exemption, an applicant must provide a copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document that indicates such member is currently in good standing or such veteran was honorably discharged.

### RULES IN WHICH 497.374 IS REFERENCED:

- 69K-1.001 List of Approved Forms; Incorporation by Reference.
- 69K-1.002 Fingerprint Requirement and Waiver.
- 69K-1.005 Licensure Application Procedures.
- 69K-16.0001 State Examination for Funeral Industry Professionals.
- 69K-16.004 Examination for Licensure by Endorsement.
- 69K-16.005 Reexaminations.
- 69K-17.002 Application Fees; Licensure by Endorsement for Embalmers and Funeral Directors.
- 69K-17.003 Fees.
- 69K-17.0036 Course Required for Initial Licensure.
- 69K-17.0042 Approval of Continuing Education Courses.

- 69K-25.002 Licensure by Endorsement; Funeral Directors.
- 69K-25.003 Licensure as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration.
- 69K-32.002 Approved Courses.

**DIVISION RECOMMENDATION:**

- 69K-25.002 – possible changes needed.
  - This is a Board rule scheduled to be reviewed in FY28-29; recommend moving to annual review this year.
- Any related forms will be reviewed by Department for necessary changes.

**497.375 Funeral directing; licensure of a funeral director intern.**

IMPACT OF SB598: deletes an exception to the educational requirements for an applicant seeking licensure to be a funeral director

**497.375 Funeral directing; licensure of a funeral director intern.—**

(1)(a) Any person desiring to become a funeral director intern must apply to the licensing authority on forms prescribed by rule of the licensing authority, together with a nonrefundable fee set by rule of the licensing authority not to exceed \$200. A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within the 2 years preceding application for licensure are exempt from the application fee. To qualify for the application fee exemption, an applicant must provide a copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document that indicates such member is currently in good standing or such veteran was honorably discharged.

(b)1. Except as provided in subparagraph 2., an applicant must hold the educational credentials required for licensure of a funeral director under s. [497.373\(1\)\(d\)](#).

2. An applicant who has not completed the educational credentials required for a funeral director license is eligible for licensure as a funeral director intern if the applicant:

- a. Holds an associate degree or higher in any field from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education.
- b. Is currently enrolled in and attending a licensing authority-approved course of study in mortuary science or funeral service arts required for licensure of a funeral director under s. [497.373\(1\)\(d\)2](#).

~~c.—Has taken and received a passing grade in a college credit course in mortuary law or funeral service law and has taken and received a passing grade in a college credit course in ethics.~~

€ An application must include the name and address of the funeral director licensed under s. [497.373](#) or s. [497.374\(1\)](#) under whose supervision the intern will receive training and the name of the licensed funeral establishment where the training will be conducted.

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(d) A funeral director intern may perform only the tasks, functions, and duties relating to funeral directing which are performed under the direct supervision of a licensed funeral director who has an active, valid license under s. [497.373](#) or s. [497.374](#)(1). However, a funeral director intern may perform those tasks, functions, and duties under the general supervision of a licensed funeral director upon graduation from a licensing authority-approved course of study in mortuary science or funeral service arts required under s. [497.373](#)(1)(d)2. And passage of the laws and rules examination required under s. [497.373](#)(2)(b), if the funeral director in charge of the funeral director internship training agency, after 6 months of direct supervision, certifies to the licensing agency that the intern is competent to complete the internship under general supervision.

(2) Rules shall be adopted establishing a funeral director internship program and criteria for funeral director intern training agencies and supervisors. Any funeral establishment where funeral directing is conducted may apply to the licensing authority for approval as a funeral director intern training agency.

(3) A funeral establishment designated as a funeral director intern training agency may not exact a fee from any person obtaining intern training at such funeral establishment.

(4)(a) A funeral director intern license expires 1 year after issuance and, except as provided in paragraph (b), paragraph (c), or paragraph € , may not be renewed.

(b) A funeral director intern who is eligible for licensure under subparagraph (1)(b)2. May renew her or his funeral director intern license for an additional 1-year period if the funeral director in charge of the funeral director intern training agency certifies to the licensing authority that the intern has completed at least one-half of the course of study in mortuary science or funeral service arts.

€ The licensing authority may adopt rules that allow a funeral director intern to renew her or his funeral director intern license for an additional 1-year period if the funeral director intern demonstrates her or his failure to complete the internship before expiration of the license due to illness, personal injury, or other substantial hardship beyond her or his reasonable control or demonstrates that she or he has completed the requirements for licensure as a funeral director but is awaiting the results of a licensure examination. However, a funeral director intern who renews her or his license under paragraph (b) is not eligible to renew the license under this paragraph.

(d) The licensing authority may require payment of a nonrefundable fee for the renewal of any funeral director intern license. The fee shall be set by rule of the licensing authority but may not exceed the fee set pursuant to paragraph (1)(a) for an initial funeral director intern license.

€ 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 funeral directing in the manner provided in paragraph (1)(d) until a license is issued or denied, or for a period of 90 days, whichever occurs sooner.

### RULES IN WHICH 497.375 IS REFERENCED:

- 69K-1.001 List of Approved Forms; Incorporation by Reference.
- 69K-1.005 Licensure Application Procedures.
- 69K-17.003 Fees.

- 69K-18.002 Funeral Director Intern Training Program.
- 69K-18.003 Concurrent Internships.
- 69K-18.004 Intern Training Agencies.
- 69K-27.001 Embalmer Apprentice Program.

**DIVISION RECOMMENDATION:**

- 69K-18.002 – possible changes needed.
  - This is a Shared rule, which the Board reviewed in FY25-26, recommending no changes. Division now recommends conducting another annual review of the rule this year.
- 69K-18.003 – possible changes needed.
  - This is a Shared rule, which the Board reviewed in FY25-26, recommending no changes. Division now recommends conducting another annual review of the rule this year.
- Any related forms will be reviewed by Department for necessary changes.

**497.376 License as funeral director and embalmer permitted.**

IMPACT OF SB598: revises the requirements for an applicant seeking a license by endorsement as a combination funeral director and embalmer

**497.376 License as funeral director and embalmer permitted.—**

(1) This chapter does not prohibit a person from holding a license as an embalmer and a license as a funeral director at the same time. There may be issued and renewed by the licensing authority a combination license as both funeral director and embalmer to persons meeting the separate requirements for both licenses as set forth in this chapter. The licensing authority may adopt rules providing procedures for applying for and renewing such combination license. The licensing authority may by rule establish application, renewal, and other fees for such combination license, which fees may not exceed the sum of the maximum fees for the separate funeral director and embalmer license categories as provided in this chapter. A person holding a combination license as a funeral director and an embalmer is subject to regulation under this chapter both as a funeral director and an embalmer.

(2) Except as provided in s. [497.377](#), an applicant for a combination license as both a funeral director and an embalmer must hold the educational credentials required for licensure of a funeral director under s. [497.373](#)(1)(d).

**(3) An applicant for a combination license by endorsement as a funeral director and embalmer under s. 497.373 and s.497.369, respectively, is not required to meet any educational or testing requirements other than those in ss. 497.373(2)(b) and 497.369(4).**

RULES IN WHICH 497.376 IS REFERENCED:

- 69K-1.001 List of Approved Forms; Incorporation by Reference.
- 69K-17.0034 Continuing Education for License Renewal.
- 69K-18.002 Funeral Director Intern Training Program.

DIVISION RECOMMENDATION:

- 69K-18.002 – possible changes needed.
  - This is a Shared rule, which the Board reviewed in FY25-26, recommending no changes. Division now recommends conducting another annual review of the rule this year.
- Any related forms will be reviewed by Department for necessary changes.

**497.377 Combination funeral director and embalmer internships.**

IMPACT OF SB598: revises the educational requirements for licensure to be a combination funeral director and embalmer intern

**497.377 Combination funeral director and embalmer internships.—**

(1) The internship requirements for a combination license as both funeral director and embalmer may be served concurrently pursuant to rules adopted by the licensing authority.

(2)(a) An applicant who has not completed the educational credentials required for a combination license as both funeral director and embalmer is eligible for licensure as a combination funeral director and embalmer intern if the applicant:

1. Holds an associate degree or higher in any field from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education; or

2. Is currently enrolled in and attending a college accredited by the American Board of Funeral Service Education (ABFSE) in a course of study in mortuary science accredited by ABFSE.

~~2. Has completed at least 75 percent of the course of study in mortuary science as certified by the college in which the applicant is currently enrolled.~~

~~3. Has taken and received a passing grade in a college credit course in mortuary law or funeral service law and has taken and received a passing grade in a college credit course in ethics.~~

(b) An application for a combination funeral director and embalmer intern license must include the name and address of the funeral director licensed under s. 497.373 or s. 497.374(1) and the embalmer licensed under s. 497.368 or s. 497.369 under whose supervision the intern will receive training and the name of the licensed funeral establishment at which the training will be conducted.

(c) A combination funeral director and embalmer intern may perform only the tasks, functions, and duties relating to funeral directing and embalming which are performed under the direct supervision of a licensed funeral director who has an active, valid license under s. 497.373 or s. 497.374(1) and an embalmer who has an active, valid license under s. 497.368 or s. 497.369. However, a



combination funeral director and embalmer intern may perform such tasks, functions, and duties under the general supervision of a licensed funeral director and embalmer upon graduation from a college accredited by ABFSE with a degree as specified in s. [497.373\(1\)\(d\)](#) and upon passage of the examination required under s. [497.373\(2\)\(b\)](#) if the funeral director in charge of the internship training establishment, after 6 months of direct supervision, certifies to the licensing authority that the intern is competent to complete the internship under general supervision.

(d)1. A combination funeral director and embalmer intern license expires 1 year after issuance and, except as provided in subparagraph 2., may not be renewed; however, upon expiration of a combination funeral director and embalmer intern license, any intern that has completed the educational credentials required for a combination license as both funeral director and embalmer and has applied for licensure may continue to perform the tasks, functions, and duties related to funeral directing and embalming in the manner provided in paragraph (c) until a license is issued or denied, or for a period of 90 days, whichever occurs sooner.

2. The licensing authority may adopt rules that allow a combination funeral director and embalmer intern to renew her or his combination funeral director and embalmer intern license for an additional 1 year if the combination funeral director and embalmer intern demonstrates her or his failure to complete the internship before expiration of the license due to illness, personal injury, or other substantial hardship beyond her or his reasonable control or demonstrates that she or he has completed the requirements for licensure as a combination funeral director and embalmer but is awaiting the results of a licensure examination.

#### RULES IN WHICH 497.377 IS REFERENCED:

- 69K-1.001 List of Approved Forms; Incorporation by Reference.
- 69K-1.005 Licensure Application Procedures.
- 69K-18.003 Concurrent Internships.

#### DIVISION RECOMMENDATION:

- 69K-18.003 – possible changes needed.
  - This is a Shared rule, which the Board reviewed in FY25-26, recommending no changes. Division now recommends conducting another annual review of the rule this year.
- Any related forms will be reviewed by Department for necessary changes.

**497.386 Storage, preservation, and transportation of human remains.**

IMPACT OF SB598: authorizes a licensee or a licensed facility to dispose of human remains in a specified manner if the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition

**497.386 Storage, preservation, and transportation of human remains.—**

- (1) A person may not store or maintain human remains at any establishment or facility except an establishment or facility licensed under this chapter or a health care facility, medical examiner's facility, morgue, or cemetery holding facility.
- (2) A dead human body may not be held in any place or in transit over 24 hours after death or pending final disposition unless the body is maintained under refrigeration at a temperature of 40 degrees Fahrenheit or below or is embalmed or otherwise preserved in a manner approved by the licensing authority in accordance with the provisions of this chapter.
- (3) A dead human body transported by common carrier or any agency or individual authorized to carry dead human bodies must be placed in a carrying container adequate to prevent the seepage of fluids and escape of offensive odors. A dead human body may be transported only when accompanied by a properly completed burial-transit permit issued in accordance with the provisions of chapter 382.
- (4) The licensing authority shall establish by rule the minimal standards of acceptable and prevailing practices for the handling and storing of dead human bodies, provided that all human remains transported or stored must be completely covered and at all times treated with dignity and respect.
- (5) In the event of an emergency situation, including the abandonment of any establishments or facilities licensed under this chapter or any medical examiner's facility, morgue, or cemetery holding facility, the department may enter and secure such establishment, facility, or morgue during or outside of normal business hours and remove human remains and cremated remains from the establishment, facility, or morgue. For purposes of this subsection, the department shall determine if a facility is abandoned and if there is an emergency situation. A licensee or licensed facility that accepts transfer of human remains and cremated remains from the department pursuant to this subsection may not be held liable for the condition of any human remains or cremated remains at the time of transfer.

**(6) If any human remains have been in the lawful possession of any licensee or licensed facility for 90 days or more, and the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition, the licensee or licensed facility may dispose of the human remains.**

**(76)** A person who violates subsection (1) or subsection (3) commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

**(87)** A person who violates subsection (2) or subsection (4) commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

RULES IN WHICH 497.386 IS REFERENCED:

- 69K-21.003 Inspection Criteria (Funeral Establishments).
- 69K-24.031 Requirements for Inspection of Refrigeration Services.
- 69K-24.034 Operating Procedures for Refrigeration Services.
- 69K-24.0425 Operating Procedures for Centralized Embalming Facilities.
- 69K-33.001 Requirements Regarding Handling and Storing of Human Remains.

DIVISION RECOMMENDATION:

- 69K-24.034 – possible changes needed
- 69K-24.0425 – possible changes needed
- 69K-33.001 – possible changes needed
- These are all Board rules scheduled for review in FY28-29; recommend moving all three to this year's annual review
- Any related forms will be reviewed by Department for necessary changes.

**497.459 Cancellation of, or default on, preneed contracts; required notice.**

IMPACT OF SB598: revises the method in which a preneed licensee must send written notice to cancel a preneed contract; authorizes the Board of Funeral, Cemetery, and Consumer Services to adopt rules

**497.459 Cancellation of, or default on, preneed contracts; required notice.—**

(1) CANCELLATION BY CUSTOMER WITHIN 30 DAYS.—A purchaser, by providing written notice to the preneed licensee, may cancel a preneed contract within 30 days of the date that the contract was executed provided that the burial rights, merchandise and services have not yet been used. Upon providing such notice, the purchaser shall be entitled to a complete refund of the amount paid, except for the amount allocable to any burial rights, merchandise or services that have been used, and shall be released from all obligations under the contract. This subsection shall apply to all items that are purchased as part of a preneed contract, including burial rights, regardless of whether such burial rights are purchased as part of a preneed contract or purchased separately.

(2) CANCELLATION BY PURCHASER AFTER 30 DAYS.—

(a) A purchaser, by providing written notice to the preneed licensee, may cancel the services, facilities, and cash advance items portions of a preneed contract at any time, and shall be entitled to a full refund of the purchase price allocable to such items. Any accumulated earnings allocable to such preneed contract shall be paid to the preneed licensee upon such cancellation.

(b) Subject to subparagraphs 1. And 2., a purchaser may cancel the merchandise portion of a preneed contract by providing written notice to the preneed licensee, and shall be entitled to a full refund of the purchase price allocable to the specific item or items of merchandise that the preneed licensee cannot or does not deliver in accordance with this subsection.

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1. Such refund shall be provided only if at the time that the preneed licensee is required to fulfill its obligations under the preneed contract the preneed licensee does not or cannot comply with the terms of the contract by actually delivering the merchandise, within a reasonable time, depending upon the nature of the merchandise purchased, after having been requested to do so.
2. In order to fulfill its obligations under the preneed contract, a preneed licensee may elect either or both of the following options:
  - a. Subcontract with a person located outside the preneed licensee's market area to provide the merchandise; or
  - b. Provide other items of equal or greater quality.
- (3) **REQUIRED DISCLOSURE.**—Each preneed licensee shall provide in conspicuous type in its contract that the contract purchaser may cancel the contract and receive a full refund within 30 days of the date of execution of the contract. The failure to make such provision shall not impair the contract purchaser's right to cancellation and refund as provided in this section.
- (4) **BREACH OF CONTRACT BY SELLER.**—Upon breach of contract or failure of the preneed licensee to provide funeral merchandise or services under a preneed contract, the contract purchaser shall be entitled to a refund of all money paid on the contract. Such refund shall be made within 30 days after receipt by the preneed licensee of the contract purchaser's written request for refund.
- (5) **DEFAULT BY PURCHASER.**—If a purchaser is 90 days past due in making payments on a preneed contract, the contract shall be considered to be in default, and the preneed licensee shall be entitled to cancel the contract, withdraw all funds in trust allocable to merchandise items, and retain such funds as liquidated damages. Upon making such withdrawal, the preneed licensee shall return all funds in trust allocable to services, facilities, or cash advance items to the purchaser, provided that the preneed licensee has provided the purchaser with 30 days' written notice of its intention to exercise any of its rights under this provision. The board may by rule specify the required format and content of the notice required under this subsection and the manner in which the notice shall be sent.
- (6) **OTHER PROVISIONS.**—
  - (a) All preneed contracts are cancelable and revocable as provided in this section, provided that a preneed contract does not restrict any contract purchaser who is the beneficiary of the preneed contract and who is a qualified applicant for, or a recipient of, supplemental security income, temporary cash assistance, or Medicaid from making her or his contract irrevocable. A preneed contract that is made irrevocable pursuant to this section may not be canceled during the life or after the death of the contract purchaser or beneficiary as described in this section. Any unexpended moneys paid on an irrevocable contract shall be remitted to the Agency for Health Care Administration for deposit into the Medical Care Trust Fund after final disposition of the beneficiary.
  - (b) The amounts required to be refunded by this section for contracts previously entered into shall be as follows:
    1. For contracts entered into before October 1, 1993, the refund amounts as amended by s. 7, chapter 83-316, Laws of Florida, shall apply.

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2. For contracts entered into on or after October 1, 1993, the refund amounts as amended by s. 99, chapter 93-399, Laws of Florida, shall apply.

© Persons who purchase merchandise or burial rights pursuant to this chapter shall have the right to sell, alienate, or otherwise transfer the merchandise or burial rights subject to and in accordance with rules adopted by the licensing authority.

(d) All refunds required to be made under this section to a purchaser who has canceled a contract must be made within 30 days after the date written notice of cancellation is received by the preneed licensee.

### (7) NOTICE TO PURCHASER OR LEGALLY AUTHORIZED PERSON.—

(a) To ensure the performance of unfulfilled preneed contracts, upon the occurrence of the earliest of any of the following events, a preneed licensee shall provide to the purchaser or to the beneficiary's legally authorized person written notice of the preneed licensee's intent to distribute funds in accordance with the terms of the preneed contract, if any obligation of the preneed licensee remains to be fulfilled under the contract:

1. Fifty years after the date of execution of the preneed contract by the purchaser.
2. The beneficiary of the preneed contract attains the age of 105 years of age or older.
3. The social security number of the beneficiary of the preneed contract, as shown on the contract, is contained within the United States Social Security Administration Death Master File.

(b)1. The notice in paragraph (a) must be provided by certified mail, registered mail, or permitted delivery service, ~~return receipt requested~~, to the last known e-mail or mailing address of the purchaser or the beneficiary's legally authorized person, whichever is applicable, as provided to the preneed licensee. If the notice is returned as undeliverable within 30 calendar days after the preneed licensee sent the notice, the trustee ~~must~~ shall perform a diligent search and inquiry to obtain a different e-mail or mailing address for the purchaser or the beneficiary's legally authorized person, whichever is applicable. ~~The board may adopt rules to implement this subparagraph. For purposes of this subparagraph, any address known and used by the purchaser or the beneficiary's legally authorized person, whichever is applicable, for sending regular mailings or other communications from the purchaser or the beneficiary's legally authorized person, whichever is applicable, to the preneed licensee or any address produced through a current address service or searchable database shall be included with other addresses produced from the diligent search and inquiry, if any. If the trustee's diligent search and inquiry produces an address different from the notice address, the trustee shall mail a copy of the notice by certified mail, registered mail, or permitted delivery service, return receipt requested, to any and all addresses produced as a result of the diligent search and inquiry.~~

2. If the purchaser or the beneficiary's legally authorized person, whichever is applicable, fails to respond to such notice within 120 days after delivery of the last mailed notice under subparagraph 1., the funds held in trust must be distributed in accordance with the terms of the preneed contract, the trust agreement, and any applicable provisions of chapter 717.

© This subsection does not affect a purchaser's rights to cancel the preneed contract and receive a refund or a preneed licensee's obligations to refund established by this chapter.

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(d) The licensing authority shall have authority to adopt rules for the review and approval of notice forms used by preneed licensees to provide notice under this subsection.

### RULES IN WHICH 497.459 IS REFERENCED:

- 69K-7.020 Treatment of Trusts Under Chapters 497 and 639, F.S.
- 69K-8.002 Cancellation of Contracts.
- 69K-8.003 Cancellation of Preneed Contracts; Reasonable Time Defined.
- 69K-8.004 Preneed Contracts; Miscellaneous Provisions.
- 69K-8.008 Defaults on Sold or Discounted Installment Sales Contracts or Promissory Notes.

### DIVISION RECOMMENDATION:

- No rule changes required.

### **497.607 Cremation; procedure required.**

IMPACT OF SB598: revises the timeframe after which a funeral or direct disposal establishment may dispose of cremated remains if the remains have not been claimed

#### **497.607 Cremation; procedure required.—**

(1) At the time of the arrangement for a cremation performed by any person licensed pursuant to this chapter, the legally authorized person contracting for cremation services shall be required to designate her or his intentions with respect to disposition of the cremated remains of the deceased in a signed declaration of intent which shall be provided by and retained by the funeral or direct disposal establishment. A cremation may not be performed until a legally authorized person gives written authorization, which may include the declaration of intent to dispose of the cremated remains, for such cremation. The cremation must be performed within 48 hours after a specified time which has been agreed to in writing by the person authorizing the cremation.

(2) Cremated remains are not property, as defined in s. [731.201\(32\)](#), and are not subject to partition for purposes of distribution under s. [733.814](#). A division of cremated remains requires the consent of the legally authorized person who approved the cremation or, if the legally authorized person is the decedent, the next legally authorized person pursuant to s. [497.005\(43\)](#). A dispute regarding the division of cremated remains shall be resolved by a court of competent jurisdiction.

(3)(a) With respect to any person who intends to provide for the cremation of the deceased, if, after ~~90~~ **120** a period of **120** days from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains. Such disposal ~~includes~~ **shall include** scattering them at sea or placing them in a licensed cemetery scattering garden or pond or in a church columbarium or otherwise disposing of the remains as provided by rule.

(b) A reasonable effort shall be made before such disposal to determine whether the cremated remains are those of a veteran of the United States Armed Forces, United States Reserve Forces, or

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National Guard eligible for burial in a national cemetery or a spouse or dependent child of a veteran eligible for burial in a national cemetery.

(c) If the unclaimed cremated remains are those of an eligible veteran or the spouse or dependent child of an eligible veteran, the funeral or direct disposal establishment shall arrange for the interment of the cremated remains in a national cemetery. A funeral or direct disposal establishment may use the assistance of a veterans' service organization for this purpose. A funeral or direct disposal establishment or veterans' service organization acting in good faith is not liable for any damages resulting from the release of required information to determine eligibility for interment.

(d) This subsection does not require a funeral or direct disposal establishment to:

1. Determine whether the cremated remains are those of a veteran if the funeral or direct disposal establishment is informed by a legally authorized person that the decedent was not a veteran.
2. Relinquish possession of the cremated remains to a veterans' service organization if the funeral or direct disposal establishment is informed by a legally authorized person that the decedent did not desire any funeral, ceremony, or interment-related services recognizing the decedent's service as a veteran.

(e) For purposes of this subsection, the term:

1. "Reasonable effort" includes contacting the National Cemetery Scheduling Office, the county veterans service office, the regional office of the United States Department of Veterans Affairs, or a veterans' service organization.
2. "Veterans' service organization" means an association, corporation, or other entity that qualifies under s. 501(c)(3) or (19) of the Internal Revenue Code as a tax-exempt organization, that is organized for the benefit of veterans' burial and interment, and that is recognized by the Memorial Affairs Division of the United States Department of Veterans Affairs. The term includes a member or employee of an eligible nonprofit veterans' corporation, association, or entity that specifically assists in facilitating the identification, recovery, and interment of the unclaimed cremated remains of veterans.

(4) Pursuant to the request of a legally authorized person and incidental to final disposition, cremation may be performed on parts of human remains.

(5) In regard to human remains delivered to the control of the anatomical board of this state headquartered at the University of Florida Health Science Center, the provisions of this chapter shall not be construed to prohibit the anatomical board from causing the final disposition of such human remains through cremation or otherwise when performed in facilities owned and operated by such anatomical board or the University of Florida Health Science Center pursuant to and using such processes, equipment, and procedures as said anatomical board determines to be proper and adequate.

RULES IN WHICH 497.607 IS REFERENCED:

- 69K-22.004 Operating Procedures.
- 69K-22.007 Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures.
- 69K-31.001 Procedure Required.

DIVISION RECOMMENDATION:

- 69K-22.004 – possible changes needed
  - This is a Board rule currently scheduled for review in FY28-29; recommend adding to this year's annual review
- 69K-22.007 – definitely requires changes, particularly to 69K-22.007(5)(c).
  - This is a Shared rule currently open by Department for rulemaking. Will need to explore to determine if additional changes can be made through the current rulemaking effort.
- 69K-31.001 – definitely requires changes
  - This is a Shared rule currently open by Board for rulemaking. Will need to explore to determine if additional changes can be made through the current rulemaking effort.
- Any related forms will be reviewed by Department for necessary changes.

**497.260 Cemeteries; exemption; investigation and mediation.**

IMPACT OF SB598: relating to cemeteries, exemptions, investigations, and mediation, this provision reenacts (5) of section 497.260 to incorporate the amendment made to s. 497.263, F.S. NOTE: IT DID NOT MAKE ANY CHANGES TO THE CURRENT WORDING OF SECTION 497.260(5).

**497.260 Cemeteries; exemption; investigation and mediation.—**

- (1) The provisions of this chapter relating to cemeteries and all rules adopted pursuant thereto shall apply to all cemeteries except for:
- (a) Religious institution cemeteries of less than 5 acres which provide only single-level ground burial.
  - (b) County and municipal cemeteries.
  - (c) Community and nonprofit association cemeteries which provide only single-level ground burial and do not sell burial spaces or burial merchandise.
  - (d) Cemeteries owned and operated or dedicated by a religious institution prior to June 23, 1976.
  - (e) Cemeteries beneficially owned and operated since July 1, 1915, by a fraternal organization or its corporate agent.



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- (f) A columbarium consisting of less than one-half acre which is owned by and immediately contiguous to an existing religious institution facility and is subject to local government zoning. The religious institution establishing such a columbarium shall ensure that the columbarium is perpetually kept and maintained in a manner consistent with the intent of this chapter. If the religious institution relocates, the religious institution shall relocate all of the urns and remains placed in the columbarium which were placed therein during its use by the religious institution.
  - (g) Family cemeteries of less than 2 acres which do not sell burial spaces or burial merchandise.
  - (h) A mausoleum consisting of 2 acres or less which is owned by and immediately contiguous to an existing religious institution facility and is subject to local government zoning. The religious institution establishing such a mausoleum must ensure that the mausoleum is kept and maintained in a manner consistent with the intent of this chapter and limit its availability to members of the religious institution. The religious institution establishing such a mausoleum must have been incorporated for at least 25 years and must have sufficient funds in an endowment fund to cover the costs of construction of the mausoleum.
  - (i) A columbarium consisting of 5 acres or less which is located on the main campus of a state university as defined in s. [1000.21\(9\)](#). The university or university direct-support organization, as defined in s. [1004.28\(1\)](#), which establishes the columbarium shall ensure that the columbarium is constructed and perpetually kept and maintained in a manner consistent with subsection (2) and the intent of this chapter.
- (2) Section [497.276\(1\)](#) as to burial records, and ss. [497.152\(1\)\(d\)](#), [497.164](#), [497.2765](#), [497.278](#), [497.280](#), and [497.284](#) apply to all cemeteries in this state.
- (3) All cemeteries exempted under this chapter which are in excess of 5 acres must submit to the following investigation and mediation procedure by the department in the event of a consumer complaint:
- (a) The exempt cemetery shall make every effort to first resolve a consumer complaint;
  - (b) If the complaint is not resolved, the exempt cemetery shall advise the consumer of the right to seek investigation and mediation by the department;
  - (c) If the department receives a complaint, it shall attempt to resolve it telephonically with the parties involved;
  - (d) If the complaint still is not resolved, the department shall conduct an investigation and mediate the complaint;
  - (e) If the department conducts an onsite investigation and face-to-face mediation with the parties, it may charge the exempt cemetery a single investigation and mediation fee not to exceed \$300, which fee shall be set by rule and shall be calculated on an hourly basis; and
  - (f) If all attempts to resolve the consumer complaint fail, the cemetery shall be subject to proceedings for penalties and discipline under this chapter if it is determined in a proceeding complying with chapter 120 that the cemetery is guilty of fraud, deceit, theft, gross negligence, incompetence, unjustified failure to honor its contracts, or failure to adequately maintain its

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premises. The department may file and serve on the cemetery an administrative complaint and cause the matter to be prosecuted and may thereafter issue and enforce its final order in the matter pursuant to chapter 120.

(4) Any religious-institution-owned cemetery that is exempt under paragraph (1)(d), is located in a county with a population of at least 1.3 million persons on July 1, 1996, and was selling merchandise and services to the religious institution's members prior to October 1, 1993, may establish one additional exempt cemetery in such county after December 31, 2020.

(5) Any religious-institution-owned cemetery exempt under subsection (1), except those cemeteries qualifying under paragraph (1)(d), which becomes affiliated with a commercial enterprise must meet the requirements of s. [497.263](#).

(6)(a) This subsection applies to all cemeteries in this state.

(b) No cemetery company or other legal entity conducting or maintaining any public or private cemetery may deny burial space to any person because of race, creed, marital status, sex, national origin, or color. A cemetery company or other entity operating any cemetery may designate parts of cemeteries or burial grounds for the specific use of persons whose religious code requires isolation. Religious institution cemeteries may limit burials to members of the religious institution and their families.

(c) Any cemetery company or other legal entity which violates the provisions of this subsection commits a misdemeanor of the second degree, punishable as provided in s. [775.083](#), and each violation of this section constitutes a separate offense.

### RULES IN WHICH 497.260 IS REFERENCED:

- 69K-5.013 Procedure for Report of Identification for an Exempt Cemetery.
- 69K-6.005 Records.

### DIVISION RECOMMENDATION:

- No rule changes required

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RULE IN CHAPTER 69K, F.A.C.	TYPE OF RULE	CROSS-REFERENCE FOR STATUTES AND POTENTIAL RULES IMPACTED BY SB598																CURRENT RULEMAKING STATUS AS RESULT OF 2025-2026 ANNUAL REVIEW
		SB598 IMPACTED STATUTES - IS THE STATUTE REFERENCED IN THIS RULE? (X IF YES)																
		497.164	497.263	497.270	497.369	497.374	497.375	497.376	497.377	497.386	497.459	497.607	497.260					
69K-1.001 List of Approved Forms; Incorporation by Reference.	DEPARTMENT		X	X	X	X	X	X	X					DEPARTMENT TO REVIEW IN FY27-28				
69K-1.002 Fingerprint Requirement and Waiver.	DEPARTMENT		X		X	X	X							DEPARTMENT OPENED/PENDING CHANGES				
69K-1.005 License Application Procedures.	SHARED				X	X	X		X					DEPARTMENT OPENED/PENDING CHANGES				
69K-5.004 Procedures for Licensing a New Cemetery.	SHARED		X			X								DEPARTMENT OPENED/PENDING CHANGES				
69K-5.007 Conversion Procedures.	DEPARTMENT		X											DEPARTMENT OPENED/PENDING CHANGES				
69K-5.008 Request for Additional Information - Applications.	DEPARTMENT		X											DEPARTMENT OPENED/PENDING CHANGES				
69K-5.009 Regulatory Standards for Evaluating Applications by the Board.	SHARED		X											DEPARTMENT OPENED/PENDING CHANGES				
69K-5.013 Procedure for Report of Identification for an Exempt Cemetery.	DEPARTMENT											X		DEPARTMENT OPENED/PENDING CHANGES				
69K-6.005 Records.	SHARED											X		DEPARTMENT OPENED/PENDING CHANGES				
69K-7.020 Treatment of Trusts Under Chapters 497 and 639, F.S.	BOARD									X				BOARD TO REVIEW IN FY26-27				
69K-8.002 Cancellation of Contracts.	BOARD									X				BOARD TO REVIEW IN FY26-27				
69K-8.003 Cancellation of Preneed Contracts, Reasonable Time Defined.	BOARD									X				BOARD TO REVIEW IN FY26-27				
69K-8.004 Preneed Contracts, Miscellaneous Provisions.	BOARD									X				BOARD TO REVIEW IN FY26-27				
69K-8.008 Defaults on Sold or Discounted Installment Sales Contracts or Promissory Notes.	BOARD									X				BOARD TO REVIEW IN FY26-27				
69K-9.002 Residential Solicitations.	BOARD	X												BOARD TO REVIEW IN FY26-27				
69K-9.003 Solicitation in Healthcare Facilities.	BOARD	X												BOARD TO REVIEW IN FY27-28				
69K-16.0001 State Examination for Funeral Industry Professionals.	BOARD				X	X								BOARD TO REVIEW IN FY27-28				
69K-16.004 Examination for License by Endorsement.	BOARD				X	X								BOARD TO REVIEW IN FY27-28				
69K-16.005 Reexaminations.	BOARD				X	X								BOARD TO REVIEW IN FY27-28				
69K-17.002 Application Fees; License by Endorsement for Embalmers and Funeral Directors.	BOARD				X	X								BOARD TO REVIEW IN FY28-29				
69K-17.003 Fees.	SHARED				X	X		X						DEPARTMENT OPENED/PENDING CHANGES				
69K-17.0034 Continuing Education for License Renewal.	BOARD							X						BOARD TO REVIEW IN FY28-29				
69K-17.0036 Course Required for Initial License.	SHARED				X	X								BOARD OPENED/PENDING CHANGES				
69K-17.0042 Approval of Continuing Education Courses.	SHARED				X	X								DEPARTMENT OPENED/PENDING CHANGES				
69K-18.002 Funeral Director Intern Training Program.	SHARED						X	X						DEPARTMENT TO REVIEW IN FY27-28				
69K-18.003 Concurrent Internships.	SHARED						X		X					DEPARTMENT TO REVIEW IN FY27-28				
69K-18.004 Intern Training Agencies.	SHARED						X							DEPARTMENT TO REVIEW IN FY27-28				
69K-21.003 Inspection Criteria (Funeral Establishments).	DEPARTMENT								X					DEPARTMENT OPENED/PENDING CHANGES				
69K-22.004 Operating Procedures.	BOARD										X			BOARD TO REVIEW IN FY28-29				
69K-22.007 Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures.	SHARED											X		DEPARTMENT OPENED/PENDING CHANGES				
69K-24.031 Requirements for Inspection of Refrigeration Services.	SHARED									X				DEPARTMENT OPENED/PENDING CHANGES				
69K-24.034 Operating Procedures for Refrigeration Services.	BOARD									X				BOARD TO REVIEW IN FY28-29				
69K-24.0425 Operating Procedures for Centralized Embalming Facilities.	BOARD									X				BOARD TO REVIEW IN FY28-29				
69K-25.001 License by Endorsement; Embalmers.	BOARD				X									BOARD TO REVIEW IN FY28-29				
69K-25.002 License by Endorsement; Funeral Directors.	BOARD					X								BOARD TO REVIEW IN FY28-29				
69K-25.003 License as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration.	SHARED				X	X								DEPARTMENT OPENED/PENDING CHANGES				
69K-27.001 Embalmer Apprentice Program.	SHARED						X							DEPARTMENT OPENED/PENDING CHANGES				
69K-31.001 Procedure Required.	SHARED											X		DEPARTMENT OPENED/PENDING CHANGES				
69K-32.002 Approved Courses.	BOARD				X	X							X	BOARD OPENED/PENDING CHANGES				
69K-33.001 Requirements Regarding Handling and Storing of Human Remains.	BOARD									X				BOARD OPENED/PENDING CHANGES				