

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**  
**TELECONFERENCE MEETING**  
**April 2, 2020 - 10:00 A.M.**

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

Mr. Jody Brandenburg, Chair – Good morning, everyone. Welcome to the Board of Funeral, Cemetery, and Consumer Services Teleconference meeting. It's April 2, 2020. Ms. Simon, would you please make your preliminary remarks and do the roll call, please?

Ms. Ellen Simon – Yes, Mr. Chairman. My name is Ellen Simon. I am Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, April 2, 2020, and it is approximately 10:00 A.M. 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, which is made available to the public. The Board staff present for this meeting are on the call. 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. Additionally, as this is a teleconference, we need everyone that is on the call to put their phones on mute if they are not speaking. The ambient noise coming from someone's phone, not muted, often causes disruption to the meeting. Feedback from someone's phone also causes a noise disruption leading to voices echoing. Again, please put your phones on mute if you are not speaking. Lastly, due to a possible strain with my internet connection may take me some additional time to retrieve documentation necessary for this Board meeting. Please be patient, if I need additional time as I go through the agenda. At this time, Mr. Chairman, I will take the roll:

Joseph "Jody" Brandenburg, Chair  
Keenan Knopke, Vice Chair  
Jean Anderson  
Andrew Clark  
Lewis "Lew" Hall  
Powell Helm  
Ken Jones  
Darrin Williams

**Also noted as present:**

Mary Schwantes, Executive Director  
Tom Barnhart, Board Legal Advisor  
LaTonya Bryant, Department Staff  
Jasmin Richardson, Department Staff

Ms. Simon – Mr. Chairman, there is a quorum for the business of the Board.

Chair – Thank you

**2. Action on Minutes**  
**A. February 6, 2020**

Chair – Action of the Minutes of February 6, 2020?

**MOTION:** Mr. Ken Jones moved to adopt the minutes of the meeting. Mr. Darrin Williams seconded the motion, which passed unanimously.

**B. March 2, 2020**

Chair – Next, up the Action on the Minutes of the March 2, 2020 meeting?

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

**3. Disciplinary Proceedings**

**A. Settlement Stipulation(s)**

**(1) Probable Cause Panel A**

**(a) A Good Shepherd's Funeral Home and Cremation Services LLC: Case No.: 243596-19-FC; Division No. ATN-32411 (F080820)**

Ms. Simon – This item will be presented by Mr. Griffin. Is he on the line?

Marshawn Griffin – Yes, he is.

Keenan Knopke – Mr. Chair?

Chair – Yes, Mr. Knopke?

Mr. Knopke – I was on Probable Cause Panel A. I will recuse myself from discussion on this settlement.

Chair – Thank you.

Mr. Knopke – Thank you.

Ms. Simon – Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. A Good Shepherd's Funeral Home and Cremation Services LLC, ("Respondent") is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F080820. The Department conducted an inspection of Respondent and found that Respondent conducted activities licensed under chapter 497, Florida Statutes, with an expired license in violation of sections 497.152(5)(b), 497.380(3), Florida Statutes. The inspection also revealed that Respondent failed to use a Department approved form for its Bodies Handled Reports.

Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine in the amount of \$300.00 and acknowledges the requirements of section 497.382(1), Florida Statutes. The Department requests that the Board accepts this stipulation.

**MOTION:** Mr. Jones moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$300.00 and acknowledges the requirements of section 497.382(1), Florida Statutes. Mr. Helm seconded the motion, which passed unanimously.

**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) Florida National Cemetery (36208)**

**(2) Kates-Boylston Publications (29810)**

**(3) National Funeral Directors and Morticians Association, Inc. (15608)**

**(4) National Funeral Directors Association (136)**

**(5) Selected Independent Funeral Homes (137)**

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. Jones seconded the motion, which passed unanimously.

Ms. Simon – Before moving on the agenda, I would ask one more time, everybody that is on their cell phones, if you could please put it on mute, as we are still hearing feedback.

- 6. **Application(s) for Approval as a Continuing Education Provider**
  - A. **Recommended for Approval without Conditions – Addendum C**
    - (1) **The Academy of Graduate Embalmers of Georgia (35211)**

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the application presented has been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of the application.

**MOTION:** Mr. Hall moved to approve the application. Jean Anderson seconded the motion, which passed unanimously.

- 7. **Consumer Protection Trust Fund Claims**
  - A. **Recommended for Approval without Conditions – Addendum D**

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

- 8. **Application(s) for Florida Law and Rules Examination**
  - A. **Informational Item (Licenses Issued without Conditions) – Addendum E**
    - (1) **Embalmer (Internship and Exam)**
      - (a) **Garcia, Keri L**
    - (2) **Funeral Director and Embalmer (Endorsement)**
      - (a) **Coleman, Christopher M**
      - (b) **Funk, William L**
    - (3) **Funeral Director and Embalmer (Internship and Exam)**
      - (a) **Donohue, Aspen**

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 (Criminal History)**
  - (1) **Funeral Director and Embalmer (Internship and Exam)**
    - (a) **Baumann, Suzanne**

Ms. Simon – An application for a Funeral Director and Embalmer license was received by the Division on February 19, 2020. The application was complete when submitted. A background check revealed a relevant criminal history. Ms. Baumann’s criminal history was previously reviewed at the October 3, 2019 Board meeting for a Concurrent Intern license which was approved with a one-year probationary period. As a result of her criminal actions, Ms. Baumann was sentenced to 24 months Intermediate Punishment on Electronic Monitoring to be followed by three years of probation. The Division is recommending approval without conditions. The Division is recommending approval without conditions.

Mr. Clark – Mr. Chairman?

Chair – Yes.

Mr. Clark – This is Andrew Clark. I'd like to state I have an affiliation with the applicant, as well as Anderson McQueen Funeral Homes, so I'll be recusing myself for this matter.

Chair – Thank you for that declaration.

Mr. Helm – Mr. Chairman?

Chair – Board?

Mr. Helm – Mr. Chairman, this is Helm. I have a question.

Chair – Yes, Mr. Helm.

Mr. Helm – I guess this is for food for thought, I guess I should say. She's still on probation for what we gave her. Her probation goes out to October 3, 2020, I believe. Do we want to add probation with this or no?

Ms. Simon – If I could just have one moment. I thought of these offenses occurred in 2006, which would mean she would not be on probation right now, but I'm just looking through the documents right now.

Chair – He's referring to the Board mandated one-year probationary period from the October 3<sup>rd</sup> meeting. Correct, Mr. Helm?

Mr. Helm – Correct.

Mr. Knopke – Mr. Chair?

Chair – Mr. Knopke?

Mr. Knopke – May I ask? I know Mr. Clark has recused himself and maybe Board counsel will want to help me here. Is it possible to ask Mr. Clark a question about this applicant?

Tom Barnhart – This is Tom Barnhart. I don't believe Mr. Clark should participate in any discussion, either.

Mr. Knopke – Ok, thank you, Mr. Chairman, can I ask Ms. Simon a question about this applicant?

Chair – Mr. Knopke, go right ahead.

Mr. Knopke – Ms. Simon, has the Department received anything about this licensee that would cause concern? I know the Division recommended without conditions, not knowing how long ago this writeup was prepared. Are there any issues about this applicant that we should be concerned with?

Ms. Simon – I don't believe so, sir. I don't think that we have anything, unless there's somebody on the call that knows differently.

Mr. Knopke – Ok.

**MOTION:** Mr. Knopke moved to approve the application subject to the applicant completing the existing one-year probationary period. Mr. Jones seconded the motion, which passed unanimously.

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

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

**(1) Funeral Director and Embalmer**

**(a) Campfield, LaTric F425210**

**(b) Lewis, Brandon J F313103**

**(c) Negron, Robert K F426560**

- (d) *Phillips, Amanda E F426995*
- (e) *Schmidt, Amanda D F404860*
- (f) *Turner, Jon F425209*
- (g) *Ulloa, Yesenia F426996*
- (h) *Wenc, Jacob D F428474*
- (i) *Williams, Selena N F234667*
- (j) *Zanders, Anthony L F301030*

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

- 10. **Application(s) for Embalmer Apprentice**
  - A. *Informational Item (Licenses Issued without Conditions) – Addendum G*
    - (1) *Hall, Dylan D F427266*
    - (2) *Lewis, Cassandra S F425478*
    - (3) *Meeks, Cheryl T F081346*
    - (4) *Pierce, Alexis L F423890*
    - (5) *Porter, Danielle R F427672*
    - (6) *Weems, Roy E F087450*

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

- 11. **Application(s) for Monument Sales Agent**
  - A. *Informational Item (Licenses Issued without Conditions) – Addendum H*
    - (1) *Jackson, Stevie F429030*

Ms. Simon – This item is informational only. Pursuant to s. 497.554, F.S., the Division has previously approved this application.

- 12. **Application(s) for Change of Ownership**
  - A. *Recommended for Approval with Conditions*
    - (1) *Application(s) for Cinerator Facility and Funeral Establishment (Collective Coversheet)*
      - (a) *Foundation Partners of Florida LLC d/b/a Sarasota Crematory (Sarasota)*
      - (b) *Foundation Partners of Florida LLC d/b/a Jennings Funeral Home & Crematory (Sarasota)*

Ms. Simon – Foundation Partners of Florida LLC, a limited liability entity, seeks approval of the following applications for a change of ownership: a cinerator facility and a funeral establishment. The applications are being submitted due to a change of ownership wherein Foundation Partners of Florida LLC, is acquiring the establishments listed as:

- 1) Jennings Funeral Home & Crematory Inc, a funeral establishment, license #F041556, physical address: 5750 Swift Rd, Sarasota, FL 34231
- 2) Sarasota Crematory, a cinerator facility, license #F041557, physical address: 5750 Swift Rd, Sarasota, FL 34231

A completed background check of the principal(s) for the businesses revealed no relevant criminal history. The Division is recommending approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be 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. Clark – Mr. Chairman?

Chair – Mr. Clark?

Mr. Clark – I'd like to state my affiliation with Foundation Partners Group of Florida, and I will be recusing myself from this matter. I would like to make a note that on page six, of 12 A. (1), it says, Visitation Chapel, Yes. That should be No. So, 5. A, on page six should be No, and on 5. B, no answer would be needed. That was a clerical error and I apologize, but that should be, No. There is no a visitation chapel.

Chair – Thank you for that declaration and thank you for that clarification.

**MOTION:** Mr. Helm moved to approve the applications subject to the conditions recommended by the Division. Mr. Hall seconded the motion.

Mr. Knopke – Mr. Chair, some discussion, please?

Chair – Please.

Mr. Knopke – I see that there's a requirement of the conditions of an on-site inspection. It's my understanding from the Department that they are unable to do inspections at this moment, or at least physically walk into a building, and do an inspection, and that seems to be the issue with 12. A. (1), 12. A. (2), 12. A. (3), as well as 13, 14, and 15. And having a conversation with Ms. Simon, about it, my concern is, how can we get these businesses licensed, either through video inspections, delayed inspections, some way to get these transactions closed? The virus that's impacting all of us hourly every day, while some predicted may be gone in thirty (30) days, sixty (60) days, ninety (90) days, and nobody knows, and these people can't hang out there for that long period of time, I can't imagine. And there has to be a creative way to approve these subject to an inspection down the way. Even though that may contradict with some part of the statute, but at the same time, they can go inspect them anytime they want without notice. We can't stop the growth of our business or the transfer of ownership and these things. And having read through the statute last night, I will concede that it's fair, it's clear. It says you can't do it. The Statute wasn't written in a time when these types of emergency or this type of emergency was ever contemplated. And, I'm making my little speech, I guess, for it, in the hope that the, some way the Department can work with the industry to move this along. Foundation Partners is a reputable company. They have many, many licenses already, and have been routinely approved. I can't imagine them or any of the other applicants, with all honesty, risking their license or licenses for not having what is required for an on-site inspection. Period. I'll shut up.

Mr. Jones – Mr. Chair, this is Mr. Jones. Can I ask a question?

Chair – Yes, Mr. Jones.

Mr. Jones – This is for the Division, Mary or Ellen. Based on what Keenan just spoke about, is there a way for Mr. Patronis to waive the requirement for this? Or, is there a provision that we could do a self-assessment where they can do a self-inspection based on Department requirements that would be validated once an inspector can go in, to make sure they are in compliance? Just a thought. Thank you.

Mary Schwantes – Mr. Chair? This is Mary Schwantes. May I speak?

Chair – Mary, I do recognize you, but, let me ask one question and maybe the Division can check on this. These locations that are being acquired, when were they last inspected and what were the results of that inspection? And what is likely to be changed since the last inspection? So, I'll recognize Mary Schwantes.

Ms. Schwantes – Thank you, sir. First, to answer your question, I do not know that we would be able to get all of that information available during this call. We are dealing with technological issues, as is the entire world right now, handling things remotely, so we may not be able to address that last question during the meeting. I would like to go ahead and talk about the onsite inspections, however. Since Mr. Knopke and I last spoke, we have received additional clarification on our travel ban. The travel ban is only as to overnight travel. So, this clarification was received prior to the Governor's Shelter in Place Order being entered yesterday. I do not yet know the impact of that Order on what I'm about to say. But the bottom line is that with opening and closing inspections, we will be able to continue to utilize our field staff to conduct those inspections for locations that are within regional areas of our regional offices. In other words, those that would not require overnight travel. So, I do expect that with the locations that are listed on this agenda, that we would be able to get the inspections completed by May 4<sup>th</sup>. Again, I do not know the impact of the Governor's Order on that yet, and the other issue is that that would exclude locations that are considered in hot spots right now. For example, Miami-Dade is considered a hotspot and I do not think that we would be able to send anybody into those premises for an inspection until after things change a bit there. It could be within the next sixty (60) days. But for the rest of them, I believe we would be able to finish them up by mid-May. So that is a little bit more information than we had before.

Mr. Hall – Mr. Chair?

Mr. Knopke – Mr. Chair?

Chair – That's certainly more encouraging than the information we previously had. Is there a question?

Mr. Knopke – Mr. Chair? It's Knopke.

Chair – Mr. Knopke?

Mr. Knopke – Thank you, sir. Ms. Schwantes or Ms. Simon, under s. 497 103(8), F.S., I believe it is where I'm going to, State of Emergency Waiver. We're currently in a state of emergency, are we not?

Ms. Schwantes – Nobody is disagreeing with that, sir.

Mr. Knopke – It reads, "The licensing authority may temporarily waive any provision of this chapter during a State of Emergency declared pursuant to s. 252.36, F.S., in any threatened area or areas specified in the Governor's Executive Order or Proclamation." Why couldn't we, you all, I guess, are the licensing authority, waive that use this to waive the inspections until you can get in there safely and allow these transactions to continue? Again, the firms, Foundation Partners, and I'm going to include all of them, McCloud & Siders (Siders is already a licensed facility), Serene Oasis Funeral Home is already a licensed facility under a different owner, Nature Coast, Life Celebrations, and so forth. Can they be up under the waiver here if you're willing to go down that road?

Chair – Thank you, Mr. Knopke.

Mr. Knopke – I was kind of asking a question. I'm not sure, but maybe there's time needed to get there.

Chair – Perhaps there's contemplation time?

Mr. Knopke – Yes sir.

Ms. Schwantes – Mr. Chair? Mary Schwantes.

Chair – Yes, Ms. Schwantes?

Ms. Schwantes – I appreciate Mr. Knopke’s comments and reference. This is not something that has been discussed yet. We would need time to look into that. And here I really mean Mr. Barnhart's advice as well. Would it be appropriate for the Board to delegate to the Division, its authority, whatever authority it might have in such a situation to waive provisions of the chapter regarding inspection, so that we are able to handle this on a case by case basis, depending upon the location? Where we are able to get in and complete the inspections, our preference is to go ahead and do that.

Mr. Barnhart – This is Tom Barnhart. The provision that Mr. Knopke referenced talks about the licensing authority. I think the first step would be to determine who is the licensing authority in that situation, because s. 497.103(1) and (2), which attempt to set forth the authority that's given to each of the Board and the Department. So, I think we'd have to determined that first. Who is the licensing authority in this situation?

Mr. Helm – Mr. Chair, this is Helm.

Chair – Mr. Helm?

Mr. Helm – Speaking out loud, is there some way we could just make a motion to give the Division our authority to take care of matters as they see fit in this time? I mean, we'd have to kind of give a broad spectrum, because if we didn't it'd be too narrow. So, I think we should just give the Division the authority right now to do these inspections, when it's available to them and not keep the businesses from opening up.

Mr. Barnhart – This is Tom Barnhart, again. Mr. Chairman?

Chair – Just a moment, please. Mr. Helm, so your thought was to go ahead and approve and waive the on-site inspection until the Division staff was able to do that?

Mr. Helm – Yes sir.

Chair – Ok. Mr. Barnhart?

Mr. Barnhart – Mr. Chairman, it's my opinion that neither the Board nor the Department would have the authority to waive a statutory requirement. I don't know of anything that authorizes the Board or the Department to do that.

Chair – Why not s. 497.103(8), F.S.? It doesn't provide for that? That Mr. Knopke mentioned?

Mr. Barnhart – Well, if you're talking about authority being delegated, if you look at s. 497.103(1), F.S., it says that the matters that are referred to under the Board's authority is vested solely in the Board. And, to my mind, that means it cannot be delegated.

Mr. Knopke – Mr. Barnhart? Mr. Knopke. Or Mr. Chairman, may I ask Mr. Barnhart a question.

Chair – Please do.

Mr. Knopke – Who is the licensing authority in the statute? It's either the Department or the Board.

Mr. Barnhart – It's my opinion that the Board's the licensing authority here, but I was trying to read these different things. It says there's a long list of things that were supposed to be the Board's authority. And I think, as you may recall, there's been discussions about the way the authority's kind of overlaps each other sometimes in this chapter. But I believe as far as licensing, it's up to the Board to determine if everything has been approved and is suitable for licensing. You can waive certain rules, you can waive rules in certain circumstances, but I don't know of any authority so far that would give the Board or the Department authority to waive a statutory requirement.

Mr. Knopke – Ok, Mr. Barnhart, Mr. Knopke again. Can I direct you to s. 497.103(2)1., F.S. This is under Department authority. "All authority provided by this chapter not expressly vested into the Board by subsection (1) is vested in the Department, and the Department shall be deemed to be the licensing authority as to such matters. Without limiting the



generality of foregoing vesting of authority in the Department, the authority provided by this chapter that is vested solely in the Department includes: (a) authority relating to the conduct of an investigations, find short examinations and inspection, including but not limited to..." I can read a page of this stuff, but I don't know that it needs it. I think that says, at the Department, has the authority and they could waive it if they wanted to, as stated in, I believe, (8). Am I missing something in this?

Chair – Mr. Knopke's reference was s. 497.103 (2)1.

Mr. Knopke – Thank you, sir.

Mr. Barnhart – I mean, I think there's criteria under each of the Board and Department authorities, which may lead you to believe that they both have the authority, but, like starting under the Board authority, "Authority to determine any and all criteria for licensing..."

Mr. Knopke – The attempt here is not to change the law forever. It's to continue to do business as the Board has routinely done business with approving people, or businesses, to buy and sell each other. We've got licensees that are already licensed. They're in good standing. There's no discipline. Either the Department or the Board or maybe both of us together, could waive this because of the State of Emergency to move the process along. They still retain the right to go back and inspect as many times as they really want to see if there's any misuse, malfeasance, or anything else going on. But we don't know when this pandemic and the State of Emergency is going to end, and this conversation will be had at the next meeting if we don't establish a policy now to move forward. And the next meeting after that, or the next meeting, until it's all over with, if and when that occurs.

Mr. Hall – Mr. Chair?

Chair – Who's speaking:

Mr. Hall – Lew Hall.

Chair – Mr. Hall?

Mr. Hall – I'm just concerned. I don't think that the Board or the Division, in my opinion, wants to put at risk, any of our inspectors to go in and out of facilities right now. As Keenan's saying, they're licensed facilities. They've been inspected. And I think if we can somehow, Mr. Barnhart can tell us how to give the authority to the Division to say, okay, we can get someone in and out of here safely. They're telling us in our area, and we're not in a bad area, but we want your delivery drivers to drop the goods at the door. We don't want them in your facility going on in and out. So, do we really want to send inspectors into this facility down the road to the next facility for inspections and moving these people in and out? And do we want to take away license from establishment and take away jobs for these employees and such during this period? I'm like Keenan. I think we're dealing with veterans when we go to the Veteran Cemetery and the families can observe the funeral from the roadside. They can't do a religious ceremony. They can't do a military cemetery honors. We've told them, we're not taking that away from you were just delaying it. You know, they can come back later and do that, and I think it's the same thing we've got here. We're not saying we don't want the Division to do the inspection. We're just saying it's going to be delayed some. I mean, that's just my thought.

Mr. Jones – Mr. Chair, this is Jones, if I may?

Chair – Yes, Mr. Jones?

Mr. Jones – Again, under the Governor's Executive Order being this is a public health emergency, as Mr. Hall and Mr. Knopke has stated, the last thing we need are funeral homes closing with the upswing, unfortunately, of COVID-19 deaths, needing all the storage and facilities we can, I will leave it up to Mr. Barnhart and Mary and them, but I'll make a motion that what authority the Board has, we waive the inspection to allow these facilities to operate until the Division is able to get in and inspect them.

Chair – Is that a motion?

Mr. Barnhart – This is Tom Barnhart. Can I ask what the Department's position is about this matter about: I don't know that it can be delegated but I do recognize the provision about waiving any provision of this chapter. What is the Department's position on this or can they say at this time?

Ms. Schwantes – Mr. Chair? Mary Schwantes.

Chair – Go right ahead, Ms. Schwantes.

Ms. Schwantes – Thank you. Mr. Barnhart, like you, we believe that we really are in a problem area when you try to delegate statutory responsibilities, but also as you have addressed, there are gray areas between what is the Board's authority and what is the Department's authority. Clearly, as Mr. Knopke pointed out, the Department has authority relating to the conduct of investigations, financial examinations and inspections. However, an inspection is part of the criteria required in licensure, which is part of the Board's authority. So, if, in these emergency situations, it is possible for the Board to delegate to the Division, whatever authority it has, regarding approval of licensure solely as to the conduct and timing of the inspections, then we would be able, I believe, to handle this on a case by case basis. Our concern and focus, in all honesty over the last week, has been trying to get operation's ongoing, etc., and so, the legal aspects of this, we have not fully reviewed, and don't have a full answer on that. But, if it's appropriate for the Board to go ahead and delegate, in this emergency situation, whatever authority it has in those matters regarding the approval of the licensure solely as to the timing and conduct of the inspections, and then perhaps we could perhaps take a look at full legality of the subsection (8), as it would apply to the Emergency Order and the Department's authority. But in the meantime, handle matters on a case by case basis. That's the best I can do for today.

Mr. Barnhart – Ok, thank you. Mr. Chair, I'd feel much better if you if we couched in those terms, any authority that that can be delegated to the Department {inaudible}. Do you follow me?

Mr. Jones – I will amend my motion to reflect what I originally said as well as Mary's comments to move this forward.

Mr. Hall – Second.

Mr. Clark – Mr. Chairman?

Chair –Yes.

Mr. Clark – I apologize. This is Mr. Clark. Obviously, this is separate from what I recused myself, however, since the this does have an impact and Foundation Partners Group, I'll continue to recuse myself from this vote as well as 12. A. (1) and (2).

Chair – Thank you. There's a motion before us, and it's been seconded, and all those in favor, aye?

Mr. Knopke – Mr. Chair?

Chair – Yes?

Mr. Knopke - Just one thing. Mr. Helm had previously made a motion. I don't know if it was seconded or not, before we got to this point.

Mr. Helm – I don't think I made a motion, Mr. Knopke. I believe that's where we were headed and that's what I was trying to do, but Mr. Jones did fine with this.

Mr. Knopke - Ok, I just didn't want it to get caught in the weeds somewhere.

Chair – Thank you.

**MOTION:** Mr. Jones moved to approve the applications subject to the conditions recommended by the Division and the delegation of authority as previously stated. Mr. Helm seconded the motion, which passed unanimously.

Chair – Thank you, everyone.

- (2) Application(s) for Direct Disposer License (Collective Coversheet)**
- (a) Foundation Partners of Florida LLC d/b/a Gulf Coast Cremations Inc. (Sarasota)**
- (b) Foundation Partners of Florida LLC d/b/a Gulf Coast Cremations Holdings LLC (Venice)**

Ms. Simon – Foundation Partners of Florida LLC, a Limited Liability entity, seeks approval of two applications for direct disposal establishments licensure. The applications are being submitted due to a change of ownership wherein Foundation Partners of Florida LLC, is acquiring:

- 1) Gulf Coast Cremations Inc, a direct disposal establishment, license #F060618, physical address: 4111 N. Lockwood Ridge Rd, Sarasota, FL 34234
- 2) Gulf Coast Cremations Holdings LLC, a direct disposal establishment, license #F091615, physical address: 114 Shamrock Blvd, Venice, FL 34285

A completed background check of the principal(s) for the business revealed no relevant criminal history. The Division is recommending approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be 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.

Chair – Thank you.

**MOTION:** Mr. Helm moved to approve the applications subject to the conditions recommended by the Division and the delegation of authority as previously stated. Mr. Knopke seconded the motion, which passed unanimously.

Ms. Schwantes – Mr. Chair? Mary Schwantes.

Chair – Yes, Ms. Schwantes?

Ms. Schwantes – I've been asked if the Board would please clarify, for each of these that we've just talked about, that you are approving the applications, subject to the delegation of authority, and other conditions that were just stated. Apparently, there's some issues to the clarity that we want to make sure that you're approving the applications. I think there was a vote on the delegation of authority, but not necessarily a vote on the approval of the application, going back to the one we just talked about. Ms. Simon, which one was that?

Ms. Simon – The Sarasota Crematory and Venice.

Mr. Jones – Do you need clarification from me as the motion-maker, Mary, for making sure the application was approved with that?

Ms. Schwantes – That's my understanding.

Mr. Jones – And I will modify my motion to also to make sure, Mr. Chair, if it's agreeable.

Chair – Please

Mr. Jones – I modify my motion to approve the application along with the conditions that we set forth earlier. Thank you.

Mr. Helm – May we call it delegation of authority to make it simple?

Mr. Knopke – I think it's two different things, Mr. Helm.

Mr. Helm – OK.

Mr. Knopke – Delegation of authority and the approval of the application. Since I was the second on Mr. Jones' original and amended, I'll do it again. Second.

Mr. Helm – Mr. Hall was.

Mr. Knopke – Ok, well, Mr. Hall needs to do that again.

Mr. Hall – Yes. That is fine. Second.

Chair – Is that the clarification that you needed, Ms. Schwantes?

Ms. Schwantes – I believe so. If I'm hearing correctly, this is approval of the application with the condition that the Board delegate authority to the Division regarding the conduct and timing of the inspection. And again, in talking about this, we are talking about whatever authority that the Board has regarding that issue.

Mr. Jones – That is correct.

Chair – So that brings us to 12. A. (3) (a), McCloud and Siders.

Ms. Simon – I just want to make sure. Mr. Barnhart, we don't have to take another vote on that do we?

Mr. Barnhart – I think if you just refer to the prior vote each time, it will be fine.

***(3) Application(s) for Funeral Establishment  
(a) McCloud & Siders Funeral Home LLC (Miami)***

Ms. Simon – An application for a Funeral Establishment license due to a change of ownership was received by the Division on March 13, 2020. The application was complete when received. The Funeral Director in Charge will be Anthony Siders (F046629). A background check of the principals revealed no relevant criminal history. This funeral establishment is not the qualifying entity for a preneed. The Division is recommending approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be 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.

**MOTION:** Mr. Knopke moved to approve the applications subject to the conditions recommended by the Division and the delegation of authority as previously stated. Mr. Hall seconded the motion, which passed unanimously.

*(b) Serene Oasis Funeral and Cremation Services LLC (Tampa)*

Ms. Simon – An application for a Funeral Establishment license due to a change of ownership was received by the Division on February 21, 2020. The application was incomplete when received and completed on March 4, 2020. The Funeral Director in Charge will be Ronald Mees Jr. (F046640). A background check of the principals revealed no relevant criminal history. This funeral establishment is not the qualifying entity for a preneed. The Division is recommending approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be 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.

**MOTION:** Mr. Knopke moved to approve the applications subject to the conditions recommended by the Division and the delegation of authority as previously stated. Mr. Jones seconded the motion, which passed unanimously.

Ms. Simon – Was there a comment?

Mr. Knopke – This was Mr. Knopke. I want to ask Mr. Chairman if I could speak.

Chair – Please do, Mr. Knopke.

Mr. Knopke – Can we ask the Department, or I will be asking the Department if they can. The next Board meeting is not until next month, sometime. In the interim, like maybe in two (2) weeks, if they could update the public, including the Board, as to what they've determined their position going forward is going to be on these so we don't get back a month from now, at the next meeting and find out they really haven't gotten there yet. I know they want to look and check their standing and so forth, and I can appreciate that very much, but, I'd like for them to report to everybody to know what's going on.

Chair – For clarification, Mr. Knopke, the next scheduled meeting is May 7<sup>th</sup>, which is also a teleconference meeting, sir.

Mr. Knopke – OK. So, we're a month away.

Chair – Right. Ms. Schwantes?

Ms. Schwantes – Thank you, Mr. Chair. So, the Division would certainly have no problem reporting back to this Board, as to the status of any investigations, excuse me, inspections that are needing to take place regarding these entities. I would have a very difficult time, I believe, guaranteeing that within the next couple of weeks that we would be able to publish, either to the Board or to the public, any kind of plan of action that would be definitive. We, as with everybody else, are moving from a moment to moment basis in this circumstance, and as has already been pointed out, we are equally as concerned with the safety of our inspectors as we are with the safety of the licensees in these situations. So, I don't think that, within the next couple of weeks, it would be appropriate to have a plan that's definitive published, but we certainly have no problem reporting back on the status of these.

Chair – Thank you. Ms. Simon.

**13. Application(s) for Cinerator Facility**

**A. Recommended for Approval with Conditions**

**(1) Nature Coast Memorials LLC d/b/a Nature Coast Crematory (Perry)**

Ms. Simon – An application for a Cinerator Facility was received by the Division by the Division on February 18, 2020. The application was incomplete when submitted and completed on March 9, 2020. The Funeral Director in Charge will be John Quintana (F048944). A background check of the principals revealed no relevant criminal history. The facility 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 facility passes an onsite inspection by a member of Division Staff based on the delegation of authority as previously stated. Mr. Hall seconded the motion, which passed unanimously.

**14. Application(s) for Funeral Establishment**

**A. Recommended for Approval with Conditions**

**(1) Life Celebrations Mortuary Inc. (Ft. Pierce)**

Ms. Simon – An application for a Funeral Establishment was received by the Division on March 9, 2020. The application was complete when submitted. The Funeral Director in Charge will be Michael Thomas (F043840). 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. Knopke moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff based on the delegation of authority as previously stated. Mr. Hall seconded the motion, which passed unanimously.

**15. Application(s) for Removal Facility**

**A. Recommended for Approval with Conditions**

**(1) Trusted Professionals LLC (Bonita Springs)**

Ms. Simon – An application for a Removal Service was received on by the Division on February 27, 2020. The application was complete when submitted. A background check of the principals revealed a relevant criminal history for principal Morgan McWilliams. Mr. McWilliams' criminal history was previously reviewed at the April 18, 2019 Board meeting where he was approved without conditions for an Embalmer Apprentice license. The facility is recommended for approval subject to the condition that the facility passes an onsite 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 based on the delegation of authority as previously stated. Mr. Helm seconded the motion, which passed unanimously.

**16. Contract(s) or Other Related Form(s)**

**A. Recommended for Approval with Conditions**

**(1) Preneed and Cemetery Care and Maintenance Trust Agreement(s)**

**(a) Miami Memorial, LLC (F081269, F299207, F299208, F299209) (Miami)**

Ms. Simon – In accordance with ss. 497.458 and ss. 497.266, Florida Statutes, Miami Memorial Park, LLC hereby submits the above-named trust agreements for approval for the trusting of preneed funds to be utilized by licensee and any of its related preneed branches. The Division recommends approval subject to the condition that fully executed copies of the trust documents be provided to the Division within sixty (60) days of this Board meeting.

**MOTION:** Mr. Helm moved to approve the agreements subject to the condition that fully executed copies of the trust documents are received by the Department within sixty (60) days of this Board meeting. Mr. Hall seconded the motion, which passed unanimously.

**(2) Trust Transfer Request(s)**

**(a) Forest Meadows Funeral Home & Cemeteries, Inc. (Forest Meadows) (F019269)**

Ms. Simon – Forest Meadows seeks approval of the transfer of the following: the Forest Meadows Funeral Trust Pre-October 1993 to The 1978 FSI Master Trust (70/30 trust); the Forest Meadows Funeral Trust Pre-October 1993 to The 1988 FSI Master Trust (70/30 trust); the Forest Meadows Funeral Trust Post-October 1993 to The 1993 FSI Master Trust Agreement (70/30 trust); the Forest Meadows Memorial Park-West Prearranged Funeral Trust to The 1993 FSI Master Trust Agreement (70/30 trust); the Forest Meadows Memorial Park-Central Prearranged Funeral Trust to The 1993 FSI Master Trust Agreement (70/30 trust); the Forest Meadows Memorial Park-East Prearranged Funeral Trust to The 1993 FSI Master Trust Agreement (70/30 trust); the Forest Meadows Memorial Park-West Care & Maintenance Trust to The FSI Care and Maintenance Trust Agreement; the Forest Meadows Memorial Park-Central Care and Maintenance Trust to The FSI Care and Maintenance Trust Agreement, and the Forest Meadows Memorial Park-East Care and Maintenance Trust to The FSI Care and Maintenance Trust Agreement, all under Argent Trust Company (Argent). If approved, Argent is or will be trustee, as set out in your Board package.

The Division recommends approval of the proposed trust transfers as identified above; and

- 1) That the representations of Forest Meadows, as set forth in Attorney's letter dated 1-27-2020 be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Argent 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 Attorney's letter dated January 27, 2020.
  - 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 Attorney's attached letter dated January 27, 2020.
  - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Attorney's attached letter dated January 27, 2020.
- 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. Jones moved to approve the agreement subject to the conditions recommended by the Division. Mr. Clark seconded the motion, which passed unanimously.

**(b) Resthaven Cemetery and Memorial Park, Inc (F039631) (San Mateo)**

Ms. Simon – Resthaven seeks approval of the transfer of the following: funds for the cemetery's care and maintenance currently held at Capital City Bank to the FSI Care & Maintenance Trust Agreement (restated 2018) under Argent Trust Company. If approved, Argent will be the trustee. The Division recommends approval of the proposed trust transfers as identified above; and

- 1) That the representations of Resthaven, as set forth in Attorney's letter dated 2-26-2020 be deemed material to the Board's decisions herein.



- 2) That within 90 days of this Board Meeting Argent 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 Attorney's letter dated February 26, 2020.
  - 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 Attorney's attached letter dated February 26, 2020.
  - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Attorney's attached letter dated February 26, 2020.
- 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.

Mr. Knopke – Mr. Chair, this is Knopke.

Chair – Mr. Knopke?

Mr. Jones – This is Mr. Jones. I have one question, please.

Chair – I'm sorry. Mr. Jones?

Mr. Jones – Ms. Schwantes, just looking at these, I know a lot of your staff is teleworking. These conditions of getting things to you within (60) days, and the others that we're approving, are there any modifications or anything you need to make these happen for you and your staff? Is this good? I just wanted to verify that you have what you need.

Ms. Schwantes – Mr. Jones, thank you for asking. There are no modifications needed at this time.

Mr. Jones – Thank you.

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

## 17. **Petition(s) for Waiver of Rule (Training Agency)**

### A. **Recommended for Approval *without* Conditions (Collective Coversheet)**

- (1) *Foundation Partners of Florida LLC d/b/a Ammen Family Cremation and Funeral Care (Melbourne)*
- (2) *Foundation Partners of Florida LLC d/b/a Ammen Family Cremation and Funeral Care (Palm Bay)*
- (3) *Foundation Partners of Florida LLC d/b/a Beach Funeral Homes & Cremation Services (Indian Harbour Beach)*
- (4) *Foundation Partners of Florida LLC d/b/a Beach Funeral Homes & Cremation Services (Melbourne)*

Ms. Simon – Foundation Partners of Florida LLC, a limited liability company, previously submitted applications for approval of four (4) funeral establishments based upon a change of ownership. The change of ownership applications were reviewed and approved at the December 5, 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 for 69K-18.004, Florida Administrative Code, regarding certain requirements for licensure as a training agency. Additionally, these establishments are seeking to continue their training agencies status'. The funeral establishments are as follows:

- 1) South Brevard Funeral Home – Ammen and Ammen PA d/b/a Ammen Family Cremation and Funeral Care, a licensed funeral establishment, license # F041888, physical address: 950 Malabar Rd SE, Melbourne, FL 32907
- 2) South Brevard Funeral Home – Ammen and Ammen PA d/b/a Ammen Family Cremation and Funeral Care, a licensed funeral establishment, license # F041850, physical address: 1001 S. Hickory Street, Melbourne, FL 32901
- 3) Vieira Funeral Homes LLC d/b/a Beach Funeral Homes & Cremation Services, a licensed funeral establishment, license # F052125, physical address: 1689 South Patrick Drive, Indian Harbour Beach, FL 32937
- 4) Vieira Funeral Homes LLC d/b/a Beach Funeral Homes & Cremation Services, a licensed funeral establishment, license # F052124, physical address: 4999 North Wickham Road, Melbourne, FL 32940



The Division recommends approval subject to the following conditions:

- 1) 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; and
- 2) That the Applications for Registration of a Training Agency be granted so that the aforementioned funeral establishments may continue to be registered as Training Agencies under the new ownership.

Mr. Clark – Mr. Chair?

Chair – Yes?

Mr. Clark – This is my last one, I promise. Due to my affiliation with Foundation Partners Group of Florida, I will recuse myself from this matter.

Chair – Thank you, Mr. Clark.

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

**18. Executive Director's Report**  
**A. Operational Report (Verbal)**

Ms. Simon – At this point, I'll turn the meeting over to the Division Director, Mary Schwantes.

Ms. Schwantes – Thank you. I would like to give a brief update on the 2020 Legislation. None of the bills impacting Chapter 497 which we were following passed. That includes the Department bill, which died on calendar. All others that we were following essentially died in Committee. This includes the bills regarding Abandoned Cemeteries, Animal Cremations, Monuments and Memorials, and the Sunrise and Sunset Deregulation bills. So, nothing passed.

Let's move on and talk about COVID-19 issues. Division offices are currently closed until further notice during the COVID-19 emergency. To the extent possible, Division staff are working remotely-telecommuting. The consumer/main phone line remains open with staff handling the phone calls. All incoming mail is being processed and handled as appropriate, so we do not expect at this time, any delays. I think this refers back to what Mr. Jones was talking about earlier, delays in processing of the items that are required under these conditions.

Talking about licensing issues, I believe you all are aware that on March 27<sup>th</sup>, specifically, as a result of the COVID-19 pandemic, the Chief Financial Officer issued Directive #2020-04, which extends to June 1, 2020 the April 1<sup>st</sup> deadlines for the following reporting and filing deadlines:

- Requirement that a trustee file annual reports for a licensee's care and maintenance trust (imposed by section 497.269, F.S)
- Requirement that a trustee submit a form as to activities concerning pre-construction trusts for mausoleums, columbaria, and belowground crypts (imposed by section 497.272, F.S.)
- Requirement that a trustee furnish an annual report concerning activity on a licensee's preneed account (imposed by section 497.458, F.S.)
- Requirement that a preneed licensee file an annual report concerning preneed activity (imposed by section 497.453, F.S.)
- Requirement that when applying to renew a preneed main license, the applicant must file a completed application forms package (imposed by rule 69k-5.0026, F.A.C.)

So, all of those have been extended to June 1<sup>st</sup>. All active and valid preneed licenses were extended until August 31, 2020. Obviously, all of this is subject to continuing information and requirements that we need to make as a result of the COVID-19 pandemic. The Notice regarding extension of these deadlines, as well as the statutory references that apply to each of these is found on our website and was also provided to the industry associations for them to share with their members. I believe we also shared that with Board members earlier. Even though the deadlines have been extended, we will continue to process reports and renewal documentation as they are received. The Directive does not impact either our exam or investigation functions. Our teams are finishing their analyses and reports on exam and investigation work for which on-site activities have

already been completed. On-site paperwork review and other activities required for new exams will resume upon our release from any applicable travel bans or shelter-in-place orders. Again, this may be on a region by region basis. Similarly, on-site activities required for investigations will also resume at that time absent any earlier needs created by an urgent investigation on a situation impacting the public health, safety, etc. We are continuing to carefully monitor incoming complaints and prioritizing them on the basis of these issues. Again, we anticipate that investigations and inspections regarding openings and closings will be the first onsite activities to take place upon lifting of some of these limitations on travel restrictions.

We annually inspect both cemeteries and non-cemetery establishments (e.g., funeral homes, cinerator facilities, etc.). Cemeteries are inspected on a calendar year basis and non-cemetery establishments are inspected on a fiscal year basis. The directive does not impact the annual inspections of cemeteries; we still anticipate that these inspections will be completed by calendar year end and will continue to schedule at least the office/records portion of the cemetery inspections in advance in order to ensure that the appropriate cemetery staff are present for the inspection. The Directive does extend our deadline for completing the annual inspections on the non-cemetery establishments for FY2019-2020 from June 30, 2020 to September 28, 2020. This was requested due to the travel bans and shelter-in-place orders which have been issued in most of the Florida counties. As soon as these bans are lifted, or even partially lifted, our field staff will again resume these routine inspections. Inspections for opening and closing establishments will be handled on a case by case basis, as we've already discussed, and the timing of the inspections in part depends upon travel restrictions or shelter-in-place orders.

At this point, I want to give thanks to the industry associations for their assistance in sharing information related to COVID-19 matters. There's been a lot put into these efforts, and in disseminating information to their members. So, again, a thank you to the associations.

One thing that was not addressed, I'm sure there's probably more than one thing, but one thing that has come up that was not addressed by the Directive that I just talked about has to do with internship issues. It has come to our attention that there may be an issue regarding expiration of internships and here I'm talking about embalmers, the combo internships, etc. So, there may be an issue regarding the expiration of those internships during the upcoming months, which could be impacted by the COVID-19 emergency. At this time, the Division does not believe it appropriate to obtain a directive order or other blanket-type order to cover all situations. We believe that these matters should be handled on a case by case basis. For one reason, there are alternative options that may be available on an individual basis. Provisional licensure for example, and that again depends upon the circumstances. However, when it is necessary to extend the internship, it will not always be possible for these matters to be presented timely before the Board before the internships expire. Therefore, the Division would request that the Board consider delegation to the Division, whatever authority it has on these matters to extend internships on the basis of the COVID-19 emergency. In that fashion, the Division would be able to appropriately handle these issues on a case by case basis, extending the internships only when necessary on the basis of the COVID-19 emergency. If the Board would like...

Chair – Excuse me for interrupting. While we're on that subject, I'd like to make a motion and have the Board approve delegating that authority to the Division

**MOTION:** The Chair moved to approve the delegation of authority for internships. Mr. Jones seconded the motion, which passed unanimously.

Chair – I'm sorry, Ms. Schwantes. I thought it was appropriate to move forward on that at that point in time of your report. Thank you.

Ms. Schwantes – Perfect. Thank you, Mr. Chair. That's much appreciated. There are no updates on the Board appointment process report since our last meeting. Obviously, The COVID-19 emergency has taken everybody's full attention.

The next Board meeting is a telephonic meeting scheduled for May 7<sup>th</sup>. The next in-person Board meeting is scheduled for June 18<sup>th</sup> in Daytona Beach. Due to the COVID-19 situation, it has been advised that this meeting be changed to a telephonic meeting to take place on the same day, June 18<sup>th</sup>. At this time, I would like the Board to consider and vote on the proposed change in schedule, again changing the June 18<sup>th</sup> in person meeting to a telephonic meeting. Mr. Chair?

**MOTION:** Mr. Jones moved to approve the proposed change in schedule, changing the June 18<sup>th</sup> in person meeting to a telephonic meeting. Mr. Hall seconded the motion, which passed unanimously.

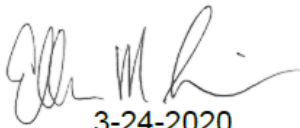
This ends the Operation Report. Thank you, Mr. Chair. And again, thank you to all the Board members for your continued patience as we work through technological changes and also, of course, to the Department of Health for their coordination efforts regarding information dissemination as well. Thank you.

Chair –Thank you.

**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  
 April 2, 2020 Board Meeting  
 Date of Report :March 24, 2020

| Licensee   | Board Meeting | Case No.        | Total Fine & Cost Due | Date Due  | Paid in Full? | Comments   |
|--|---------------|-----------------|-----------------------|-----------|---------------|--|
| Infinity Transportation Services   | 6-Feb-20      | App for Removal | \$1,750               |           | Yes           |  |
| Infinity Transportation Services   | 6-Feb-20      | Refrigeration   | \$1,750               |           | Yes           |  |
| Tri-County Mortuary Transfer Services  | 6-Feb-20      | 250581-19-FC    | \$2,000               | 3/30/2020 |               |  |
| Camel Funeral Home   | 6-Feb-20      | 247860-19-FC    | \$300                 | 3/30/2020 |               |  |
| Heritage Memorial Company d/b/a Lewis W. Mohn Funeral Home & Cremation   | 6-Feb-20      | 254946-19-FC    | \$300                 |           | Yes           |  |
| Mosley Monuments and Vaults, LLC   | 6-Feb-20      | 243762-19-FC    | \$500                 | 4/29/2020 |               |  |
| Stone Removal Services, LLC  | 6-Feb-20      | 243150-19-FC    | \$300                 | 3/30/2020 |               |  |
| Everglades Crematorium   | 5-Dec-19      | 231985-18-FC    | \$2,000               | 3-Feb-20  | Yes           |  |
| Geronimo Mena  | 5-Dec-19      | 231982-18-FC    | \$2,000               | 3-Feb-20  | Yes           |  |
| Affordable Cremation Solutions, Inc.   | 5-Dec-19      | 241091-19-FC    | \$15,300              | 6-Feb-20  | Yes           |  |
| Darice Concepcion  | 5-Dec-19      | 233390-18-FC    | \$2,500               | 6-Feb-20  |               | A  |
| D & L Real Estate Investments LLC d/b/a Faith Men  | 5-Dec-19      | 227930-18-FC    | \$1,500               | 6-Feb-20  | Yes           |  |
| Albert McWhite   | 5-Dec-19      | 245288-19       | \$3,000               | 6-Feb-20  | Yes           |  |
| McWhite's Funeral Home   | 5-Dec-19      | 245292-19-FC    | \$3,000               | 6-Feb-20  | Yes           |  |
| Davis & Davis Funeral Services LLC   | 5-Dec-19      | 230411-18-FC    | \$3,000               | 6-Feb-20  | Yes           |  |
| A. When payment in full becomes past due, the FCCS Division works with the DFS Office of the General Counsel to enforce payment.<br>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.<br>C. The Order re this case is still in process, so no Due date is not yet established.<br>D. Due date has not passed, as of the date of this report.<br>E. As of the date of this report, monthly payments were current. |               |                 |                       |           |               | <br>3-24-2020 |

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

Chair – Thank you. After much reflection, I have determined that our Probable Cause Panels need to be restructured. This is primarily due to the expectation that current Board members are going to be cycling off the Board and could no longer perform Probable Cause Panel functions. It's also due to the change of perspective regarding the optimum number of members on each Probable Cause Panel. I want to thank Al Hall, Jean Anderson, Tyrone Warden, and Jon Thomas for their dedicated service to their respective Probable Cause Panels.

Al Hall has been a member of a Probable Cause Panel for least fourteen (14) years. Mr. Hall has worked tirelessly for each PCP meeting. He's also acted as PCP Chair for the, I guess, the predominant number of years on the Panel, and we thank him for his dedicated service. Jean Anderson has been a member of PCP since 2012. She is always prepared, reads each piece of documentation carefully, and provides valuable insight during the panel meetings. While both Tyrone Warden and Jon Thomas have only been on the Panel since 2018, their services also have been invaluable. Each PCP member is responsible for

reading hundreds of pages and documentation to prepare for each meeting. All four (4) of these panel members have shown how prepared they are bumping familiar with every nuance of the cases presented and asking questions that reflect their familiarity with them. I cannot thank them enough. Mr. Hall, Ms. Anderson, Mr. Warden and Mr. Thomas, I applaud each of you.

Our new PCP panel membership will be as follows. Probable Cause Panel A members will consist of Keenan Knopke, Nancy Hubbell, and Trey Hall. Probable Cause Panel B is comprised of Richard Chesler, Tracy Huggins, and Darrin Williams. Thank you all for agreeing to take on the most important duty and thank you to those on the panel who have been serving for years and agreed to stay on. This re-organization will take effect immediately. Any questions on that?

Also, I want to say, we all hear what difficult times we are going through, and we know what difficult times we're going through, and I urge each of you to continue to be safe and abide by the directives. And I know that you are, and I pray for your continued health. Ms. Simon?

Ms. Simon – Thank you, sir.

## 20. Public Comments (Verbal)

Ms. Simon – Are there any public comments on any item on today's agenda?

Michele Hood – Ms. Simon, this is Michele Hood.

Ms. Simon – Yes?

Chair – Ms. Hood?

Ms. Hood – Yes sir. Thank you, Mr. Chairman. We have had several questions from members for the handling of some of the issues present with COVID-19. Regarding the inspections that you had been discussing earlier, a suggestion, and I don't know how workable it might be for the Department, but is it possible to do any of those inspections remotely? Either with FaceTime, Skype or Zoom, or one of those types of services where the applicant could use their cell phones, essentially, to give the inspector a tour of the facility and to prove that they have all the requisite items that they need for a fully stocked prep room? I have a list of items if you want to take them 1 by 1, or you'd rather me list all of them?

Ms. Schwantes – Mr. Chair? Mary Schwantes.

Chair – Ms. Schwantes, go right ahead,

Ms. Schwantes – Thank you. Ms. Hood, we have received suggestions of that nature that we are looking into. Although honestly, at this point, it does not seem as feasible or as preferred as having an actual on-site inspection. Rather than cover time in this Board meeting, if you could just get in touch with me with the items you're considering, that probably would be better.

Ms. Hood – Certainly. Again, the, the items that were particularly requested that I'm sure many of the other funeral directors on the panel are also experiencing having to do with the numbers of cases or excuse me, number of individuals that can be in the funeral home at the present time. In keeping in mind, the state order for shelter in place, I've had lots of questions regarding that. Also with PPE availability, the allowance of funeral directors to work temporarily if they are retired, bringing them back in as medical professions are doing. And the waiver of s. 872.03, F.S., which requires a 48-hour waiting period for cremation. For COVID cases, the ME is handling these and I know that that's not within the Department authority, but this is something that needs to get pushed upstairs to see if we can get either the Governors' OK, to allow the cremation as soon as the ME signs off, so not to have an issue with the storage of bodies. We are expecting that by May 2<sup>nd</sup>, according to the projections by the health authorities, that we will have 175 people per day dying in Florida alone, due to COVID-19, and that peak is going to hit around May 2<sup>nd</sup> or 3<sup>rd</sup>. So, it would be good to try to get a handle on that now so that we're not caught in a situation like in Spain where they were using a skating rink for deceased. Thank you, Mr. Chairman.

Chair – Ms. Hood?

Ms. Hood – Yes, sir?

Chair – Is your association currently petitioning the Governor or anyone else to waive that 24-hours and some of the other issues that you mentioned? What is your association doing to move that forward?

Ms. Hood – Yes, sir, we are contacting the Governor’s Office. Our legislative consultants have a direct communication with both the Governor’s Office and the CFO’s Office, and have been in touch. But we just wanted to put that out there that if the Department is also inclined to put that recommendation forward, all the help we can get would help.

Chair – I certainly can't speak for the other Board members, but I encourage you to continue to be diligent in your activities in getting those approvals. Thank you so much. Ms. Simon?

Ms. Simon – Are there any other public comments on any item on today’s agenda? Hearing none.

**21. Office of Attorney General’s Report (Verbal)**

***A. Attorney General’s Rules Report***

Ms. Simon – Mr. Barnhart?

Mr. Barnhart – Yes, thank you. Board Members, you see the Rules Report there in front of you. I apologize in advance for misspelling “Responsibility” in 69K-21.007, because it is my responsibility to make sure all words are spelled correctly. I will be meeting with Ms. Schwantes and Ms. Simon, at some point about any kind of rule changes we’re going to need because of changes in the statutes this year. I have not seen anything yet. I’m sure they have, but I have not seen anything yet. that would give me any information. Maybe Ms. Simon or Ms. Schwantes can tell you briefly whether there are going to be some changes, but I am not aware of any right now. Chances are, they’ll be some changes. Most of the blanks you see in your Rules Report, unless the legislation this year is going to affect one of those, those will probably be off the next report or two, because those were initially put on there thinking we might have to do some changes to them, but that’s going to be subject to meeting with Ms. Simon and Ms. Schwantes. Are there any questions about the Rules Report?

Chair – Thank you, Mr. Barnhart.

Mr. Barnhart – Thank you very much.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT  
APRIL 2020**

| Rule Number | Rule Title   | Date Rule Language Approved by Board | Date Sent to OFARR               | Rule Development Published  | Notice Published   | Adopted    | Effective  |
|-------------|--|--------------------------------------|----------------------------------|-----------------------------|--|------------|------------|
| 69K-7.015   | Trust Agreements and Trustees.                                     | 12/05/2019                           | 08/12/2019(RD)<br>12/17/2019(RN) | 08/20/2019<br>Vol.45/No.162 | 01/06/2020<br>Vol.46/No.03   | 02/10/2020 | 03/01/2020 |
| 69K-18.001  | Embalmer Intern Training Program.                                  |                                      | 08/12/2019(RD)                   | 08/20/2019<br>Vol.45/No.162 |  |            |            |
| 69K-18.002  | Funeral Director Intern Training Program.                          |                                      | 08/12/2019(RD)                   | 08/20/2019<br>Vol.45/No.162 |  |            |            |
| 69K-18.003  | Concurrent Internships.  |                                      | 08/12/2019(RD)                   | 08/20/2019<br>Vol.45/No.162 |  |            |            |
| 69K-21.001  | Licensure Procedure; Consequences of Operating Prior to Licensure. | 12/05/2019                           | 09/26/2019(RD)<br>12/17/2019(RN) | 10/03/2019<br>Vol.45/No.193 | 01/06/2020<br>Vol.46/No.03   | 02/10/2020 | 03/01/2020 |
| 69K-21.005  | Display of Licenses.   |                                      | 09/26/2019(RD)                   | 10/03/2019<br>Vol.45/No.193 |  |            |            |
| 69K-21.007  | Responsibility of Funeral Director in Charge.                      | 12/05/2019                           | 08/12/2019(RD)<br>12/17/2019(RN) | 08/20/2019<br>Vol.45/No.162 | 01/06/2020<br>Vol.46/No.03<br>01/10/2020<br>JAPC Corresp.<br>01/30/2020<br>JAPC Response | 02/11/2020 | 03/02/2020 |
| 69K-24.034  | Operating Procedures for Refrigeration Services.                   |                                      | 09/26/2019(RD)                   | 10/03/2019<br>Vol.45/No.193 |  |            |            |
| 69K-32.002  | Approved Courses.  | 12/05/2019                           | 09/26/2019(RD)<br>12/17/2019(RN) | 10/03/2019<br>Vol.45/No.193 | 01/06/2020<br>Vol.46/No.03<br>01/10/2020<br>JAPC Corresp.<br>01/24/2020<br>JAPC Response | 02/10/2020 | 03/01/2020 |

**22. Administrative Report**

The information was provided on the Agenda.

**23. Disciplinary Report**

The information was provided on the Agenda.

**24. Upcoming Meeting(s)**

- A. May 7<sup>th</sup> (Teleconference)
- B. June 18<sup>th</sup> (Teleconference)
- C. July 22<sup>nd</sup> (Boca Raton – FCCFA Annual Convention, Boca Raton Resort & Club, 501 E Camino Real)
- D. August 13<sup>th</sup> (Orlando – Embassy Suites Orlando-International Drive, 8978 International Drive)
- E. September 3<sup>rd</sup> (Teleconference)
- F. October 1<sup>st</sup> (Jacksonville – Florida State College at Jacksonville, Advanced Technology Center, 401 W State Street)
- G. November 5<sup>th</sup> (Teleconference)
- H. December 3<sup>rd</sup> (Gainesville – TBA)

**25. Adjournment**

Chair – Thank you. Thank you, Board, as always, always prepared. Always ready. So, thank you for that. Are there any comments from the Board members? Anything good of the cause?

Ms. Anderson – Thank you for your kind words, Mr. Chairman.

Chair – But we do have to look hard to find something good, But, your being prepared is good, so thank you so much.  
Hearing nothing else, the meeting is adjourned.

The meeting was adjourned at 11:31 a.m.