

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
March 7, 2019 - 10:00 A.M.

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

Mr. Jody Brandenburg, Chair – Good morning. Welcome to the Board of Funeral, Cemetery, and Consumer Services Teleconference meeting, March 7, 2019. Ms. Simon, will you please do your preliminary remarks and accomplish the roll call?

Ms. Ellen Simon – Yes sir. My name is Ellen Simon. I am Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, March 7, 2019, and it's approximately 10:00 A.M.

Chair – May I? Let me interrupt just a moment. The echo that we have, would you see if you could correct it on your end? If not, I'm going to have to suggest that everybody hang up and call back in, because I don't think we can take this the whole meeting.

Ms. Simon – As I mentioned, as many phones that are placed on mute, the echo will be limited, and it sounds like it's gone now.

Chair – Well it's good now, so go right ahead. I'm sorry.

Ms. Simon – Thank you, Mr. Chairman. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by teleconference and notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to all interested persons. The call-in number was placed on the agenda. The Board staff present for this meeting are in the Claude Denson Pepper Building in Tallahassee FL. 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 call 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 **{DELAYED}**

Also noted as present:

Mary Schwantes, Executive Director (via phone)
Tom Barnhart, Board Legal Advisor (via phone)
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff (via phone)
Nicole Singleton, Department Staff

Ms. Simon – Mr. Chairman, we have a quorum for the business of the Board.

2. Action on Minutes

A. February 7, 2019

Chair – Thank you. The first item on the agenda is action on the minutes of the February 7, 2019, meeting.

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

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

Ms. Simon – Thank you, sir. 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.

Chair – If there’s anyone who hasn’t muted your phone, please do so.

4. Application(s) for Continuing Education Course Approval
A. Recommended for Approval without Conditions – Addendum B
(1) Academy of Graduate Embalmers of Georgia (30008)
(2) American Academy McAllister Institute of Funeral Service (9808)
(3) APEX Continuing Education Solutions (4201)
(4) Education Workers Group (11208)
(5) Florida Cemetery, Cremation & Funeral Association (75)
(6) International Cemetery, Cremation and Funeral Association (22808)
(7) International Order of the Golden Rule (2201)
(8) Kates-Boylston Publications (29810)
(9) National Funeral Directors and Morticians Association, Inc. (15608)
(10) National Funeral Directors Association (136)
(11) Newcomer Funeral Service Group (25408)
(12) SCI Management - Dignity University (99)
(13) The Dodge Institute for Advanced Mortuary Stu (81)
(14) University of Florida (33408)

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. Jones moved to approve the applications. Mr. Powell Helm seconded the motion, which passed unanimously.

5. Application(s) for Florida Law and Rules Examination
A. Informational Item (Licenses Issued without Conditions) – Addendum C
(1) Funeral Director – Endorsement
(a) Phippin, Brooks K
(2) Funeral Director – by Internship
(a) Menneke, David T
(3) Funeral Director and Embalmer – by Internship and Exam
(a) Assidy, Jon G
(b) Blum Scull, Cherie A
(c) Jacques, Jason G
(d) Perkins, Malachi J F
(e) Torres, Anna L
(f) Van Vliet, Michelle

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

6. Application(s) for Internship
A. Informational Item (Licenses Issued without Conditions) – Addendum D
(1) Funeral Director

- (a) *Bennett, Amanda C F338274*
- (2) *Funeral Director and Embalmer*
- (a) *Trostle, Zachary F341318*
- (b) *Walden, Monica S F339959*

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

- 7. **Application(s) for Embalmer Apprentice**
 - A. **Informational Item (Licenses Issued without Conditions) – Addendum E**
 - (1) *Banfield, Korey M F076353*
 - (2) *Futrell, Carl J F337705*
 - (3) *Rossy, Amanda L F338909*
 - (4) *Washington, Tabitha D F341531*

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 Monument Sales Agent**
 - A. **Informational Item (Licenses Issued without Conditions) – Addendum F**
 - (1) *Borzak, Deena S F340054*
 - (2) *Saka, Monique F340053*

Ms. Simon – This item is informational only. Pursuant to s. 497.554(3)(a), F.S., the Division has previously approved these applications.

- 9. **Application(s) for Registration as a Training Facility**
 - A. **Informational Item (Licenses Issued without Conditions) – Addendum G**
 - (1) *Anthony M White d/b/a A M White Mortuary (F080279) (Macclenny)*

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

- B. **Petition(s) for Waiver**
 - (1) **Recommended for Approval with Conditions**
 - (a) *Archer Funeral Home LLC (Lake Butler)*

Ms. Simon – Archer Funeral Home LLC, a limited liability company, previously submitted an application for approval of a funeral establishment based upon a change of ownership. This change of ownership application was reviewed and approved at the February 7, 2019 Board meeting. Under previous ownership, this establishment had been registered as a training agency. This newly approved establishment is now seeking approval of a waiver of Rule 69K-18.004, Florida Administrative Code, regarding certain requirements for licensure as a training agency. Additionally, this establishment is seeking to continue their training agency status. The funeral establishment is as follows:

- 1) Archer Funeral Home, a licensed funeral establishment, license #F040375, located at 55 North Lake Avenue, Lake Butler, FL 32054

The Division recommends that Rule 69K-18.004, Florida Administrative Code, be waived as requested by the licensees, provided there has been no dispute by the public within 30 days of the date the request was published.

MOTION: Mr. Jones moved to approve the request for rule waiver subject to the condition provided there has been no dispute by the public within 30 days of the date the request was published. Mr. Helm seconded the motion, which passed unanimously.

Ms. Simon – The Division also recommends that the Application for Registration of a Training Agency be granted so that the aforementioned funeral establishment may continue to be registered as a Training Agency under the new ownership.

MOTION: Mr. Knopke moved to approve the Application for Registration of a Training Agency be granted so that the aforementioned funeral establishment may continue to be registered as a Training Agency under the new ownership. Mr. Jones seconded the motion, which passed unanimously.

10. Notification(s) of Change in Location

A. Informational Item – Addendum H

(1) Brown & Bussey Funeral Services LLC (F322062) (Pahokee)

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 previously applied for approval of a change of location of their businesses. The Board has requested to be notified of these changes in location. The only criteria for approval is that the new location pass inspection by the Division of Funeral, Cemetery, and Consumer Services. In this case, the inspection of the establishment occurred in February and the change of location was approved by the Division.

11. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum I

Ms. Simon – The CPTF claims presented on the Addendum have been reviewed by the Division and the Division recommends approval for the monetary amounts so indicated.

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

12. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Professional Funeral Services of Northwest Florida LLC (Miramar)

Ms. Simon – An application for a Funeral Establishment was received on January 24, 2019. The application was complete when submitted. The Funeral Director in Charge will be Kris Kratzer (F080545). 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.

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. Ms. Jean Anderson seconded the motion, which passed unanimously.

(2) Sims Funeral Home Inc (Bonifay)

Ms. Simon – An application for a Funeral Establishment license due to a Change of Ownership was received by the Division on December 27, 2018. The application was incomplete when received. The application was deemed completed on January 22, 2019. The Funeral Director in Charge will be Jon Sims (F045491). A background check of the principals revealed no relevant criminal history. This funeral establishment is the qualifying entity for a preneed license and pursuant to the letter signed by Rose Sims, the new establishment will assume all responsibility of any unfulfilled contracts. The change in ownership is a result of the passing away of its current owner, David Sims. The Division is recommending approval subject to the condition that the establishment passes an inspection by a member of Division Staff.

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

13. Application(s) for Removal Facility

A. Recommended for Approval with Conditions

(1) West Florida Removal Service LLC (Pensacola)

Ms. Simon – An application for a Removal Service was received on November 21, 2018. The application was incomplete when submitted. The application was deemed completed on January 28, 2019. A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that the removal service passes an inspection by a member of Division Staff.

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. Darrin Williams seconded the motion, which passed unanimously.

14. Related Items – Beggs Funeral Home, Inc.

A. Recommended for Approval with Conditions (Collective Coversheet)

(1) Funeral Establishments

(a) Beggs Funeral Homes, Inc. (F085268) (Monticello)

(b) Beggs Funeral Homes, Inc. d/b/a Beggs Funeral Home – Apalachee Chapel (F085269) (Tallahassee)

(2) Preneed Main License

(a) Beggs Funeral Homes, Inc. (F050428) (Tallahassee)

Ms. Simon – Beggs Funeral Homes LLC (Beggs), a limited liability company, seeks approval of two applications for funeral establishment licensure and the transfer of a preneed main license. The applications are being submitted due to a change of ownership wherein Edward C. Beggs is acquiring 100% ownership of the below named establishments. A completed background check of the principal(s) for the business revealed no relevant criminal history. More specifically, the entities that are being acquired is as follows:

- 1) Beggs Funeral Homes Inc, a licensed funeral establishment, license #F085269, physical address: 3322 Apalachee Pkwy, Tallahassee, FL 32311, Christopher Parker (F067300) - FDIC
- 2) Beggs Funeral Homes Inc, a licensed funeral establishment, license #F085268, physical address: 485 E Dogwood St, Monticello, FL 32344, Edward Beggs (F045284) – FDIC
- 3) Beggs Funeral Home, Inc., a preneed main license, license #F050428, physical address: 3322 Apalachee Pkwy, Tallahassee FL 32311

Applicant is acquiring all preneed assets and liabilities for these locations and is assuming responsibility for any outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced locations. The Division is recommending approval 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 executed Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

Mr. Helm – I have a question, Mr. Chair?

Chair – Yes?

Mr. Helm – I don't remember seeing this before. The cremation is happening in Georgia. Does that make a difference?

Wendy Wiener – Mr. Chairman, this is Wendy Wiener, for the applicant.

Chair – Ms. Wiener, go right ahead.

Ms. Wiener – The statute does not contemplate any restriction as to crossing state lines so long as the provider of the service is within the mileage range set forth in Chapter 497, F.S.

Mr. Helm – Okay. It was just a question. I just wanted to make sure.

Chair – Mr. Helm, are you comfortable with that?

Mr. Helm – Yes sir.

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

15. Related Items – Foundation Partners of Florida LLC

A. Recommended for Approval with Conditions (Collective Coversheet)

(1) Funeral Establishments

- (a) Foundation Partners of Florida LLC d/b/a David C Gross Funeral Home (Clearwater)**
- (b) Foundation Partners of Florida LLC d/b/a David C Gross Funeral Home (St Petersburg)**
- (c) Foundation Partners of Florida LLC d/b/a Hebrew Memorial Funeral Services (Sarasota)**

Ms. Simon – Foundation Partners of Florida LLC (FPG), a limited liability company, seeks approval of three applications seeking funeral establishment licensure. The applications are being submitted due to a change of ownership wherein FPG is acquiring the establishments listed below. A completed background check of the principal(s) for the business revealed no relevant criminal history. More specifically, the entities that are being acquired is as follows:

- 1) Eternal Light Funeral Care Inc d/b/a David C Gross Funeral Homes & Cremation Center Inc, a licensed funeral establishment, license #F040558, physical address: 6366 Central Ave, St Petersburg 33707, Ameer Wojciechowski (F053522) - FDIC
- 2) Eternal Light Funeral Care Inc d/b/a David C Gross Funeral Home, a licensed funeral establishment, license #F060874, physical address: 830 N Belcher Road, Clearwater, FL 33765, Kermit Vieno (F043416) - FDIC
- 3) Eternal Light Funeral Care Inc d/b/a Hebrew Memorial Funeral Services, a licensed funeral establishment, license #F082010, physical address: 2426 Bee Ridge Road, Sarasota, FL 34239, Jack Allbaugh (F045004) – FDIC

Applicant is acquiring all preneed assets and liabilities for these locations and is assuming responsibility for any outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced locations. The Division is recommending approval 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 executed Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.

- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

Chair – Mr. Clark?

Mr. Clark – Thank you, Mr. Chairman. I would like to state for the record my affiliation with Foundation Partners of Florida LLC. I will not be voting in this matter on this agenda. I am available for questions should the Board have any.

Chair – Thank you so much. I appreciate that disclosure. Is there a motion?

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

B. Recommended for Approval with Conditions
(1) Application(s) for Preneed Branch License – Addendum J

Ms. Simon – Pursuant to s. 497.453, F. S., the applicants listed have applied for a preneed branch license. All Division records indicate that the applicants qualify for branch licensure. The Division is recommending approval.

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

16. Related Items – L.C. Poitier Funeral Home, LLC

A. Recommended for Approval with Conditions
(1) L.C. Poitier Funeral Home, LLC (Pompano Beach) (Funeral Establishment)

Ms. Simon – An application for a Funeral Establishment license due to a Change of Ownership was received by the Division on January 22, 2019. The application was incomplete when received. The application was deemed completed on February 7, 2019. The Funeral Director in Charge will be Woodrow Poitier (F043381). A background check of the principals revealed no relevant criminal history. This funeral establishment is not the qualifying entity for a preneed license. The change in ownership is a result changing from a sole proprietorship to an LLC. The Division is recommending approval subject to the condition that the establishment passes an inspection by a member of Division Staff.

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

(2) L.C. Poitier Funeral Home, LLC (Pompano Beach) (Preneed Main License)

Ms. Simon – The Department received the application on January 15, 2019 and all items were completed as of February 22, 2019. The members of the LLC are: Brion, Poitier, Cynthia Poitier, Stephanie Poitier-Coker, and Woodrow Poitier. A completed background check of all principals was returned to the Division without criminal history. It should be noted that principal, Woodrow Poitier, answered “Yes” to Question #6 of the Historical Sketch, “Has a license of any kind held by you been denied, suspended or revoked?” In September 2002, a Final Order was issued by the Department of Business Professional Regulation against Mr. Poitier and L.C. Poitier Funeral Home (sole proprietorship) for failure to cremate a decedent’s body despite being paid for this service by Broward County. As a result, Mr. Poitier was reprimanded, placed on probation for one (1) year and required to pass the State Laws and Rules Exam and a course in Ethics, and ordered to pay an administrative fine in the amount of \$5,000 and costs in the amount of \$839.88.

Additionally, L.C. Poitier Funeral Home was also reprimanded, placed on probation for one (1) year, and ordered to pay a fine in the amount of \$2,500 plus costs in the amount of \$1,586.04. All conditions of these final orders against Mr. Poitier and L.C. Poitier Funeral Home have been satisfied and completed. It should also be noted that an application for a change of ownership of the qualifying funeral establishment (License # F039769) located at the above address is recommended for approval with conditions at this board meeting. If this application for preneed license is approved, Applicant will sell insurance-funded preneed through Great Western Insurance Company and utilize its approved pre-arranged funeral agreement form(s). The Division is recommending approval.

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

17. Executive Director’s Report
A. Operational Report (Verbal)

Ms. Simon – At this time I will turn the meeting over to the Division Director, Mary Schwantes.

Ms. Schwantes – Thank you. Two (2) quick updates. The first is on Work & Son, the bankruptcy update. Following a hearing on Friday, February 15th, the bankruptcy judge decided to appoint a Chapter 11 Trustee, for the Work & Son entities. The Trustee was named on March 5, 2019. The Trustee is Stanley A. Murphy. We will continue to keep the Board updated as matters progress in the bankruptcy and other proceedings. As always, please continue to refer any consumer or media inquiries on these matters to the Division for appropriate handling.

I want to give you an update regarding the 2019 Legislation. The Department’s Agency Bill has been filed. Senate Bill 1704 was filed by Senator Tom Wright on March 1, 2019. House Bill 1393 was filed soon after by Representative Charles Clemons. The bills contain four (4) items relating to Chapter 497, F.S.:

- 1) Provisions establishing an internship for the combination license as funeral director and embalmer
- 2) Provisions allowing an FDIC to oversee multiple locations
- 3) Provisions adding national trust companies to a list of entities where a care and maintenance trust fund may be established
- 4) Provisions requiring certain preneed licensees, those which sold 15,000 or more preneed contracts in Florida in the preceding year, to annually submit a report on the preneed operations from an independent certified public accountant

We will provide a more detailed report on these provisions, and the progress of the bills, at the April Board meeting. Again, the bill numbers are SB1704 and HB1393. The next Board meeting will take place in Tampa FL, on Thursday, April 18, 2019. This ends the Operation Report. Thank you, Mr. Chair and thank you to Board members, those attending, and also staff for continuing with this meeting under the unusual technical difficulties we have been having.

Chair – Thank you, Ms. Schwantes.

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

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

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 March 7, 2019 Board Meeting
 Date of Report: February 21, 2019

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Reynaldo Lampkins	12/6/2018	200645-16-FC	\$4,000	2/21/2018	A	D
Don Alan Moore	12/6/2018	196720-16-FC	\$4,000	1/14/2018	b	Paid in full
D Alan Moore Licensed Funeral Director	12/6/2018	196721-16-FC	\$4,000	1/14/2018	B	paid in full
Elijah Bell	12/6/2018	222792-18-FC	\$1,000	2/2/2019	B	Paid in full
Elijah Bell's Funeral Services	12/6/2018	222794-18-FC	\$2,000	2/2/2019	B	Paid in full
Right Choice Cremations-Florida LLC, D/B/A Right Choice C	Oct-18	219708-18-FC	\$1,750	11/22/2018	B	Paid in full
Danielle Daugherty	Oct-18	219670-18-FC	\$1,750	11/22/2018	B	Paid in full
A. When payment in full becomes past due, the FCCS Division works with the DFS Office of the General Counsel 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.						

18. **Chairman's Report (Verbal)**

Chair – I just want to reiterate that the Board meeting has been changed from April 4th to April 18th, in Tampa.

19. **Public Comments (Verbal)**

Ms. Simon – Are there any public comments to be made at this time? Hearing none.

20. **Office of Attorney General's Report (Verbal)**

A. Attorney General's Rules Report

Ms. Simon – Mr. Barnhart?

Mr. Tom Barnhart – Yes, thank you. First of all, you have your Rules Report there. Do you have any questions regarding any of the entries on the report?

**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES RULES REPORT
MARCH 2019**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-1.003	Miscellaneous Fees; Name Changes and Duplicate Licenses	12/6/2018	6/11/2018 (RD) 12/21/18 (RN)	6/19/2018 Vol. 44/119	12/31/18-Vol. 44/252	1/31/19	2/20/19
69K-1.004	Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions	12/6/2018 (voted to repeal)	6/11/2018 (RD) 12/20/18 (RN)	6/19/2018 Vol. 44/119	12/28/18-Vol. 44/251	1/29/19	2/18/19
69K-1.005	Licensure Application Procedures		6/11/2018 (RD)	6/19/2018 Vol. 44/119			
69K-5.003	Application for Preneed Sales Agent License and Appointment		6/11/2018 (RD)	6/19/2018 Vol. 44/119			
69K-5.012	Application and Renewal Procedures for Broker of Burial Rights License		6/11/2018 (RD)	6/19/2018 Vol. 44/119			
69K-11.001	Disciplinary Guidelines and Penalties for Cemeteries, Preneed Sales, and Monument Establishments	10/4/2018 (voted to repeal)	10/19/2018 (RN)		10/29/2018 - Vol. 44/211 11/13/2018-JAPC letter rec'd 11/15/2018-Notice of Correction-Vol. 44/223 11/19/2018-JAPC response	12/3/2018	1/1/2019
69K-11.002	Minor Violations and Notice of Non-Compliance for Cemeteries, Preneed Sales, and Monument Establishments	10/4/2018 (voted to repeal)	10/19/2018 (RN)		10/29/2018 - Vol. 44/211 11/13/2018-JAPC letter rec'd 11/15/2018-Notice of Correction-Vol. 44/223 11/19/2018-JAPC response	12/3/2018	1/1/2019
69K-11.003	Citations for Cemeteries, Preneed Sales, and Monument Establishments	10/4/2018 (voted to repeal)	10/19/2018 (RN)		10/29/2018 - Vol. 44/211 11/13/2018-JAPC letter rec'd 11/15/2018-Notice of Correction-Vol. 44/223 11/19/2018-JAPC response	12/3/2018	1/1/2019

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-17.002	Application Fees; Licensure by Endorsement for Embalmers and Funeral Directors	12/6/2018	6/11/2018 (RD) 12/20/18 (RN)	6/19/2018 Vol. 44/119	12/28/18-Vol. 44/251	1/29/19	2/18/19
69K-17.003	Fees	10/4/2018	6/11/2018 (RD) 10/19/2018 (RN)	6/19/2018 Vol. 44/119	10/29/2018 - Vol. 44/211 11/13/2018-JAPC letter rec'd 11/26/2018-JAPC response	12/4/2018	12/24/2018
69K-17.0030	Direct Disposer/Establishment; Fees	12/6/2018	6/11/2018 (RD) 12/20/18 (RN)	6/19/2018 Vol. 44/119	12/28/18-Vol. 44/251	1/29/19	2/18/19
69K-18.001	Embalmer Intern Training Program	12/6/2018	6/11/2018 (RD) 12/21/18 (RN)	6/19/2018 Vol. 44/119	12/31/18-Vol. 44/252	1/31/19	2/20/19
69K-18.002	Funeral Director Intern Training Program	12/6/2018	6/11/2018 (RD) 12/21/18 (RN)	6/19/2018 Vol. 44/119	12/31/18-Vol. 44/252	1/31/19	2/20/19
69K-18.003	Concurrent Internships	12/6/2018	6/11/2018 (RD) 12/21/18 (RN)	6/19/2018 Vol. 44/119	12/31/18-Vol. 44/252	1/31/19	2/20/19
69K-25.001	Licensure by Endorsement; Embalmers		6/11/2018 (RD)	6/19/2018 Vol. 44/119			
69K-25.002	Licensure by Endorsement; Funeral Directors		6/11/2018 (RD)	6/19/2018 Vol. 44/119			

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-25.0025	Licensure by Military Experience; Funeral Directors, Embalmers, and Direct Disposers; Licensure Renewals of Spouses of Armed Forces Members	10/4/2018	10/19/2018 1/3/2019 (Notice of Change)	10/29/2018 Vol. 44/211	11/14/2018 – Vol. 44/222 11/20/2018 – JAPC letter rec'd 12/11/2018 - JAPC response 12/7/2018 – JAPC letter rec'd 12/27/2018 - JAPC response 1/16/2019 Notice of Change – Vol. 45/11 2/13/2019 – JAPC letter rec'd 2/18/2019 – JAPC response 2/18/2019 – Rule tolled		
69K-25.003	Licensure as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration	12/6/2018	6/11/2018 (RD) 12/20/18 (RN)	6/19/2018 Vol. 44/119	12/28/18-Vol. 44/251	1/29/19	2/18/19
69K-27.001	Embalmer Apprentice Program	12/6/2018	6/11/2018 (RD) 12/21/18 (RN)	6/19/2018 Vol. 44/119	12/31/18-Vol. 44/252	1/31/19	2/20/19

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
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) 04/06/2018 (RN) 07/05/2018 (Notice of Change) 08/02/2018 (Notice of Change)	04/14/2017 Vol. 43/73	4/16/2018 – Vol. 44/74 5/4/2018 JAPC letter rec'd 5/16/2018 JAPC response 05/25/2018 Notice of Correction – Vol. 44/102 7/3/2018 JAPC response 7/10/2018 JAPC letter rec'd 7/12/2018 Notice of Correction – Vol. 44/135 7/12/2018 Notice of Change – Vol. 44/135 7/12/2018 JAPC response 8/13/2018 Notice of Change – Vol. 44/157	9/11/2018	1/1/2019
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	10/4/2018 (voted to repeal)	03/24/2017 (RD) 10/19/2018 (RN)	04/14/2017	10/29/2018 - Vol. 44/211	12/3/2018	1/1/2019
69K-30.003	Citations for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities (30.003)	10/4/2018 (voted to repeal)	03/24/2017 (RD) 10/19/2018 (RN)	04/14/2017	10/29/2018 - Vol. 44/211	12/3/2018	1/1/2019

B. Rule 69K-25.0025

Mr. Barnhart – There is one matter that we need to take care of and that is Rule 69K-25.0025, F.A.C. That should be the last thing that we need to take care of presently, in these rules. Although, as you may remember, JAPC may be looking at each one of our rules, from time to time, and bringing up questions, like I’m presently going through with the Construction Board. At the present time, you should have in front of you, the highlighted language, which I proposed that we vote on and vote to delete from the language there in front of you. And if that’s approved, that should satisfy JAPC, for this particular rule, and we should be able to get that approved.

Chair – I call the Board’s attention to 20. B. Is there a motion to approve those changes?

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

Chair – Thank you, Mr. Barnhart.

Mr. Barnhart – You’re welcome.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-25.0025 Licensure by Military Experience: Funeral Directors, Embalmers, and Direct Disposers; Licensure Renewals of Spouses of Armed Forces Members.

(1) A member of the United States Armed Forces and a veteran of the United States Armed Forces whose appointed duties in the military is/was to act as a mortician or mortuary specialist, is eligible for licensure as a funeral director if the following are submitted:

(a) Proof of an associate's degree in mortuary science from a school or college approved by the American Board of Funeral Service Education or by the Board of Funeral, Cemetery, and Consumer Services;

(b) Either proof of passing the Arts section of the national board examination administered by the International Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination, or proof of passing a funeral director examination administered by a licensing authority of another state;

(c) Proof of having had the appointed duties of a mortician or mortuary specialist in the military;

(d) Proof of successful completion of the Florida Laws & Rules examination; and

(e) A copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document that indicates such member is currently in good standing or such veteran was honorably discharged.

(2) A member of the United States Armed Forces and a veteran of the United States Armed Forces whose appointed duties in the military is/was to act as a mortician or mortuary specialist, is eligible for licensure as an embalmer if the following are submitted:

(a) Proof of successful completion of a course, embracing at least the subjects specified in section 497.368(1)(d), (e), F.S., at a school or college approved by the American Board of Funeral Service Education or by the Board of Funeral, Cemetery, and Consumer Services;

(b) Either proof of passing the science section of the national board examination administered by the International Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination, or proof of passing an embalmer examination administered by a licensing authority of another state;

(c) Proof of licensure to practice embalming in another state in the United States of America;

(d) Proof of having had the appointed duties of a mortician or mortuary specialist in the military;

(e) Proof of successful completion of the Florida Laws & Rules examination; and

(f) A copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document that indicates such member is currently in good standing or such veteran was honorably discharged.

(3) A member of the United States Armed Forces and a veteran of the United States Armed Forces whose appointed duties in the military is/was to act as a mortician or mortuary specialist, is eligible for licensure as a direct disposer if the following are submitted:

(a) An official transcript showing a college level course in Florida Mortuary Law and a college level course in ethics;

(b) A copy of a high school diploma or GED certificate;

(c) Proof of having had the appointed duties of a mortician or mortuary specialist in the military;

(d) Proof of successful completion of the Florida Laws & Rules examination; and

(e) A copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document that indicates such member is currently in good standing or such veteran was honorably discharged.

(4) A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the Armed Forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show proof to the Board of the absence and the spouse's military status.

Rulemaking Authority 497.103, 497.168, 497.393, 497.602(4) FS. Law Implemented 497.168, 497.393, 497.602(4)

FS. History—New _____.

21. **Upcoming Meeting(s)**

- A. April 18th ~**NEW DATE** (Tampa – Embassy Suites by Hilton Tampa Airport Westshore, 555 N. Westshore Blvd)
- B. May 2nd (Teleconference)
- C. June 18th (Orlando – Rosen Plaza Hotel, 9700 International Drive)
- D. July 11th (Teleconference)
- E. August 1st (Tallahassee – Betty Easley Conference Center, 4075 Esplanade Way, Room 166)
- F. September 5th (Teleconference)
- G. October 3rd (St. Petersburg/Pinellas Park – St. Petersburg College, Health Education Center, 7200 66th St. N)
- H. November 7th (Teleconference)
- I. December 5th (Jacksonville – Embassy Suites by Hilton Jacksonville Baymeadows, 9300 Baymeadows Road)

22. **Adjournment**

Chair – Board members? Any questions or comments? Any good of the cause? Have a great day. See you next time.

Ms. Simon – Thank you, Mr. Chairman.

The meeting was adjourned at 10:33 a.m.