MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
June 7, 2018 - 1:00 P.M.
Saddlebrook Resort
5700 Saddlebrook Way
Wesley Chapel FL 33543

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

Mr. Jody Brandenburg, Chair – Good afternoon, everyone. Welcome to the Board of Funeral, Cemetery, and Consumer Services' June 7, 2018 meeting, at the Saddlebrook Resort. We're so pleased to be here during the IFDF Convention. We're so proud that our Executive Director, Mary Schwantes, came up with this initiative to have Board meetings in conjunction with the association's conventions. Also, Board meeting at the schools and colleges of funeral services. So, thank you for that, Mary. We appreciate that and thank you again IFDF for having us here. We'd certainly like to recognize the officers and board of the IFDF. I'd like to call upon my friend, Michele Hood. Michele, would you please introduce them?

Ms. Michele Hood – Good morning, Mr. Chairman. Thank you so much for having your meeting here, at the IFDF Annual Conference and Trade Show. Ms. Schwantes, we'd also like to thank you for this brilliant idea. I've heard nothing but positive feedback from the members, from the trade show attendees, the vendors that are here. I'd like to introduce our newly installed Board of Directors:

Scott Whitehead, President (Faith Funeral Home, Havana)
Deloris Lewis Ray, Immediate Past President (Lewis Ray Mortuary, Titusville)
Vern Dorsey, President Elect (Osceola Memorial Gardens, Kissimmee)
Bruce Buggs, Vice President (Buggs Funeral Home, Melbourne)
Daphina Carnegie-Williams, Secretary (Carnegie-Dallas Funeral Services, Clearwater)
Todd Ferreira, Treasurer (V. Todd Ferreira Funeral Services, Macclenny) **{ABSENT}**
Tim Adams, Region 1 Director (Adams Funeral Home, Blountstown)
Cameron Naugle, Region 2 Director (Naugle Funeral Home & Cremation Services, Jacksonville)
Rick Gooding, Region 3 Director (Rick Gooding Funeral Home, Cross City and Chiefland)
David Rosenbalm, Region 4 Director (Beyers Funeral Home, Leesburg)
Brad Zahn, Region 5 Director (Tillman Funeral Home, West Palm Beach)
Bill Schichtel, Region 6 Director (Heath Funeral Chapel, Lakeland)
Tony Zipperer, At Large Director (Zipperer's Funeral Home, Ruskin)
Mike Lewis, At Large Director (Lewis Funeral Home, Milton, Pace, and Navarre)

Thank you, again, sir. We hope you enjoy your stay here. We hope you enjoy the activities that we have planned and we wish you good luck with your meeting. Thank you so much.

Chair – Thank you. Congratulations again to the newly elected officers and directors. Thank you for serving. Ms. Simon, would you please make your preliminary remarks and do the roll call?

Ms. Ellen Simon – Yes, Mr. Chairman. My name is Ellen Simon. I am Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is June 7, 2018. It is approximately 1:10 P.M. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. Notice of this meeting has been duly published in the Florida Administrative Register. This meeting is taking place in Wesley Chapel FL, at the Saddlebrook Resort. An agenda for this meeting has been made available to all interested persons and extra copies are located in the back of this meeting room. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared. Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board's Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. At this time, Mr. Chairman, I will take the roll:

Joseph "Jody" Brandenburg, Chair

Keenan Knopke, Vice Chair
Jean Anderson
Francisco "Frank" Bango
Andrew Clark
James "Jim" Davis **{ABSENT}**
Lewis "Lew" Hall
Powell Helm
Ken Jones
Darrin Williams

Also noted as present:
Mary Schwantes, Executive Director
Lawrence "Larry" Harris, Board Legal Advisor
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
LaShonda Morris, Department Staff
Thurman Lowe, Department Field Staff
Miriam Del Valle, Department Field Staff
Gene Brimmer, Department Field Staff

Ms. Simon – Mr. Chairman, there is a quorum for the business of the Board. However, before we continue with the rest of the agenda, the Division Director, Mary Schwantes, has an announcement for the Board.

Ms. Mary Schwantes – Thank you. We have a very important announcement to make regarding the Board. As you know, under section 497.101, Florida Statutes, the CFO must annually appoint from among the Board members a Chair and Vice Chair for the Board. We are very pleased to announce that CFO Patronis has appointed Jody Brandenburg to continue as Chair and Keenan Knopke to continue as Vice Chair, of this Board, for the next year. We are excited to continue working with these gentlemen in this capacity and hope you will join us in congratulating Jody Brandenburg and Keenan Knopke on their reappointment as officers of the Board.

Chair – Thank you.

Mr. Keenan Knopke – Thank you.

2. Action on the Minutes
A. May 3, 2018

Chair –The next item on the agenda is action on the minutes of the May 3, 2018, meeting.

MOTION: Mr. Darrin Williams moved to adopt the minutes of the meeting. Mr. Lew Hall seconded the motion, which passed unanimously.

3. Disciplinary Proceedings:
A. Settlement Stipulation(s)
(1) Work & Son-Osiris, Inc. d/b/a Royal Palm North Cemetery: Case Nos. 211288-17-FC; Division No. ATN-29004 (F039668 – Cemetery)
(2) Work & Son-Royal Palm Acquisition, Inc. d/b/a Royal Palm South Cemetery: Case Nos. 211282-17-FC; Division No. ATN-29005 (F039669 – Cemetery)
(3) Related Items (Case Nos - 211257-17-FC & 211269-17-FC)
(a) Work & Son-Sarasota Memorial, Inc. d/b/a Sarasota Memorial Park: Case No. 211257-17-FC; Division No. ATN-28133 (F039746 – Cemetery)
(b) Work & Son-Sarasota Memorial, Inc. d/b/a Sarasota Memorial Park: Case No. 211269-17-FC; Division No. ATN-29003 (F039746 – Cemetery)

Ms. Simon – This item has been taken off the agenda.

4. Application(s) for Preneed Sales Agent

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

Ms. Simon – This item is informational only. Pursuant to s. 497.466, F.S., the applicants have been issued their licenses and appointments as preneed sales agents.

5. Application(s) for Continuing Education Course Approval

A. Recommended for Approval without Conditions – Addendum B

(1) Cremation Association of North America #16008
(2) Florida Morticians Association #23208
(3) National Funeral Directors and Morticians Association, Inc. #15608
(4) National Funeral Directors Association #136
(5) Newcomer Funeral Service Group #25408

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the courses presented have been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of the applications for the number of hours indicated.

MOTION: Mr. Hall moved to approve the applications. Mr. Williams seconded the motion, which passed unanimously.

6. Application(s) for Florida Law and Rules Examination

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

(1) Funeral Director– by Endorsement
(a) Pender, Craig
(2) Funeral Director and Embalmer – by Endorsement
(a) Lesatz, Arlen M
(b) Lorenz, James R
(3) Funeral Director and Embalmer – by Internship and Exam
(a) Bickelhaupt, Tracie A
(b) Green, Breanna M
(c) Kollarik, Elizabeth N
(d) Rubio, Hector J
(e) Zahn, Richard E

Ms. Simon – This is an informational item. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved these applications.

B. Recommended for Approval without Conditions (Adverse Licensing History)

(1) Funeral Director and Embalmer
(a) Dieterle, Terry L

Ms. Simon – Is the applicant here? Please step forward. An application for a Funeral Director and Embalmer license was received, by the Division on March 28, 2018. The application was incomplete when submitted. All deficient items were returned on May 9, 2018. A background check revealed no relevant criminal history; however, the applicant does have adverse licensing history from the State of Illinois. The Division is recommending approval without conditions.

Chair – Mr. Dieterle, did you want to address the Board or are you just here to answer questions?

Mr. Terry Dieterle – I'm just here to answer any questions and I'd like to thank you as a 55-year licensee from the State of Illinois for welcoming me to the State of Florida. I just happened to move down here. I applied for my license because a good friend of mine had a heart attack. I won't be working full time. I'm just helping him out.

Chair – Thank you. Board, are there any questions? Is there a motion?

MOTION: Mr. Powell Helm moved to approve the application. Mr. Ken Jones seconded the motion, which passed unanimously.

Chair – Mr. Dieterle, thank you so much.

Mr. Dieterle – Thank you very much, ladies and gentlemen.

7. Application(s) for Internship

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

(1) Funeral Director

(a) Evans, Christopher M F079271

(b) Kabboord, Rachel T F165041

(2) Funeral Director and Embalmer

(a) Boone, Vida B F261366

(b) Harvey, Madison L F265135

(c) Solomon Jr, Victor E F085405

Ms. Simon – This is an informational item. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved these applications.

8. Application(s) for Embalmer Apprenticeship

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

(1) Akin, Jeffery S F264839

(2) Berry, Julia E F113484

(3) Harrison, Ben F F261381

Ms. Simon – This is an informational item. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved these applications.

9. Notification(s) of Change in Location

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

(1) Baldwin Brothers Memorial Care Services Inc. (F075036) (Wildwood)

(2) Douglas M Udell Funeral Home (F041845) (Live Oak)

(3) Fuller Brothers Funeral Home Inc. (F060086) (Pompano Beach)

Ms. Simon – This item is informational only. Pursuant to ss. 497.380(12)(b), 497.604(7), 497.606(7), F. S., the establishments have applied for approval of a change of location of their businesses. Under the applicable statute, the only criteria for approval is that the new location pass inspection by the Division of Funeral, Cemetery, and Consumer Services. In each case listed, the inspection of the establishment has not yet been completed and the change of location has not yet been approved. The Board has requested to be notified of these changes in location. Accordingly, Addendum F has been provided. No approval by the Board is required.

10. Application(s) for Registration as a Training Agency

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

(1) Zipperer's Funeral Home (F040684) (Ruskin)

Ms. Simon – This item is informational only. Pursuant to Rule 69K-1.005(12)(b), F. A. C., the Division has previously approved this application.

11. Consumer Protection Trust Fund Claims (Amended)

A. Recommended for Approval without Conditions – Addendum H

Ms. Simon – The CPTF claims, presented on the Addendum, have been reviewed by the Division. Please make note of the additional claims added onto the agenda earlier this week. The Division recommends approval for the monetary amounts so indicated.

Chair – Which one was added?
Ms. Simon – The item that was added was the very last one.

MOTION: Mr. Hall moved to approve all the claim(s), for the monetary amounts indicated. Mr. Knopke seconded the motion, which passed unanimously.

12. Application(s) for Centralized Embalming Facility

A. Recommended for Approval with Conditions

(1) Bay Area Crematory and Prep LLC (Tampa)

Ms. Simon – An application for a Centralized Embalming Facility was received on May 9, 2018. The application was complete when submitted. The Funeral Director in Charge will be Carl Osterberg (F042325). A background check of the principals revealed relevant criminal history, to wit that Mr. Cohen plead guilty in 2004 to the following crimes: Possession of Drug Paraphernalia, Possession of Marijuana, and Weapons Misconduct in 2004. As a result, Mr. Cohen was placed on 30-days house arrest, 12 months of unsupervised probation (reduced to 6 months), and a fine of $3,505, including fees. Mr. Cohen has completed and satisfied all conditions of probation and payment of all fines. This information was provided to the Board at a board meeting in June 2016, and the application presented was. The Division recommends approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

Chair – Please identify yourself.

Ms. Wendy Wiener – Wendy Wiener, simply here to answer any questions.

Chair – Mr. Knopke?

Mr. Knopke – Mr. Chairman, I'll direct my question to either Ms. Simon or Ms. Schwantes. I'll withdraw my question.

Chair – Board? Any questions? Is there a motion? Any discussion?

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

Chair – Thank you, Ms. Wiener.

13. Application(s) for Cinerator Facility

A. Recommended for Approval with Conditions

(1) Bay Area Crematory and Prep LLC (Tampa)

Ms. Simon – An application for a Cinerator Facility was received on March 13, 2018. The application was incomplete when submitted. All deficient items were returned on May 9, 2018. The Funeral Director in Charge will be Thomas Cohen (F043919). A background check of the principals revealed relevant criminal history, to wit, Mr. Cohen plead

guilty in 2004 to the following crimes: Possession of Drug Paraphernalia, Possession of Marijuana, and Weapons Misconduct in 2004. As a result, Mr. Cohen was placed on 30-days house arrest, 12 months of unsupervised probation (reduced to 6 months), and a fine of $3,505, including fees. Mr. Cohen has completed and satisfied all conditions of probation and payment of all fines. This information was provided to the Board at a board meeting in June 2016, and the application presented was approved. The Division recommends approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

Mr. Knopke – Mr. Chair?

Chair – Mr. Knopke?

Mr. Knopke – Ms. Simon, the related item 15. A. (1), is the funeral director in charge there the same person that's here.

Chair – Can I answer that question?

Mr. Knopke – Yes sir.

Chair – In the study packet, it appears to be.

Mr. Knopke – My concern is we've got a funeral direct in charge at two ends of the town; one on one side of town and the same person at a facility on the other side of town. Did you hear my question?

Ms. Wiener – I did. That makes it permitted under the statute. That is the only situation in which a funeral director in charge can be a licensed funeral director in charge at a location that is not attached. That is in fact permissible in our statutory scheme.

Mr. Knopke – I thought that in the past they were generally located in the same location.

Ms. Wiener – I did, too, and I learned from Ms. Richardson some meetings ago that in fact that requirement does not exist. I think it was one of those things that we always thought that they had to be collocated but in fact, a funeral director in charge can be in of a location and then a separated located cinerator facility at the same time.

Mr. Knopke – In this case, it's in the same city, but even if it was fifty miles apart they could do the same thing?

Ms. Wiener – Yes, under your statutory scheme that is indeed the case.

Mr. Knopke – All right. Thank you.

Chair – Any further clarification needed from the Board members on that?

Mr. Jones – As for the Division, have you looked at that? Do you agree with counsel that the Division supports that?

Ms. Simon – As Ms. Richardson said, the only requirement is that a funeral director be available.

Chair – Thank you. Is there a motion, Board?

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

Chair – Thank you for your comments, Mr. Knopke.

14. Application(s) for Direct Disposal Establishment

A. Recommended for Approval without Conditions

(1) All County Cremation LLC (Macclenny)

Ms. Simon – An application for a Direct Disposal Establishment was received on April 4, 2018. The application was incomplete when submitted. All deficient items were returned on May 4, 2018. The Funeral Director in Charge will be Tatyana MacDonald (F079089). A background check of the principals revealed no relevant criminal history. The establishment passed its inspection on May 21, 2018. The establishment is recommended for approval without conditions.

MOTION: Mr. Knopke moved to approve the application. Mr. Clark seconded the motion, which passed unanimously.

(2) Cremations America LLC (Coral Gables)

Ms. Simon – An application for a Funeral Establishment license, due to a change of ownership, was received by the Division on March 29, 2018. The application was incomplete when received. All deficient items were received on April 26, 2018. The Funeral Director in Charge will be Steven Helton (F043069). A background check of the principals revealed no relevant criminal history. This direct disposal establishment is not the qualifying entity for a preneed license. The establishment passed its inspection on May 3, 2018. The Division is recommending approval without conditions.

MOTION: Mr. Jones moved to approve the application. Mr. Knopke seconded the motion, which passed unanimously.

15. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Cremations of Greater Tampa Bay LLC (Tampa)

Ms. Simon – An application for a Funeral Establishment was received on May 9, 2018. The application was complete when submitted. The Funeral Director in Charge will be Thomas Cohen (F043919). A background check of the principals revealed relevant criminal history:

- Mr. Cohen plead guilty to the following crimes in 2004: Possession of Drug Paraphernalia, Possession of Marijuana, and Weapons Misconduct in 2004. As a result, Mr. Cohen was placed on 30-days house arrest, 12 months of unsupervised probation (reduced to 6 months), and a fine of $3,505, including fees. Mr. Cohen has completed and satisfied all conditions of probation and payment of all fines. This information was provided to the Board in June 2016, and the application on the agenda was approved.
- Cremations of Greater Tampa Bay Inc. was disciplined at a Board meeting in 2016 for failing to notify the Division of a change of ownership.

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

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

(2) The Florida Undertaker LLC d/b/a Just Cremations (Jacksonville)

Ms. Simon – This was an item that was added to the agenda earlier this week. The good cause for adding it at such a late date was the business needs of this entity. This application for a Funeral Establishment was received on May 16, 2018. The application was complete when submitted. The Funeral Director in Charge will be Belinda Warden (F078077). A background check of the principals revealed no relevant criminal history. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Mr. Jones – Mr. Chair, if I may recuse myself from this item. I did not receive the amended information before the meeting.

Chair – Thank you, Mr. Jones.

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

B. Recommended for Approval without Conditions

(1) D Williams Mortuary Services LLC (Gainesville)

Ms. Simon – An application for a Funeral Establishment was received on April 13, 2018. The application was incomplete when submitted. All deficient items were returned on April 25, 2018. The Funeral Director in Charge will be Daphina Williams (F045303). A background check of the principals revealed no relevant criminal history. The establishment passed its inspection on May 21, 2018. The establishment is recommended for approval without conditions.

MOTION: Mr. Knopke moved to approve the application. Mr. Helm seconded the motion, which passed unanimously.

Chair – Let the record reflect that this is not our own D. Williams.

(2) Final Waters LLC d/b/a V Todd Ferreira Funeral Services (Jacksonville)

Ms. Simon – An application for a Funeral Establishment was received on April 4, 2018. The application was incomplete when submitted. All deficient items were returned on May 4, 2018. The Funeral Director in Charge will be Daniel Wheeler (F083458). A background check of the principals revealed no relevant criminal history. The establishment passed its inspection on May 21, 2018. The establishment is recommended for approval without conditions.

MOTION: Mr. Helm moved to approve the application. Ms. Anderson seconded the motion, which passed unanimously.

(3) Scurry Funeral Home & Cremation Services LLC (Fort Lauderdale)

Ms. Simon – An application for a Funeral Establishment license, due to a change of ownership, was received by the Division on May 5, 2018. The application was complete when received. The Funeral Director in Charge will be Cedrick Wilks (F044). A background check of the principals revealed no relevant criminal history. This funeral establishment is not the qualifying entity for a preneed license. The establishment passed its inspection on May 23, 2018. The Division is recommending approval without conditions.

MOTION: Ms. Anderson moved to approve the application. Mr. Jones seconded the motion, which passed unanimously.

16. Application(s) for Preneed Branch License (Amended)

A. Recommended for Approval with Conditions – Addendum I

Ms. Simon – All the applications were completed without reportable criminal or disciplinary history. The records indicate that the applicants qualify for branch licensure. The Division is recommending approval.

Chair – Is there a motion?

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

17. Application(s) for Preneed License Renewals

A. Recommended for Approval without Conditions – Addendum J

Ms. Simon – There is one item on the Addendum that should not be included. The Division is recommending that Dees-Parrish Funeral Home be approved with conditions. As a result, it should not be on this list. With the exception of Dees-Parrish Funeral Home, the Division recommends that the preneed licensees listed be renewed effective July 1, 2018, as the applicant(s) meet the minimum net worth requirement.

Mr. Clark – Mr. Chair, I'd like to state my affiliation with Foundation Partners Group of Florida, Inc., and I will not be voting in this matter.

Mr. Knopke – Mr. Chairman, I'd like to disclose my affiliation with Curlew Hills Memory Gardens, Inc., and in no way does that affiliation affect my ability to remain fair and impartial on that vote that was just before us.

Mr. Hall – Mr. Chairman, I'd like to disclose my affiliation with Lew Hall and Associates., and in no way does that affiliation affect my ability to remain fair and impartial on that vote that was just before us.

Chair – I'd like to disclose my affiliation with SCI Funeral Services of Florida, Inc., and in no way does that affiliation affect my ability to remain fair and impartial on that vote that was just before us.

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

B. Recommended for Approval with Conditions

Ms. Simon – I'd like to mention to the Board that one of the alternatives to the net worth requirement can be found under s. 497.453(2)(b), (2)(a), F.S., and this is 100% trusting. This is not to say that everyone that has 100% trusting is necessarily required to be approved. I just wanted to mention that alternative to the Board.

Chair – Thank you for that clarification.

(1) A B Coleman Mortuary Inc. (F019311) (Jacksonville)

Ms. Simon – The renewal package was received, by the Division, on April 3, 2018. While the net worth was questioned at the time of the submission, the applicant has subsequently submitted the appropriate forms indicating the appropriate net worth. As a result, the Division is recommending approval without conditions.

MOTION: Mr. Knopke moved to approve the application. Mr. Williams seconded the motion, which passed unanimously.

(2) Christian Memorial Chapel Ltd (F021725) (Graceville)

Ms. Simon – Subsequent to the agenda being printed, the licensee has submitted the forms R3A and R3B, and completed form R4. As a result, the Division recommends approval subject to the payment of a $200 late fee, within 30 days of this meeting.

MOTION: Mr. Helm moved to approve the application subject to the condition that the Division receives the payment of a $200 late fee, within 30 days of this meeting. Mr. Clark seconded the motion, which passed unanimously.

(3) Corey-Kerlin Funeral Home PA (F038706) (Jacksonville)

Ms. Simon – The applicant reported a negative net worth of approximately $(65k). The required minimum net worth is $100k. Subsequent to the agenda being printed, the Division received the executed statement of personal assets and liabilities. Therefore, the Division is recommending approval subject to the condition that Board accepts the Personal Guarantees of the licensee's preneed allocations executed by the licensee's principals dated April 23, 2018, along with the personal financial and current statement of assets and liabilities for the principals, who have agreed to voluntarily trust 100% or utilize insurance-funded contracts.

Mr. Hall – Mr. Chair?

Chair – Yes, Mr. Hall.

Mr. Hall – In the past, we've done the Personal Guarantees and then the provided the personal financials. As long as, and I don't know if we can blanket these for the purpose of saving time, but if these personal financials go to the Division and they satisfy the net worth requirement, then they can move forward with the renewal or if not, I would recommend denial. My concern is if that personal financial is not adequate to satisfy the requirements for the preneed, then I don't feel that the Personal Guarantee is beneficial.

Chair – Ms. Simon?

Ms. Simon – I will indicate, on the record, if there is a Statement of Personal Assets and Liabilities that does not meet the required threshold.

Mr. Hall – Okay.

Chair – Thank you.

Mr. Helm – Ms. Simon, what did you say the negative net worth was for this one.

Ms. Simon – The negative net worth is approximately $(65k).

Mr. Helm – Okay. Thank you.

Mr. Knopke – Mr. Chairman?

Chair – Yes?

Mr. Knopke – Is there anyone here from this firm?

Chair – Is there anyone here representing?

Mr. Robert Wood – My name is Robert Wood, with Corey-Kerlin. I'm here to answer any questions?

Chair – Do you have questions?

Mr. Knopke – Yes sir.

Chair – Would you please be sworn in.

Ms. Simon – Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Wood – I do.

Ms. Simon – Please state your name for the record.

Mr. Wood – Robert Wood.

Mr. Knopke – The question is that on the sheet that we've got, you have had a negative net worth for four years. It's varied. It's been as high as $224k. Last year it was down to $51k. This year it's up about $15k-$16k. Anything changed significantly this past year? We were really happy when you dropped $180k last year and now you've picked up a little bit.

Mr. Wood – I'm not sure if I can answer that adequately, but it's my understanding that the reason we have a net worth is we found out three or four years ago that we had some life insurance policies on the former owners and we found out too late from our CPAs that after ten years those become an asset, an investment. That's what brought us from a positive to a negative net worth. If we had known that, prior to that, we would have done whatever we needed to do to take those insurance policies away. For the last three or four years we have been providing our personal financial statements and that has been adequate.

Mr. Knopke – So we should expect to see a negative net worth until these owners die? Or when should it get to the right side of the mark and be at the right number?

Mr. Wood – We would give up the insurance policies or 'til one of them passes away.

Mr. Knopke – I assume the Department's comfortable with this, if it's going to be an ongoing thing.

Chair – And have agreed to 100% trusting, I believe. Is that correct?

Ms. Simon – Yes.

Mr. Hall – Mr. Chair?

Chair – Yes, Mr. Hall?

Mr. Hall – So you're saying that those policies were on individuals that now are no longer part of the company?

Mr. Wood – Right.

Mr. Hall – Okay. So that's why it's gone into investment mode.

Mr. Wood – Right.

Mr. Hall – Is it possible for you all to negotiate something with those individuals to buy those contracts for their wives to help you?

Mr. Wood – That's an idea I hadn't thought of.

Mr. Hall – Maybe negotiate something with them to allow them to take it over for their family and gets it off the books for you, because with them not being ownership now that's probably where that is coming from.

Mr. Wood – I will definitely take that into consideration and discuss it with my partners.

Mr. Hall – But the Division is saying that the Personal Guarantees match your requirement for this?

Ms. Simon – Yes sir.

Mr. Hall – Okay.

MOTION: Mr. Jones moved to approve the application subject to the condition that the Board accepts the Personal Guarantees of the licensee's preneed allocations executed by the licensee's principals dated April 23, 2018, along with the personal financial statement of assets and liabilities for the principals, who have agreed to voluntarily trust 100% or utilize insurance-funded contracts. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Wood.

Mr. Wood – Thank you.

Ms. Simon – For the future items on the agenda, when you hear your name read, perhaps you can come up to the podium.

(4) Dees-Parrish Family Funeral Home Inc. (F039886) (Lake City)

Ms. Simon – The renewal package was received, by the Division, on March 30, 2018. However, the submission did not include the R3A and R3B renewal statements and completed Form R4. On May 9, 2018 the Division mailed a deficiency notice to licensee, advising of the above deficiencies. As of May 25, 2018, the Division has not received any response to the deficiency notice. The Division is recommending that the application for renewal be granted, but that the license be suspended and that the suspension be stayed for 30 days. During that time:

1) The licensee provides the Division a renewal statement (form R3A) and summary statement (R3B) as required by the renewal application within 30 days from the date of this Board Meeting.
2) The licensee provides the Division the required form R4 of the application package, properly completed within 30 days from the date of this Board Meeting.
3) The licensee pays to the Division any required late fees in the amount as determined by the Division based upon the number of days late of the Forms R3A and R3B once received by the Division, as required by ss. 497.453(5)(e), FS, and Rule 69K-5.0026(2), FAC. These late fines will range from $500 to $1,000.

If these three conditions are met within the 30 days, that the suspension be lifted entirely. If they are not, then the entity's license will be suspended until those items are completed.

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

(5) Downing Funeral Home & Cremation Services Inc. (F039337) (Spring Hill)

Ms. Simon – Licensee reports a net worth of $185,594 against a required minimum net worth of $100,000. However, an R2A and R2B form were required to be filed to the Division no later than April 1, 2018, and those statements were received, by the Division, on May 4, 2018. The PNL renewal statement (R3 and R3B) were required to be filed with the Division by April 1, 2018; however, those forms were also received, by the Division, on May 4, 2018. Therefore, the total amount of late fees due is $1000. The Division is recommending that the renewal application be approved and that the license be suspended until the fine is paid. However, we are requesting that the suspension be lifted for a period of 30 days. If the applicant pays the late fee of $1000 by the end of the 30 days, then the suspension shall not become effective.

Chair – I believe our packet shows 60 days. Did I misread it?

Ms. Simon – No you did not. The suspension is for 60 days. It will be paid within the 60 days and then the suspension will not go into effect.

Mr. Helm – Are we doing 60 days on all the others? I thought one of them was just 30 days.

Ms. Simon – We are doing 60 days on this one.

Mr. Helm – And not on the rest?

Ms. Simon – I can't tell you that.

Mr. Helm – Well then I have a question with that.

Ms. Simon – To be consistent, it probably should be 30 days. So, we are recommending suspension and that the suspension be lifted for 30 days. If the late payment is made within those 30 days, the suspension shall not become effective.

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

(6) Eastside Funeral Home Inc. (F019321) (Leesburg)

Ms. Simon – The $400 late fee payment was received, by the Division subsequent to the agenda being printed. Therefore, the Division recommends approval without conditions.

MOTION: Mr. Jones moved to approve the application. Mr. Bango seconded the motion, which passed unanimously.

(7) Eternal Cremation Service LLC (F061573) (Tarpon Springs)

Ms. Simon – The R2A balance sheet reported a net worth of approximately $50k. The licensee has not yet documented that it meets the net worth requirement for approval. As of May 25, 2018, the Division has not received any response to a deficiency notice sent. As a result, the Division is recommending approval subject to the condition that applicant's license be suspended. However, the Division is recommending that that suspension be stayed for a period of 30 days:

1) The licensee provides the Division a renewal statement (form R3A) and summary statement (R3B) as required by the renewal application within 30 days from the date of this Board Meeting.
2) The Licensee has demonstrated that it meets the required net worth for renewal.
3) The licensee pays to the Division any required late fees in the amount as determined by the Division based upon the number of days late of the Forms R3A and R3B once received by the Division, as required by ss. 497.453(5)(e), FS, and Rule 69K-5.0026(2), FAC. These late fines will range from $500 to $1,000.

The fines will be determined once we get those documents in.

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

(8) Florida Family Cremations Inc. (F085031) (Clearwater)

Ms. Simon – As of this year, the licensee reports a negative net worth. The Division is recommending approval in this matter subject to the condition that the Board approves the Personal Guarantees executed by the licensee's principals and accepts the Statement of Personal Assets and Liabilities executed by the licensee's principals.

Chair – Mr. Knopke?

Mr. Knopke – Mr. Chair, is there anyone here from Guiding Light Cremations?

Chair – Please state your name for the record.

Mr. Bill Williams – Mr. Chairman, my name is Bill Williams, with FSI, and we represent Guiding Light…

Ms. Simon – This is actually Florida Family Cremations Inc. Guiding Light will be coming up next on the agenda.

Mr. Williams – Ditto. The same thing. And I don't know that I can answer your question. We may have to go back, but whatever you have, we'll try to answer it for you.

Chair – Mr. Knopke? Nothing? Is there a motion?

MOTION: Mr. Jones moved to approve the application subject to the condition that the Board approves the Personal Guarantees executed by the licensee's principals and accepts the Statement of Personal Assets and Liabilities executed by the licensee's principals. Ms. Anderson seconded the motion, which passed unanimously.

(9) Guiding Light Cremations LLC (F059114) (West Park)

Ms. Simon – Subsequent to the agenda being printed, the Division received the late fee payment of $400. Therefore, the Division is recommending approval without conditions.

Chair – Is there a motion?

MOTION: Mr. Jones moved to approve the application. Mr. Clark seconded the motion, which passed unanimously.

(10) Hayes Brothers Funeral Home Inc. (F038721) (Eustis)

Ms. Simon – The licensee's fiscal year ended on December 31, 2017 and its R2A and R2B forms were required to be filed no later than April 1, 2018; however, they were received, by the Division, on April 26, 2018. Additionally, the licensee's R3 and R3B forms were required to be filed with the Division no later than April 1, 2018, and they were also received, by the Division, on April 26, 2018. The Division is recommending that the application be granted. However, the Division is recommending that a suspension be imposed until the fines are paid. However, the Division is also recommending that the suspension be lifted for a period of 30 days. If the applicant pays the late fees within that 30-day period, that suspension not go into effect.

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

(11) Hodges Family Funeral Home LLC (F019423) (Dade City)

Ms. Simon – The licensee has not yet documented that it meets the net worth requirement for renewal. As of the date that this coversheet was prepared, the Division has not received any response to its deficiency notice requesting same. Therefore, the Division is recommending approval of this application for a preneed license. However, the Division is recommending that the applicant be placed on suspension subject to the following conditions:

1) The licensee provides the Division a balance sheet (form R2A) and income statement (R2B) as required by the renewal application within 30 days from the date of this Board Meeting.
2) The licensee provides the Division the required form R4 of the application package, properly completed within 30 days from the date of this Board Meeting.
3) Licensee demonstrates that licensee meets the minimum net worth requirement for renewal.
4) The licensee pays to the Division any required late fees in the amount as determined by the Division based upon the number of days late of the Forms R2A and R2B once received by the Division, as required by ss. 497.453(5)(e), FS, and Rule 69K-5.0026(2), FAC. These late fines will range from $500 to $1,000.

Additionally, the Division is recommending that the suspension be lifted for a period of 30 days. If the applicant satisfies the stated conditions within that 30-day period, that suspension not go into effect.

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

(12) Jack Spangler and Associates (F086407) (Lakeland)

Ms. Simon – This year the licensee reported a net worth of $7,608. The required minimum net worth for renewal is $10,000. The Division is recommending approval subject to the conditions:

1) That the Board approve the stated conditions of the Personal Guarantee of the licensee's preneed obligations executed by Licensee's principal, John F. Spangler, Jr. dated May 11, 2018; and
2) Accepts the current Statement of Personal Assets and Liabilities executed by the Licensee's principal, John F. Spangler, Jr. dated March 28, 2018, and agreement to voluntarily trust 100% and/or sell insurance-funded preneed contracts by the entity.

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

(13) LaPaz Funeral Home Inc. (F089725) (Miami)

Ms. Simon – Subsequent to the agenda being printed, the Division received a $400 late fee payment for the application for a preneed license. Therefore, the Division is recommending approval without conditions.

MOTION: Mr. Helm moved to approve the application. Mr. Clark seconded the motion, which passed unanimously.

(14) Loomis Funeral Home Inc. (F019355) (Apopka)

Ms. Simon – Subsequent to the agenda being printed, the Division received a $1000 late fee payment for the application for a preneed license. Therefore, the Division is recommending approval for the application for renewal without conditions.

MOTION: Mr. Williams moved to approve the application. Ms. Anderson seconded the motion, which passed unanimously.

(15) McAlpin Funeral Home Inc. (F170609) (Sneads)

Ms. Simon – The applicant reported a net worth of approximately $23k, however, the required minimum net worth for renewal is $80k. The Division is recommending approval subject to the conditions:

1) That the Board approve the stated conditions of the Personal Guarantee of the licensee's preneed obligations executed by Licensee's principal, Laura D. McAlpin dated May 24, 2018; and
2) Accepts the current Statement of Personal Assets and Liabilities executed by the Licensee's principal, Laura D. McAlpin dated May 24, 2018, and agreement to voluntarily trust 100% and/or sell insurance-funded preneed contracts by the entity.

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

(16) McIntee Holdings LLC (F019193) (Jacksonville)

Ms. Simon – On the most current renewal, the licensee reports a negative net worth of $(75,959) and the required minimum net worth for renewal is $60,000. Pursuant to the request by Mr. Hall, at the beginning of this section on the addendum, the Statement of Personal Assets and Liabilities executed by the licensee's principal does not support the Personal Guarantee that was submitted. The Division is recommending approval subject to the conditions:

1) That the Board approve the stated conditions of the Personal Guarantee of the licensee's preneed obligations executed by Licensee's principal, Bernard McIntee, dated May 24, 2018; and
2) Accepts the current Statement of Personal Assets and Liabilities executed by the Licensee's principal, Bernard McIntee, and agreement to voluntarily trust 100% by the entity.

Mr. Helm – Did I misunderstand you? Did you say his Personal Guarantee did not match?

Ms. Simon – Yes sir. That's what I said.

Mr. Knopke – So what's been provided to us is a Personal Guarantee that does not support the personal guarantee?

Ms. Simon – Yes sir. Based on what the Board has done in the past, the Board has previously said that if the applicant agrees to voluntarily trust 100%, the applications for preneed renewal have been approved, by the Board. As a result of that the recommendations of the Division have been modified to go along with that.

Mr. Knopke – But since it doesn't add up…

Chair – It's part of the statute.

Ms. Simon – We still have the agreement to voluntarily trust, which is one of the options. It is not a requirement.

Chair – Mr. Helm?

Mr. Helm – Because they agreed to trust 100%, does that mean we have to approve it?

Ms. Simon – No. It does not mean you have to accept it.

Mr. Helm – Okay, thank you.

Chair – Mr. Hall?

Mr. Hall – Mr. Chair, my concern is, if in the past, they did a personal guarantee and a personal financial, and satisfied the requirement, then we've approved. With this one being so far off and the personal doesn't match or give us that security or protection for the public, I would move to deny.

MOTION: Mr. Hall moved to deny the application. Mr. Knopke seconded the motion, which passed unanimously.

(17) Select Funeral Partners LLC (F067184) (North Port)

Ms. Simon – Subsequent to the agenda being printed, the Division received a late fee payment of $700. Therefore, the Division recommends approval of this application for renewal without conditions.

MOTION: Mr. Williams moved to approve the application. Mr. Clark seconded the motion, which passed unanimously.

(18) St Fort's Funeral Home Inc. (F039876) (North Miami Bch)

Ms. Simon – The net worth requirement, in this case, is $60k and the licensee has not yet documented that it meets the net worth requirement. The Division sent a deficiency notice in that regard and as of May 25, 2018 the Division has not received any response to the deficiency notice. The Division is recommending approval. However, it would be conditioned upon suspension. That suspension, the Division is requesting be lifted for 30 days, subject to the following conditions:

1) The licensee provides the Division a balance sheet (form R2A) and income statement (R2B) as required by the

renewal application within 30 days from the date of this Board Meeting.

2) The licensee provides the Division the required Form R4 of the renewal application package, properly completed within 30 days from the date of this Board Meeting.
3) Licensee demonstrates that it meets the minimum net worth requirement for renewal.
4) The licensee pays to the Division any required late fees in the amount as determined by the Division based upon the number of days late of the Forms R2A and R2B once received by the Division, as required by ss. 497.453(5)(e), FS, and Rule 69K-5.0026(2), FAC. These late fines will range from $500 to $1,000.

If the applicant satisfies the stated conditions within that 30-day period, that suspension not go into effect. If the conditions are not met, the suspension would effective until such time as all conditions are met.

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

(19) T J Beggs Jr & Sons Inc. (F019262) (Perry)

Ms. Simon – The licensee reports a stated net worth of $66,364 and the required minimum net worth for renewal is $100,000. For the Board's edification, Mr. Beggs has been gravely ill, which may have led to any delays in their submission. The Division is recommending approval subject to the conditions:

1) That the Board extends conditions of the existing Personal Guarantee of the licensee's preneed obligations, and
2) That the Licensee's principal provides to the Division a current Statement of Personal Assets and Liabilities, to be executed by the Licensee's principal, Ashley P. Beggs within 30 days of this Board Meeting, and agreement to voluntarily trust 100% and/or sell insurance funded preneed contracts by the entity.

The Division is recommending suspension and that suspension to be lifted in 30 days. If those conditions are met, then the suspension would not become effective. If they are not met, the suspension would become effective at 30 days and shall remain effective until such time as all conditions are met.

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

(20) Troxelcorp Enterprises Inc. (F038723) (Cocoa)

Ms. Simon – The licensee reports a stated net worth of $18,759 and the required minimum net worth for renewal is $100,000. The Division is recommending approval subject to the conditions:

1) That the Board extends the stated conditions of the existing Personal Guarantee of the licensee's preneed obligations dated June 28, 2016, executed by the Licensee's principal, Cary K. Troxel, and agreement to voluntarily trust 100% by the entity.
2) That licensee's principal, Cary K. Troxel provide to the Division an executed current Statement of Personal Assets and Liabilities within 30 days of this Board Meeting.

The Division is recommending suspension and that suspension to be lifted in 30 days. If those conditions are met within the 30 days, then the suspension would not become effective. If they are not met, the suspension would become effective at 30 days and shall remain effective until such time as all conditions are met.

MOTION: Mr. Jones moved to approve the application subject to the conditions recommended by the Division. Mr. Hall seconded the motion, which passed with one dissenting vote.

(21) Whitfield Funeral Home Inc. (F041938) (Zephyrhills)

Ms. Simon – Subsequent to the printing of the agenda, the Division received the late fee payment of $700. Therefore, the Division is recommending approval without conditions.

MOTION: Mr. Jones moved to approve the application. Mr. Clark seconded the motion, which passed unanimously.

C. Recommended for Denial

(1) Buggs-Bellamy Funeral Services Inc. (F038698) (Jacksonville)

Ms. Simon – Subsequent to the printing of the agenda, the Division received documentation demonstrating that it meets the required net worth for renewal. As a result, the Division is recommending approval without conditions.

Mr. Helm – Were there any late fees involved in this?

Ms. LaShonda Morris – They provided all the documentation in a timely manner. They just didn't meet the net worth requirement.

MOTION: Mr. Knopke moved to approve the application. Ms. Anderson seconded the motion, which passed unanimously.

(2) Southern Funeral and Cremation Services Inc. (F038694) (Riverview)

Ms. Simon – If there is anyone representing this applicant, please step forward now. The licensee reports a stated net worth of $62,172. The required minimum net worth for renewal is $100,000. The Division finds that no alternative evidence or arrangements in lieu of the required net worth has been provided, by the licensee, and therefore, recommends denial of the application for renewal.

Chair – Is there anyone representing Southern Funeral and Cremation Services?

MOTION: Mr. Knopke moved to deny the application. Mr. Clark seconded the motion, which passed unanimously.

(3) Tracy Morton Memorial Chapel LLC (F054863) (Pensacola)

Ms. Simon – – Subsequent to the printing of the agenda, the Division received documentation demonstrating that it meets the required net worth for renewal. As a result, the Division is recommending approval without conditions.

MOTION: Mr. Jones moved to approve the application based on the Division's recommendation. Mr. Knopke seconded the motion, which passed unanimously.

D. Non-Renewing Preneed Licensees (Not Renewing as of July 1, 2018) – Addendum K

Ms. Simon – This is a list of current preneed licensees who are not renewing their license, so this is an informational item.

However, subsequent to this agenda being printed, the Division received a completed renewal package from Boynton Memorial Chapel, LTD (F019300). The renewal package indicates that the applicant has a reported a negative net worth of approximately $(700k), against the required net worth of $100k. The Division is recommending approval of this application for renewal. However, the Division is recommending that the applicant's license be suspended. We are requesting that that suspension be lifted for a period of 30 days. If within that 30 days, the applicant provides a Statement of Personal Assets and Liabilities. If the Board agrees to accept the Personal Guarantee provided by the principal and accept the provision that the principal agrees to voluntarily trust 100% or sell insurance-funded contracts only, then that suspension would not become effective. However, if the applicant does not submit the Statement of Personal Assets and Liabilities within 30 days, then the suspension becomes effective and that it not be lifted until such time as the requested documentation is provided.

Mr. Knopke – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Knopke – Boynton has been on this list for many, many years. Is the negative $(700k) net worth higher than a year ago or lower than a year ago?

Ms. Wiener – Wendy Wiener representing Boynton Memorial Chapel. I've reviewed Mr. Norem's financial statements prior to the submission, and I do not recall that that number was nearly that high. In fact, I believe when we last saw them, we thought that they were trending in the right direction. I believe that somewhere between what we saw and what got to Lashonda and onto her worksheet, that something got missed somewhere. What I would request is that you go forward with the Division's recommendation, which is to approve with the conditions that within the stated timeframe that he provide evidence of the correct financial statements. He will also provide, and I think may already have provided, a personal financial statement, as he does in the past, showing significant personal assets, as well as agreement to 100% trusting.

Mr. B. Williams – In addition to that, we have just taken on this firm as a client, and we have reviewed his corporate financial statements. They don't appear to be stated absolutely correctly. They appear to be understated as far as his net worth is concerned, so we'll be able to go back, after we've worked with the CPA, and provide you with an updated, more appropriate financial statement, which I believe will be even better than what's being shown now.

Mr. Knopke – I'm fine with that. I was just curious, because he's been on this list for years, if he was getting better and didn't take a turn backwards. That was my point.

MOTION: Mr. Knopke moved to approve the application based on the Division's recommendation. Mr. Clark seconded the motion, which passed unanimously.

E. Request for Waiver of Late Fee

(1) All County Mortuary Service Inc. (F019457) (Lake Worth)

Ms. Simon – This matter is before the Board on the licensee's request for waiver of late fees. Licensee's application filing was due at the FCCS Division office not later than April 1, 2018, but was in fact was received on April 25, 2018. Pursuant to section 497.453(5)(e) and Rule 69K-5.0026(2), late fees are assessable. Licensee submits a written explanation of the cause of the late filing. Licensee was initially issued their preneed license in 1994 and has not previously been late in filing for renewal of their preneed license for prior years.

The FCCS Division recommends that the Board waive the late fees in view of the unusual circumstances, combined with the fact that licensee has not previously been late in applying for renewal of preneed license.

MOTION: Mr. Helm moved to approve the request to waive the late fees. Ms. Anderson seconded the motion, which passed unanimously.

Ms. Simon – The Division recommends that the preneed license be renewed without conditions.

MOTION: Mr. Helm moved to approve the application. Ms. Anderson seconded the motion, which passed unanimously.

Chair – I think at this juncture it would be appropriate for us to recognize the Division, staff and everybody involved in this project. You did a good job with that. I want to recognize Ellen Simon for going through this and explaining it to the Board and getting the Board the packets that they needed for this massive project. Thank you very much. We appreciate you.

18. Application(s) for Removal Facility

A. Recommended for Approval with Conditions

(1) Mortuary Transport Service Inc. (New Port Richey)

Ms. Simon – An application for a Removal Service was received on April 10, 2018. The application was incomplete when submitted. All deficient items were returned on April 27, 2018. A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

(2) Sterling Trade Services LLC (Sorrento)

Ms. Simon – An application for a Removal Service was received on April 10, 2018. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

MOTION: Mr. Williams moved to approve the application subject to the condition that the facility passes an onsite inspection by a member of Division Staff. Mr. Jones seconded the motion.

Chair – Excuse me, just a moment. Gentleman standing, were you trying to get my attention?

Mr. Sean Lyles – We're with Sterling Trade Services.

Chair – Did you want to address the Board?

Mr. Lyles – I do, if you don't mind.

Chair – Please do. Please state your name and be sworn in.

Mr. Lyles – Yes sir. My name is Sean Lyles, Sterling Trade Services.

Ms. Simon – Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Lyles – Yes ma'am.

Ms. Simon – Please state your name for the record.

Mr. Lyles – Sean Lyles. The question I had was the condition of the onsite inspection. We did go through the inspection. I don't know if that's been received. So I don't know the process.

Chair – We're voting to approve you subject to passing an inspection. You've indicated that you have.

Mr. Lyles – Okay. So we just have to wait for whatever paperwork that has to be approved. Great. Thank you so much.

Chair – Thank you. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? That motion carries.

(3) Slonaker Transport Service Inc. (Boynton Beach)

Ms. Simon – This item was added to the agenda earlier this week. The good cause shown was the necessary business obligations of the applicant. An application for a Removal Service was received on May 10, 2018. The application was incomplete when submitted. All deficient items were received on May 25, 2018. A background check of the principals revealed no relevant criminal history. However, the licensee does have an adverse licensure history to wit, at the December 2015 Board meeting the licensee was issued a $1000 fine. The licensee moved locations of the removal service without notifying the Division. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

Mr. Jones – Mr. Chair?

Chair – Yes?

Mr. Jones – I will not be voting on Items 18. A. (3) and 19, as I did not receive the material before the meeting.

Chair – Thank you, Mr. Jones. Is there a motion?

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

19. Collective Applications (Change of Ownership)

Ms. Simon – Both items submitted under 19 were submitted to the Board earlier this week. The good cause reason for putting these applications on this agenda is due to business processes on behalf of the applicants.

A. Recommended for Approval <u>with</u> Conditions (SCI Funeral Services of Florida LLC)
- ***(1) Cemetery***
  - *(a) Remembrance Services of Florida LLC d/b/a Gulf Pines Memorial Park (F039367)*
- ***(2) Cinerator Facility***
  - ***(a) Remembrance Services of Florida LLC d/b/a Southern Crematory (F039942) (Punta Gorda)***
- ***(3) Funeral Establishments***
  - ***(a) Remembrance Services of Florida LLC d/b/a Kays-Ponger & Uselton Funeral Homes and Cremation Services (F039943) (Port Charlotte)***
  - ***(b) Remembrance Services of Florida LLC d/b/a Kays-Ponger & Uselton Funeral Homes and Cremation Services (F039944) (Punta Gorda)***
  - ***(c) Remembrance Services of Florida LLC d/b/a Kays-Ponger & Uselton Funeral Homes and Cremation Services (F039946) (Venice)***
  - ***(d) Remembrance Services of Florida LLC d/b/a Lemon Bay Funeral Home and Cremation Services (F039945) (Englewood)***
  - ***(e) Remembrance Services of Florida LLC d/b/a Sound Choice Cremation & Burial (F088902) (Bradenton)***
  - ***(f) Remembrance Services of Florida LLC d/b/a Sound Choice Cremation & Burial (F212887) (Sarasota)***
- ***(4) Preneed Main***
  - *(a) Remembrance Services of Florida LLC d/b/a Gulf Pines Memorial Park (F019183) (Englewood)*

Ms. Simon – SCI Funeral Services of Florida, LLC (SCI), a limited liability company, seeks approval for the following applications for a change of ownership: six funeral establishments (6), a Cinerator facility (1), an application to acquire control of an existing cemetery (F039367), and an application for transfer of a preneed license (F019183). The change of ownership is due to a change of control via a stock purchase agreement wherein SCI is purchasing the funeral, cemetery, and preneed assets of these locations. The fingerprints for the principals were returned without criminal history. More specifically, the entities that are being acquired is as follows:

1) <u>Remembrance Services of Florida, LLC d/b/a Gulf Pines Memorial Park</u>, a licensed cemetery, license # F039367, physical address: 2401 Englewood Rd, Englewood

2) Remembrance Services of Florida, LLC d/b/a Gulf Pines Memorial Park, a licensed preneed main, license # F019183, physical address: 2401 Englewood Rd, Englewood
3) Remembrance Services of Florida, LLC d/b/a Southeastern Crematory, a licensed Cinerator Facility, license number F039942, physical address: 5500 Williamsburg Dr, Punta Gorda
4) Remembrance Services of Florida, LLC d/b/a Kays-Ponger & Uselton Funeral Homes and Cremation Services, a licensed Funeral Establishment, license number F039943, physical address; 2405 Harbor Blvd, Port Charlotte
5) Remembrance Services of Florida, LLC d/b/a Kays-Ponger & Uselton Funeral Homes and Cremation Services, a licensed Funeral Establishment, license number F039944, physical address; 635 E Marion Ave, Punta Gorda
6) Remembrance Services of Florida, LLC d/b/a Kays-Ponger & Uselton Funeral Homes and Cremation Services, a licensed Funeral Establishment, license number F039946, physical address; 1935 S Tamiami Trail, Venice
7) Remembrance Services of Florida, LLC d/b/a Lemon Bay Funeral Home and Cremation Services, a licensed Funeral Establishment, license number F039945, physical address; 12 Buchan's Landing, Englewood
8) Remembrance Services of Florida, LLC d/b/a Sound Choice Cremations & Burials, a licensed Funeral Establishment, license number F088902, physical address; 3825 East State Rd 64, Ste 300 & 400, Bradenton
9) Remembrance Services of Florida, LLC d/b/a Sound Choice Cremations & Burials, a licensed Funeral Establishment, license number F212887, physical address; 4609 Bee Ridge Rd, Sarasota

If approved, Applicant is assuming responsibility for any outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced locations. The Division has no record of disciplinary action regarding SCI Funeral Services of Florida, LLC. The Division recommends approving the applications referenced above, subject to the following conditions:

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

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

B. Recommended for Approval with Conditions (Miami Memorial, LLC)

(1) Cemetery

(a) Miami Memorial, LLC d/b/a Flagler Memorial Park (F081267) (Miami)

(b) Miami Memorial, LLC d/b/a Miami Memorial Park (F081266) (Miami)

(c) Miami Memorial, LLC d/b/a Mount Nebo/Miami Memorial Gardens (F081268) (Miami)

(2) Transfer of Preneed License

(a) Miami Memorial, LLC d/b/a Memorial Plan Miami Memorial Park (F081269) (Coral Gables)

Ms. Simon – Miami Memorial, LLC (Miami), a limited liability company, seeks approval for three (3) applications to acquire control of existing cemeteries, an application for a transfer of a preneed license, and an application for a preneed branch license (please see Addendum J, Preneed Branch Applications for Board Approval) for the below listed locations. The change of ownership is due to a change of control via a stock purchase wherein Miami is purchasing the cemetery and related preneed assets of these locations. The fingerprints for the principals were returned without criminal history. More specifically, the entities that are being acquired is as follows:

1) Miami Memorial, LLC d/b/a Flagler Memorial Park, a licensed cemetery, license # F081267, physical address: 5301 W Flagler St, Miami
2) Miami Memorial, LLC d/b/a Miami Memorial Park, a licensed cemetery, license # F081266, physical address: 6200 SW 77th Ave, Miami
3) Miami Memorial, LLC d/b/a Mount Nebo/Miami Memorial Gardens, a licensed cemetery, license # F081268, physical address: 5505 NW Third St, Miami
4) Miami Memorial, LLC d/b/a Memorial Plan Miami Memorial Park, a preneed main (license # F081269), physical address: 5301 W Flagler St, Coral Gables

Enclosed in your Board package are the separate applications regarding the above listed properties. If approved, Applicant is assuming responsibility for any outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced locations. The Division has no record of disciplinary action regarding the Applicant. The cemetery care and maintenance trustee reports for the above locations for CY 2016 are included. The cemetery reports appear to be in line with the reported gross sales for CY 2016 for the listed properties being acquired. As a result, the Division recommends approving the applications referenced above, subject to the following conditions:

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

Mr. Bango – Mr. Chairman?

Chair – Mr. Bango?

Mr. Bango – I'd like to recuse myself due to my relationship with Miami Memorial LLC.

Chair – Thank you.

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

20. Contract(s) or Other Related Form(s)

A. Recommended for Approval <u>with</u> Conditions

(1) Request(s) for Trust Transfer

(a) NorthStar Memorial Group, LLC/NorthStar Cemetery Services of Florida, LLC d/b/a Beth Israel Memorial Chapel (F019194) (Ormond Bch)

Ms. Simon – NorthStar seeks approval to transfer its existing preneed cemetery merchandise and services trust fund account from SunTrust Bank, N.A. (SunTrust) to Live Oak Banking Company (Live Oak). If approved, Live Oak will be the trustee and will operate under the Master Cemetery Preneed Merchandise Trust Agreement for this trust account. The Division recommends approval subject to the following conditions:

1) That the representations of Live Oak, through its representative, Attorney, as set forth in the attached letters dated 4-30-2018 be deemed material to the Board's decisions herein.
2) That within 90 days of this Board Meeting Live Oak provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, which includes the following:
   - A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b), to act as trustee of the trust to be transferred pursuant to Attorney's letter.
   - A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in Mr. Wilson's attached letter dated 4-30-2018.
   - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Mr. Wilson's attached letter dated 4-30-2018.
3) That the Board's executive director, for good cause shown, may extend the compliance time for the above specified conditions, an additional 90 days, with a report to the Board regarding any extension granted.

MOTION: Mr. Helm moved to approve the request subject to the conditions recommended by the Division. Mr. Bango seconded the motion, which passed unanimously.

(b) NorthStar Memorial Group, LLC/NorthStar Cemetery Services of Florida, LLC (F019194) (Ormond Bch)

Ms. Simon – NorthStar seeks approval of the below appointment of successor trustee and proposed trust asset transfer. NorthStar has designated a successor trustee to transfer its existing preneed trust assets from SunTrust Bank, N.A. (SunTrust) to Live Oak Banking Company (Live Oak). Live Oak will continue to operate under the existing trust agreements for these trust accounts, as identified in your Board packets.

Additionally, NorthStar seeks approval of the transfer of its existing preneed and cemetery care and maintenance trust assets for the following: The Revocable Preneed Cemetery Trust of Miami Memorial Park (dated May 27, 1994) to the Master Preneed Merchandise Trust Agreement (dated May 22, 2005) and the Care and Maintenance Trust Fund of Miami Memorial Association Trust Agreement (dated July 1, 1986) to the Master Cemetery Perpetual Care and Maintenance Trust Agreement (dated May 22, 2005) from SunTrust to Live Oak. If approved, Live Oak is or will be trustee, as identified in your Board packets. The Division recommends approval subject to the following conditions:

1) That the representations of NorthStar, as set forth in Mr. Wilson's letter dated May 15, 2018 be deemed material to the Board's decisions herein.
2) That within 90 days of this Board Meeting Live Oak provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
   - A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b), to act as trustee of the trust to be transferred pursuant to Mr. Wilson's letter dated May 15, 2018.
   - A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified under Exhibit A, as referenced in Mr. Wilson's letter dated May 15, 2018.
   - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified under Exhibit A, as referenced in Mr. Wilson's letter dated May 15, 2018.

3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

MOTION: Mr. Williams moved to approve the request subject to the conditions recommended by the Division. Mr. Jones seconded the motion, which passed unanimously.

21. Executive Director's Report

A. Operational Report

Ms. Simon – The Operational Report will be given by our Division Director, Ms. Mary Schwantes.

Ms. Schwantes – Thank you, Ms. Simon and thank you, again, for all the work you've put in. Before beginning the Operational Report, I want to take this brief opportunity to introduce to the Board and to those attending some of our staff who are with us here today. Most of you know already know, from the various Board meetings, LaTonya Bryant, and Jasmin Richardson. They are instrumental in keeping us together with the Board meetings, keeping us on track in the preparation, recording, and follow-up that the meetings require. In addition to assisting with the Board meeting and assisting us with that, Jasmin Richardson is also here to answer questions pertaining to licensing, and that now includes matters regarding monument, cemetery, broker burial rights, preneed main and preneed branch licenses.

As a result of recent staffing and assignment changes, LaShonda Morris, who's also with us here, is now responsible for processing the preneed sales agent applications; handling preneed remittance issues; and reviewing contracts, bonds, and trust agreements for compliance with statutory requirements. I know LaShonda did a lot of work on the preneed issues that came before the Board today, and we appreciate that. Both Jasmin and LaShonda have been at the Division's booth today. We thought there would be a booth again tomorrow, but given that there will not be, they probably will not be here in the morning. So if you have questions for them regarding the licensing and the preneed issues, please try to catch them after this meeting.

Finally, I would like to introduce to you our newest employee, Gene Brimmer. He's one of our investigators and he's here with Miriam Del Valle, who's our Inspections Supervisor and Thurman Lowe. Thurman is our Financial Administrator and, as such, supervises the majority of our Division field staff. We are glad to have him here with us as well to address any questions you may have regarding inspections, examinations, or investigations.

PNRS

The first major update I would like to talk about has to do with the new online preneed remittance system – or PNRS. PNRS is in the final stages of development, in fact we are testing the final product now. It is expected to be live by August 1, 2018. PNRS will allow our preneed licensees to report online the information that is required for the quarterly remittance invoices. The online system will then automatically calculate any amounts due to the Regulatory Trust Fund and the Consumer Protection Trust Fund. Licensees must use the online system to report the number of preneed contracts written each quarter. They will then have three options to pay the invoices: Online by credit card (a convenience fee will apply); Online by e-check (no fee); Or by mail, after having followed the directions online for reporting and processing a mailed payment. There is normally a $25 charge for mailed payments but this charge will be waived through August during the initial transition period.

I don't know how many preneed licensees are here with us today, but we're hoping that this word gets out. A few more notes about PNRS, and this is really for the testing phase of the online system. We actually had a demo of it at the booth and I think there were several people that took a look at it earlier. For those interested in looking at the demo or helping us test the program, please see Lashonda after this meeting or give her a call in our offices at any time. More importantly for preneed licensees, since we were not sure when the new program would be available online, we've followed our normal processes for mailing the preneed remittance invoices. This means that the invoices for the second quarter of 2018 were mailed around April 1st. Now that we're going live before August, which is when they are reporting and when the remittances are due, we will be sending out an email to all preneed licensees, because we want to get the word out as quickly as possible. Because for reporting and not the paper that

we sent out. So, we're asking the preneed licensees to ignore the paper remittance invoices that were previously mailed and look for further directions regarding the online system. If you have any questions about the new system or just preneed reporting, either catch LaShonda or me after this meeting.

LEGISLATION 2019

Although it seems early still, it is actually time to consider legislative possibilities for 2019. Last year's legislative proposals, regarding Chapter 497, raised a lot of interest at the Capitol, at the legislative offices, and of course with our industry licensees. In fact, many of the associations and other licensee representatives approached the Department with ideas for improvements to the statutes and the processes. The Department would like to hear more from the industry on any of these legislative topics and on possible legislation 2019. To this end, the Department is scheduling four public workshops, beginning in July, and going through October, for open discussion regarding possible legislation on Chapter 497. The exact dates and locations are still being worked on, however, they will be held throughout the state. We will be publicizing those dates and locations as soon as possible. We hope to see many of you there at the meetings and really look forward to these open discussions.

RULE ISSUES & DISCIPLINARY GUIDELINES:

At this point, I normally provide an update on the various rule issues and the status of the disciplinary guidelines. These are going to be much more fully addressed shortly in separate reports from Ellen Simon and Larry Harris. I'm not going to say anything further about that.

REGARDING BOARD MEETINGS:

This is the first of the June Board meetings, which will be held in conjunction with an industry association conference. We would like to thank the Board, staff, and members of the Independent Funeral Directors of Florida for hosting this meeting. It is very much appreciated and we have enjoyed working with them in setting this up! We hope that IFDF members will have plenty of opportunity to meet our Board members and Division staff who are here.

The next Board meeting is a teleconference meeting on July 5th. That will be followed by an in-person Board meeting on August 2nd in Tallahassee. As a reminder, full details regarding past and future Board meetings is available on the Division's website. That concludes the Operation Report. Thank you, Mr. Chair.

Chair – Thank you. We appreciate that update. Ms. Simon?

Mr. Knopke – Can I ask Ms. Schwantes a question?

Chair – Please do, Mr. Knopke.

Mr. Knopke – Thank you for your report. Will you be publishing in advance, of at least the first meeting, what your legislative plans are, from the Department's standpoint?

Ms. Schwantes – I'm not sure what will be on the agenda yet. I know that at the end we are encouraging open discussion and that's really what we are looking for. So, when the first notice goes out, it may just be the dates and locations and after that I'm still not sure. We're still working on this.

Mr. Knopke – Speaking from past history, if you could disclose at least last year what you finally ended up with and if you're going to continue that part, that would help for discussion, from the industry standpoint.

Ms. Schwantes – Are you talking about stuff regarding the CPTF claims and the trust fund?

Mr. Knopke – Whatever was in the package last year that you think is going to be continued this year, if that can be put out in advance so that people have a topic. Otherwise, you may not have anyone show up.

Ms. Schwantes – I understand. The only matter that came up in legislation last year had to do with a request for funds from the CPTF for replacement of our MS Access databases, and that, as you know, was taken off of the Department's bill for various reasons. So, that would not be continuing next year.

Mr. Knopke – Ok. Thank you.

Mr. Jones – Mr. Chair, can we take a 10-minute break?

Chair – Yes.

Mr. Jones – Thank you.

Chair – Ok, I have 2: 45 p.m., so let's take a break to 2:55 p.m. and reconvene.

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

B. Rulemaking Cleanup Project

Chair – Ms. Simon?

Ms. Simon – Mr. Chairman, I sent out a memorandum to the Board, regarding the Rulemaking Cleanup Project that was continuing on to this agenda. There are various sections of that memo, and I'd like to take care of them in sequential order. The first deals with HB 0029 entitled the Military and Veterans' Affairs Bill. That was placed into the Legislature in 2018. That was part of the result of the Legislature and will take effect on July 1, 2018. Because it is taking effect, there are many aspects of that that House Bill that require rules to be implemented, and there are a number of rules that need to be modified to put language in that will implement the House Bill. Those rules are as follows:

a. 69K-1.003 Miscellaneous Fees; Name Changes and Duplicate Licenses.
b. 69K-1.004 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions
c. 69K-1.005 Licensure Application Procedures.
d. 69K-5.002 Application for Preneed License.
e. 69K-5.0021 Application for Preneed Branch Office License.
f. 69K-5.003 Application for Preneed Sales Agent License and Appointment.
g. 69K-5.012 Application and Renewal Procedures for Broker of Burial Rights License.
h. 69K-17.002 Application Fees; Licensure by Endorsement for Embalmers and Funeral Directors.
i. 69K-17.003 Fees
j. 69K-17.0030 Direct Disposer/Establishment; Fees.
k. 69K-18.001 Embalmer Intern Training Program.
l. 69K-18.002 Funeral Director Intern Training Program.
m. 69K-18.003 Concurrent Internships
n. 69K-25.001 Licensure by Endorsement; Embalmers
o. 69K-25.002 Licensure by Endorsement; Funeral Directors.
p. 69K-25.003 Licensure as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration.
q. 69K-27.001 Embalmer Apprentice Program

Again, these are the rules that need to be modified in order to implement HB 0029. It would be appropriate for the Board to entertain a motion to open the aforementioned 17 rules for rulemaking.

MOTION: Mr. Clark moved to open the aforementioned 17 rules for rulemaking. Mr. Helm seconded the motion, which passed unanimously.

Additionally, based upon HB 0029, many of the Department forms will now require amendments to include language regarding the veteran's benefits. As such, we are requesting that the following forms be opened to permit discussion regarding the necessary changes:

a. DFS-c-BBRI Broker of Burial Rights License Application
b. DFS-N1-1706 Application for Embalmer License by Internship and Examination
c. DFS-N1-1707 Application for Embalmer License by Endorsement
d. DFS-N1-1708 Embalmer Intern license
e. DFS-N1-1712 Florida Laws and Rules Examination, Application to retake
f. DFS-N1-1720 Application for Funeral Director License by Internship and Examination
g. DFS-N1-1721 Application for Funeral Director License by Endorsement
h. DFS-N1-1722 Funeral Director Intern license
i. DFS-N1-1723 Application for Combination Funeral Director & Embalmer License by Endorsement
j. DFS-N1-1724 Application for Combination Funeral Director & Embalmer License by Internship & Exam
k. DFS-N1-1732 Concurrent Intern license
l. DFS-N1-1744 Application for Direct Disposer License
m. DFS-N1-1755 Application for Embalmer Apprentice License
n. DFS-N1-1757 Direct Disposal Establishment
o. DFS-N1-1762 Monument Establishment Sales Agent Application for Agent License
p. DFS-N1-1768 Provisional or Temporary License, Application for Initial License
q. DFS-N1-1769 Provisional or Temporary License, Application for Renewal
r. DFS-PNLB Application for Preneed Branch Office License
s. DFS-PNS-1 Preneed Sales Agent Application for Agent License and Initial Appointment
t. DFS-PNL-T1 Applications for Transfer of a Preneed License
u. New Form To Be Determined; Implementation of NEW s. 497.393, F.S. - Licensure; military-issued credentials for licensure
v. New Form To be Determined; implementation of HB 0029 and Rule 69K-1.003, F.A.C.
w. New Form To be determined; to comply with HB 0029 and implementation of Rule 1.005, F.A.C.
x. New Form To be determined; to comply with HB 0029, and implementation of rule 69K-17.003, F.A.C.

It would be appropriate for the Board to entertain a motion to open the aforementioned 24 forms for rulemaking.

MOTION: Mr. Helm moved to open the aforementioned 24 forms for rulemaking. Mr. Hall seconded the motion, which passed unanimously.

Ms. Simon – There are many forms which were previously adopted that now require privacy statements in relation to social security numbers. Included in your Board package are the proposed amended forms which include that privacy statement. For your convenience, the redlined version of each form is provided, and then the proposed finalized document follows each redlined version. However, in addition to those amendments, Mr. Harris would like to provide some language, which we would also like to approve on those forms.

Chair – Mr. Harris?

Mr. Larry Harris – Thank you. While we were reviewing the forms, it appeared that there was one set of information that the forms don't currently capture. This would be in subsection 7 regarding criminal history. Specifically, your statute allows you all to not act on an application if the applicant is pending criminal investigation or prosecution for a crime. Under Florida law, a completed application receives a required background, within 90 days. One ground to deny an application or license with conditions is if they've been convicted of a crime. The statute, however, if somebody is under investigation or prosecution, the Board can choose to delay acting on that until the criminal case is resolved. That gives you all a chance to have all the information before you. Otherwise, without this, you could theoretically have to act then turn around and have to revoke their license if they were in fact convicted. I suggest that language should be added to allow you to capture that information as part of the application process. Right now, because it's not on the form, the applicant could theoretically be under investigation for a crime and not tell you about it and they wouldn't have any statutory obligation under the criminal application from. It's much easier to ask it. So, for the 5 forms listed, I would ask that you all consider changing the language slightly in subsection 7. The new language would say, paragraph (a), "Have you ever been convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction, for a crime you are currently under criminal investigation or prosecution?" This question applies to any criminal {inaudible} of the laws of any municipality, county, state, or nation, including felony, misdemeanor, and traffic offenses, but not parking, speeding, inspection, or traffic ticket violation, without a regard to whether you were placed on probation, had adjudication withheld, were paroled, or pardoned. If you answer no because you believe those records have been expunged or sealed by order, pursuant to ss. 943.0585 or 943.059, F.S., or applicable laws of another state, you are responsible for verifying the expunged or sealing prior to answering no. We're adding the {inaudible} for prosecution and then we are clarifying it applies to any violation of laws with the exclusion of a couple of most common traffic violations.

Ms. Simon – So that language that Mr. Harris just provided, we are looking at amending the forms that are outlined in section 3 of the memo submitted to the Board as part of the rule proposals, we are looking at adding that in addition to the other changes that were currently provided to you. The forms are as follows:

a. DFS-EC-1 Report of Identification for an Exempt Cemetery
b. DFS-N1-1708 Application for Embalmer Intern License
c. DFS-N1-1722 Application for Funeral Director Intern License
d. DFS-PNL-1 Application for Preneed License
e. DFS-Hists Historical Sketch

Chair – Is there a motion to that effect?

MOTION: Mr. Hall moved to amend the 5 forms as provided by the Division with the addition of the language provided by Mr. Harris. Mr. Williams seconded the motion, which passed unanimously.

Ms. Simon – It would be appropriate for the Board to entertain a motion to keep the following 3 forms open for additional rulemaking due to HB 0029:

a. DFS-N1-1708 Application for Embalmer Intern License
b. DFS-N1-1722 Application for Embalmer Intern License
c. DFS-PNL-1 Application for Preneed License

Chair – Is there a motion?

MOTION: Mr. Hall moved to keep the aforementioned 3 forms open for additional rulemaking due to HB 0029. Mr. Clark seconded the motion, which passed unanimously.

Ms. Simon – Mr. Harris, would you like to discuss SERC for this one?

Mr. Harris – Thank you. Board members, for these five forms you've proposed language on, before you can actually move forward with that, you have to determine whether a Statement of Estimated Regulatory Costs (SERC) is

required. This is a statutory requirement. The Legislature wants to make sure that before you do rules you know how much it's going to cost. You don't always have to do a SERC. You do have to do a SERC if the answer to 1 of 2 questions is yes. The first question is would the new rule language have an adverse impact on small business. The second question is would the proposed language increase cost to any entity, including the government, in excess of $200k within 1 year of implementation. If the answer to either of those questions is yes, you have to prepare a SERC. There's a third question. This doesn't have to do with the SERC, but if you all believe the regulatory cost to any entity would be in excess of $1 million within 5 years of the last part of the rule that goes into effect, you're required to submit the rule to the Legislature. You can't let it go into effect without the Legislature signing off on it. So that's a separate question, but it's $1 million within 5 years. And then a final question that doesn't have to do with money is the Legislature is going to encourage agencies to resolve rules through what's called a notice of noncompliance. Minor violations are rules that don't effect public health and safety directly or administrative type things. If a rule or part of a rule, if the violation of that can be resolved through issuance of a notice of noncompliance, you're required to put that rule in your minor violations rule. Well the legislation requires for every rule that is being amended from now on, you have to consider whether that rule or part of that rule should be added to those minor violations. Because of the applications, it's hard for me to see that you could resolve the violation of an application with a notice of noncompliance. You're required to consider those 4 questions: is there an adverse impact, an increase in cost in excess of $200k, increase in cost in excess of $1 million, or a minor violation.

Chair – I would suggest, on the issues you've discussed and the rules discussed, we as a Board answer no to the 4 questions. Can we include them all and have one vote, as long as the Board understands what the rules are?

Mr. Harris – Yes.

Chair – Is there a motion?

MOTION: Mr. Hall moved that a SERC is not required. Mr. Jones seconded the motion, which passed unanimously.

Ms. Simon – Form DFS-PNL-Tl is not currently open for rulemaking. However, this form requires the insertion of the privacy statement as related to social security numbers. Formatting changes are also required, which are technical in nature. Lastly, a statutory subsection statutory citation is required to be amended (on page 5 of the form) due to a change to section 497. 141, Florida Statutes. This form needs to remain open for amendments required by HB 0029. To make the required changes, it would be appropriate for the Board to entertain a motion to open Form DFS-PNL-Tl for rulemaking.

MOTION: Mr. Knopke moved to open Form DFS-PNL-Tl for rulemaking. Mr. Helm seconded the motion, which passed unanimously.

Ms. Simon – It would be appropriate for the Board to entertain a motion to approve the proposed amendments to the form.

MOTION: Mr. Helm moved to approve the proposed amendments to the form. Mr. Knopke seconded the motion, which passed unanimously.

Ms. Simon – It would be appropriate for the Board to entertain a motion to have the form remain open for future rulemaking, as required by HB 0029.

MOTION: Mr. Knopke moved to have the form remain open for future rulemaking, as required by HB 0029. Mr. Bango seconded the motion, which passed unanimously.

Ms. Simon – Mr. Harris, at this time can you discuss the SERC?

Mr. Harris – Same 4 questions, for just this form and the amendments to this form: is there an adverse impact, an increase in cost in excess of $200k, increase in cost in excess of $1 million, or a minor violation that could be resolved

through a notice of noncompliance.

Mr. Chair – I suggest to the Board members that the answer is no to the 4 questions and would entertain a motion to that effect.

MOTION: Mr. Hall moved that a SERC is not required. Mr. Jones seconded the motion, which passed unanimously.

Ms. Simon – Form DFS-Nl-2013, Quarterly Preneed Remittance Invoice, requires amendment to change the language to what is currently provided by rule. Additionally, general clean-up is necessary. It would be appropriate for the Board to entertain a motion to open this form for rulemaking.

MOTION: Mr. Knopke moved to open this form for rulemaking. Ms. Anderson seconded the motion, which passed unanimously.

Ms. Simon – In May, the Board approved the proposed changes to Rule 69K-30.001, FA.C. As provided in the Board package, the Joint Administrative Procedures Committee (JAPC) sent a letter questioning several aspects of the proposed rule changes. As such, the Rule has been modified to reflect the concerns of JAPC. That modified proposal was provided within your Board package. Additionally, the Division is requesting that the proposed rule not take effect until January 2019. There are many reasons for this request, include the new online PNRS System expected to be rolled out before August 2018. In order to proceed forward with the modified proposal, the Board would need to approve the changes within the proposed document and authorize a Notice of Change to be filed. To do so, it would be appropriate for the Board to entertain a motion to approve the changes to Rule 30.001, Florida Administrative Code, which are provided within the Board package.

MOTION: Mr. Knopke moved to approve the changes to Rule 30.001, Florida Administrative Code, which are provided within the Board package. Mr. Williams seconded the motion, which passed unanimously.

Ms. Simon – It would be appropriate for the Board to entertain a motion to authorize a Notice of Change to the rule to be published.

MOTION: Mr. Helm moved to authorize a Notice of Change to the rule to .be published. Ms. Anderson seconded the motion, which passed unanimously.

Ms. Simon – It would be appropriate for the Board to entertain a motion that the proposed rule not go into effect until January 2019.

MOTION: Mr. Jones moved that the proposed rule not go into effect until January 2019. Mr. Williams seconded the motion, which passed unanimously.

Mr. Harris – Before you move on from this rule, I have one comment we need to talk about. Most of the comments from JAPC can be resolved through my response letter and through the Notice of Change you've already approved. There's only one comment that I can't resolve on my end, and I need Ms. Schwantes and Ms. Simon to help me with it. That is Violation #142, a violation of s. 497.385(1)(h), F.S., having a person who is identified on the application for licensure of a removal service or refrigeration facility convicted, found guilty, or has entered a plea of no contest to a crime related to the funeral practice. And specifically the JAPC attorney asked the question, what's the Board's authority to discipline the license holder for having a person identified in that application disciplined for something. So if I'm applying and I've got Mr. Knopke and Mr. Jones listed and Mr. Jones commits some type of criminal act, what's the authority to discipline my license as a removal service or refrigeration facility? Does that make sense? That's the question I don't have a response for, but we have to provide one.

Mr. Knopke – The crime that's being committed, is it specified between working hours and non-working hours?

Mr. Harris – It is a crime related to the funeral practice.

Mr. Knopke – So it is while you're on the clock so, if you went into a home, as an example, for a removal and you happen to pick up a diamond ring that's just lying there on the counter, that would be a crime and that would be…

Mr. Harris – Why should my removal facility license be disciplined because you committed a crime?

Mr. Knopke – You should train them not to do that. You should monitor them and should have done a background check on them prior to see if there was any other history of that. That would be my thought on it.

Chair – Any other comments?

Mr. Harris – No, that's great. I just needed you all to tell me what to do.

Chair – Thank you.

Ms. Simon – Mr. Brandenburg?

Chair – Yes?

Ms. Simon –It's apparent that we have to do some tremendous rulemaking to implement HB 0029. As a result, we're going to need to set a Rules Committee meeting. Since the Rules Committee meeting should be done in person in order to be effective, it would be best to be handled in August or before then, or maybe before the August Board meeting in July. We're going to have to do that as a Board and I believe that either the Board Chair would establish a subcommittee to do this or rely on the same Rules Committee that it currently has right now.

Chair – I will have a response back to that within 7 days.

Ms. Simon – Okay. That would be great. Thank you.

C. Report: Payment of Disciplinary Fines and Costs

Ms. Simon – This item is informational only. Are there any questions?

Chair – This is the first time I've ever seen that report all paid in full. Good work.

Monthly Report of Fines and Costs Assessed and Paid
Division of Funeral, Cemetery and Consumer Services
June 7, 2018 Board Meeting
Date of Report: May 25, 2018

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Marquis R. Turner	5-Apr-18	214752-17-FC	$1,000	C	Paid in Full	
Emmanuel Funeral Homes, Inc.	5-Apr-18	197151-16-FC; 219751-18-FC	$5,500	C	Paid in Full	
Fritz Duvigneaud	5-Apr-18	219770-18-FC	$2,500	C	Paid in Full	
Dianne McCloud	5-Apr-18	198420-16-FC	$1,500	C	Paid in Full	

Emmanuel Funeral Home	1-Feb-17	204697-17-FC	$28,000	12-Mar-18	Paid in Full	
Marcels Cremations Inc.	1-Feb-17	198424-16-FC	$1,500	10-Mar-18	Paid in Full	
Jeannette Royal	Jun-16	164613-14-FC	$5,000	12-Jan-16	Note A	Based upon a failure to pay the assessed administrative fine, an Emergency Order of Suspension was issued on March 9, 2018

A. When payment in full becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment.
B. Once fines and costs are paid in full, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensee dropped off report after disciplinary action filed due to nonpayment of the fine and costs.
C. The Order re this case is still in process, so no Due date is not yet established.
D. Due date has not passed, as of the date of this report.
E. As of the date of this report, monthly payments were current.

5-25-18

22. Chairman's Report (Verbal)

Chair – I would like to recognize the Board members and their dedication, hard work, the preparation after receiving the Board packets. One of the items alone this month was 400 pages. It's remarkable that every time we meet everyone is so prepared. So I want to recognize you and that you so much.

23. Sunshine Law, Privacy, and Related Issues

A. Florida Commission on Ethics Guide

Chair – Mr. Harris?

Mr. Harris – Thank you, Mr. Chair. Your Director, Assistant Director, and I thought it would be a good idea to give you a brief refresher of the new Board member training. As Board members, you've all been trained on these things, but it's not that I need to periodically refresh you, but some people in the audience may not understand the way government works. A lot of the requirements that you have as Board members are very different from the way business works, the way you conduct your lives in business. Sometimes when those two areas of your life intersect, it gets very confusing. So there are 3 areas that I would want to address today. The first area is the Sunshine Law. All meetings of the government are open to the public and only actions that are properly noticed {inaudible} public meeting's about. The idea is that Constitution was amended back in the 70s. People didn't like the idea that the government was doing stuff behind closed doors. They wanted public access so the public would know what was going on.

So, the Sunshine Law requires a couple of things. Number 1, you all can't talk to each other except at noticed public meetings. You can only talk about things during the meeting. It has to be a noticed public meeting. That means a notice has to be published with the date, time, and place of the meeting. It has to be published at least 7 days prior to the meeting. The agenda has to be published before the meeting. Materials of the meeting have to be provided 7 days in advance or there has to be some good cause. Now, you can't have a meeting with less than 7 days' notice. You don't want the public seeing that there's 600 pages and they find out that the meeting is in Miami tomorrow, and they have to get to Miami and read 600 pages in order to attend the meeting.

Likewise, you can't talk to someone that is substantially affected by an application and you certainly can't talk to them in private. If someone is applying, you don't want to adjudicate whether that person should get a license or not and it's really not fair for you to call on your friends and say hey, Larry is applying for licensure and I know you know Larry, what do you think? That's not fair to Larry. Likewise, Larry calls you and says I really want to talk to you and I don't want to say this publicly, and I don't want anyone to hear it, so let me just say this privately my issue. That's not fair to the public that they don't know the information you know. So you have to be really careful not to talk to people about things that affect them. You're acting like judges so you have to behave like a judge. That means it all has to be in the public record. It has to be at the public meeting. You all work in a sensitive industry. You're familiar with situations and it's sometimes hard when you have an applicant that comes before you and you

have to make them talk about that criminal conviction they had 5 years ago or that domestic violence situation or whatever it is. Often times applicants will pass you and say, hey, do you really need to talk to me about this at the public meeting because I don't want to talk about my dirty laundry? Well, the answer is yes. There's no way around it. You can't do it privately.

There's an exemption to this and that's rulemaking. Whatever you do in rules, you're acting more like a legislator, so with the rules, you can talk. You can gather information, but when you're voting on those rules, if it's not something that's in the documents, you have to mention where you got the information. You can go out and get information. You can call people in the industry and say hey what do you think and they can call you. Industry people might call you to talk about a form. That's okay because the rule is not the individual person's rule. After you get to the vote, you may want to say I want to let everybody know I talked to some people in the industry about the form and it's okay or they brought some concerns to my attention and I want to mention them to you. Again, the point here is so that the public knows what you're doing. What we don't want is a situation where the public says we didn't know. There was information that you have that you didn't tell the public. It's all about the public. It's all about public notice of the meeting, public participation, public knowing the basis for your votes, and being very public. You've all been through this training before. If you have any questions you can call me.

Public records would be very different from your corporations. Any communication that is made to communicate or provide knowledge that you either make or receive while serving as a Board member is a public record, period. There are some exceptions. They don't really apply here. In general, if somebody sends you an email about a Board meeting, it's public record. You have to maintain it and it's something to disclose. If you send someone an email, you make a phone call, the phone log is public record. You send somebody a text, you have to maintain that text if it's made or received in connection with the business of the Board. These have to be maintained and they have to be disclosed. One thing that Board meetings will ask me is, hey Larry is that your cell phone number and can I send you texts? I will say yes you can send me texts, but it's not a good idea because I'd have to take a screenshot of every one of those texts and send it to my email because it's subject to disclosure. Likewise, I always advise my other Board members if you want to use your email address, you have to maintain those emails, you can't delete them.

One thing you may want to do is any email that comes in in reference to the Board, copy an email to Board staff or set up a separate email account (i.e. LarryHarrisBoardMember@gmail.com) and then you just use that email account. Then you never have to worry about whether it's being archived to an email server. If someone calls for your emails related to this subject, then you go to the emails and print them out or forward them. The reason I say this is because a lot of people use their personal email addresses, then a public records request comes in and you have to answer it. This has not happened to one of my boards, but I've heard of this happening, the person requests your email account but you don't want them to see all of your emails, but you have to show them. Then you end up in court where you have to tell the judge why you don't want to disclose your email account. So just use a designated one or get in the habit of automatically forwarding everything to the Board office, someone who Ms. Schwantes designates, and they will archive this for you. You can cc: Ms. Schwantes and if someone requests your email you can say talk to Mary. Problem solved.

Public records are very important. The public has a right to know and they have a right to get the records. I can sort of be a pain because members of the public don't often say I want just this record. They say I want every email Mr. Jones made or received from January 1, 1900 to today. The problem is you have to respond to them in a timely manner, we have to make a good faith effort to get the information out there. If you don't there could potentially be some court proceedings and legal fees. Work with the Board staff, work with Board counsel, get the response done and get it out. Organize everything.

There's a lot more, but you've already had this training, but for people in the audience they might not know about this. They think the way business works, if you're doing something sensitive, you may be thinking or expecting that those details aren't going to be public. Board members know the prosecutor gets your emails and they're going to publish your emails and generally when they do that they find the one sentence in that email and they'll say did you know on this date Mr. Hall said whatever.

The third thing I want to talk about today is specifically really complex. - when you can vote, when you can't vote, when you have to recuse yourself, and the Commission on Ethics. Unfortunately, over the past 6 or 8 months, the Attorney General's Office, the Bureau of Administrative Law represents a lot of boards. I think we have something like 90 boards that we do over all the state agencies, with 16 attorneys. Recently there's been some complaints filed with the Commission on Ethics about Board member issues. Now would be a good time, in fact, this has become an issue that just last week, all the attorneys in my bureau had mandatory training. We invited the Deputy Director of the Commission on Ethics to come over and give us a 2-hour presentation on specifically on the Code of Ethics for public officers and employees. I put a little bit of that information in your package for you. I also put a handout at your desk. Basically, all state officers, and you are state officers are subject to something called the Code of Ethics for Public Employees, Chapter 112, F.S. It can be very complicated, but the 2 parts that I want to address. Number 1, you have to file a financial disclosure every year. You have to disclose your assets and liabilities. If you don't do it there's a mandatory penalty of $25/day. If somebody requests the form and you do it wrong or the Commission on Ethics audits your form and you do it wrong, you'll have additional penalties, so you have to get the financial form in every year. That's one of the main things. You already know this. You've received training on it, but the members of the audience need to know that the Board members are volunteers. They have to disclose their assets to the State in order to serve. That's something they have to follow.

The second thing that I really want to talk a little bit more detail about is voting and voting conflict. Board members, under Chapter 286.012, F.S., you are required to vote. This is something that surprises people in the audience. It's not optional whether you vote or not. If you are sitting on this Board, you are required to vote. There are 3 reasons why you might not have to vote. In your package that I handed out, I included a copy of s. 286.012, F. S., the voting requirements. It basically says you have to vote unless, one of the reasons is bias or prejudice. Bias or prejudice is when you're acting like a judge. If the person you're adjudicating, if you're bias or prejudice, or they think you are, it could appear that you are not being fair to them, that is a ground for you not to vote. You can disclose that bias. I had this come up at a board meeting this past month. One of the Board members comes to me and says one of the guys who's on for discipline used to work for my company and I said why'd you fire him and he said it wasn't working out. Does it have anything to do with this case? He goes no. You probably need to recuse yourself because you were part of the decision to fire this guy. If you're now sitting as a Board member disciplining his professional license, he's not going to think you're going to be fair to him, right? And the Board member said right. In that case you need to recuse yourself. You need to go on record and say because the guy worked for your company and was terminated, you are going to recuse yourself from voting. Now the guy could have said oh no, I have no problem with that. You and I are good buddies, in fact, I want you to be on the Board because I think you're going to be in favor of me. You all have to disclose and it's best to recuse yourself because the last thing you want is for somebody during the meeting not saying anything and then they go to the press and say it was unfair.

A second ground is if there is a conflict of interest. This is really something that starts getting tricky. There are 2 types of conflicts of interest. One conflict of interest basically deals with money. If you, as an individual, will have some type of special gain or loss, or your employer, or your business partner will have some kind of special gain or loss; if your vote on an item is going to impact you somehow, you probably have a prohibited conflict of interest and you can't vote on it. You have to recuse yourself from that and you have to fill out Form 8A. If there is a money problem with you or your partner, you have to fill out Form 8A and you have to send it in. It is a problem if you don't. If you have a conflict of interest because your employer is sitting here with a $10k fine and you don't say, I work for this company and this is going to prevent me from getting a bonus this year because of my vote on this item, you shouldn't vote. It can get sort of tricky because sometimes you work for bigger companies and that's when you call on your Board counsel to question whether you need to report it or not, or whether there's a conflict of interest. That's when you call the Commission on Ethics to see whether there's a reoccurring conflict or a general conflict. These are sort of big deals. A second part is where you don't have that special gain or loss, but there's the appearance of impropriety. You may not make money or loss money, but maybe somebody might think you would and it just doesn't look right. If you are one of 2 funeral homes in Tallahassee and the guy in front of you is the owner of the other funeral home and you're making a motion to revoke his license, how's that going to look? That's a reason to recuse yourself. You don't have to fill out Form 8A, but you have to go on record and be clear.

This conflict of interest stuff can be very tricky. The Commission on Ethics deals with this a lot and they have all sorts and standards for a prohibited conflict of interest or whether it looks like a conflict or whether you're required to recuse yourself, when you can recuse yourself. When in doubt, it's best to talk to Board counsel or the Commission on Ethics. The Commission on Ethics has a telephone you can call where they don't ask for a lot of information because they want to keep you on the phone, but they're going to investigate. The fines, and it can be criminal if you violate. It can be a criminal investigation, one of the penalties can be removal from office, I'm not sure about jail, but the fines are pretty big, so you want to make sure you don't have any prohibited conflicts. I can answer questions if you have them. I'm telling you a lot of information, but I just want to help you as Board members, to answer these questions about the law. We represent the Board, we don't represent you as individuals, but as a Board member, we can provide you information on this. If we don't know the answer, we can get the answer or tell you who to call. Mr. Chair, I thank you. Again, if anyone has any questions, give me a call after the meeting or call Mr. Barnhart and we'll walk you through it.

Chair – Thank you, Mr. Harris. Can you give us an update on Mr. Barnhart? Is he coming back soon?

Mr. Harris – Mr. Barnhart will be back. He started last week coming back in. He was out of the office for about 4 weeks and just started coming in for half days last week. I fully anticipate he will be back full time by the time of your next Board meeting. He's getting around better than you would expect for someone who had made surgery. He seems to be doing good.

Chair – Thank you for that.

24. Office of Attorney General's Report

A. Disciplinary Guidelines

Ms. Simon – I believe that we covered the disciplinary guidelines in the rules.

B. Rules Report

Ms. Simon – Mr. Harris?

Mr. Harris – You guys are in pretty good shape in terms of things being adopted. From the rule items that you voted on at the May meeting, we've got all of those published. They were actually published today. I think you all have done a good job of doing a bunch of work and getting your desks cleared for this next batch that Ms. Simon went through today. With your votes today on Rule 30.001, F.A.C., I fully anticipate that we will be able to resolve comments from the JAPC attorney. We'll be able to get the filed for adoption and then we can move on to repealing the other 5 rules. I have no reason to doubt that by January 1, 2019, all of that project will be finished, which is great for the licensees to have everything in place.

Chair – Thank you.

BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES RULES REPORT
JUNE 2018

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-5.0016	Preneed License; Financial Requirements	05/03/2018	5/14/2018	5/23/2018 Vol. 44/101			
69K-7.009	Reporting Requirements for Preneed Licensees Filing an Initial Application to Utilize a Letter of Credit or Surety Bond in Lieu of Maintaining a Trust Fund	05/03/2018	5/15/2018	5/23/2018 Vol. 44/101			
69K-7.0095	Preneed Trust fund; financial reports	05/03/2018	5/14/2018	5/23/2018 Vol. 44/101			
69K-7.010	Reporting Requirements for Preneed Licensees Utilizing a Surety Bond or Letter of Credit in Lieu of Maintaining a Trust Fund	05/03/2018	5/15/2018	5/23/2018 Vol. 44/101			
69K-7.011	Criteria for Filing a Letter of Credit in Lieu of Maintaining a Trust Fund	05/03/2018 (voted to repeal)	5/14/2018		05/22/2018 (Vol. 44/100)		
69K-7.012	Criteria for Filing a Surety Bond in Lieu of Maintaining a Trust Fund	05/03/2018	5/15/2018	5/23/2018 Vol. 44/101			
69K-7.0125	Alternative Form of Security for Permanent Outer Burial Receptacle Manufacturers	05/03/2018	5/15/2018	5/23/2018 Vol. 44/101			
69K-7.017	Trust Fund Deposits; Funeral and Burial Services and Merchandise Preneed Contract Payments	05/03/2018	5/15/2018	5/23/2018 Vol. 44/101			
69K-10.003	Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund	05/03/2018	5/14/2018	5/23/2018 Vol. 44/101			
69K-30.001*	Disciplinary Guidelines and Penalties for Funeral Directors and Establishments, Embalmers, Removal Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities	04/05/2018	03/24/2017 (RD)	04/14/2017 Vol. 43/73	04/16/2018 – Vol. 44/74 5/4/2018 JAPC letter rec'd 5/16/2018 JAPC response		
69K-30.0021	Minor Violations and Notice of Noncompliance for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities		03/24/2017 (RD)	04/14/2017			
69K-30.003	Citations for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities (30.003)		03/24/2017 (RD)	04/14/2017			
69K-21.003	Inspection Criteria (Funeral Establishments).	09/07/2017	05/13/2017 (RD) 09/18/2017 (RN)	05/23/2017	09/26/2017 – Vol. 43/186	11/7/2017	11/27/2017
69K-33.001	Requirements Regarding Handling and Storing of Human Remains	10/05/2017	09/07/2017 (RD)	09/19/2017	10/18/2017 – Vol. 43/202	11/16/2017	12/6/2017

*69K-30.001 – Board meeting scheduled June 7, 2018

25. Administrative Report

The information was provided on the Agenda.

26. Disciplinary Report

The information was provided on the Agenda.

27. Upcoming Meeting(s)

A. July 12th (Teleconference)
B. August 2nd (Betty Easley Conference Center, 4075 Esplanade Way, Room 166 – Tallahassee)
C. September 6th (Teleconference)
D. October 4th (Miami-Dade College North Campus, Building 3 – Miami)
E. November 1st (Teleconference)
F. December 6th (Embassy Suites by Hilton Jacksonville Baymeadows – Jacksonville)

28. Adjournment

Chair – Board members? Any questions or comments? Good of the cause? Again, thank you Board members. Thank you to all of you out there attending this meeting.

The meeting was adjourned at 3:55 p.m.