

MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
EMERGENCY TELECONFERENCE MEETING
April 6, 2020 - 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. This is an Emergency Teleconference meeting. It's April 6, 2020, approximately 10:02, a.m. Ms. Simon, would you please make your preliminary remarks and accomplish the roll call?

Ms. Ellen Simon – Yes, Mr. Chairman. My name is Ellen Simon. I am Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. This is a public emergency meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by teleconference and notice of this meeting has been on the Division's website. An agenda for this meeting has been made available to all interested persons. The call-in number was placed on the agenda, which has also been 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. Again, please put your phones on mute if you are not speaking. 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 {**ABSENT**}
Ken Jones
Darrin Williams

Also noted as present:

Mary Schwantes, Executive Director
Rachelle Munson, 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. Before we start with the Board's business, may I make a statement?

Chair – Please do.

Ms. Simon – During the April 2, 2020, Board meeting the Board delegated authority to the Division to make determinations regarding the inspection of licensure applicants. Further research has revealed that we are unable to delegate that role. As a result, this emergency Board meeting has been called simply to identify the inspection procedure. Mr. Chairman?

Chair – Please move right ahead.

2. **Reconsideration of the Board's April 2, 2020 votes regarding inspection requirements for the following applicants for business establishment licensure, which matters appeared before the Board at the April 2, 2020 meeting:**

- (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)*
- (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)*
- (3) *Application(s) for Funeral Establishment*
 - (a) *McCloud & Siders Funeral Home LLC (Miami)*
 - (b) *Serene Oasis Funeral and Cremation Services LLC (Tampa)*
- (4) *Application for Cinerator Facility*
 - (a) *Nature Coast Memorials LLC d/b/a Nature Coast Crematory (Perry)*
- (5) *Application for Funeral Establishment*
 - (a) *Life Celebrations Mortuary Inc. (Ft. Pierce)*
- (6) *Application for Removal Facility*
 - (a) *Trusted Professionals LLC (Bonita Springs)*

Ms. Simon – Mr. Brandenburg?

Chair – Regarding the inspection requirements which were a condition of approval of licensure for the referenced establishments, the Division and Board Counsel recommend that the Board consider the following:

- A. Whereas, pursuant to Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, Ron DeSantis, as Governor of Florida, issued Executive Order Number 20-52 on March 9, 2020, declaring a state of emergency in the State of Florida.
- B. Whereas, pursuant to Section 497.103(1)(a), Florida Statutes, the Board of Funeral, Cemetery, and Consumer Services is authorized to determine any and all criteria for licensure under Chapter 497, Florida Statutes and pursuant to Section 497.103(8), Florida Statutes, the Board, as the licensing authority in these matters, may temporarily waive any provision of Chapter 497, Florida Statutes, during a state of emergency declared by the Governor of Florida.
- C. Because of the events described in (A) and (B) above, the Division and Board Counsel suggest that the Board consider a motion that the following language supersede the actions taken by the Board during the April 2, 2020, Board meeting concerning the inspection requirements which were a condition of approval of licensure for the business licensee applicants listed in items (1) through (6) above:

Chair – Taking into consideration the March 9, 2020, Executive Order Number 20-52 which was issued by Ron DeSantis, as Governor of Florida, and pursuant to Section 497.103(8), Florida Statutes, the usual satisfactory on-site inspection requirement for this application is temporarily waived throughout the length and duration of Executive Order Number 20-52 or any extensions thereof, or any other executive order by the Governor of the State of Florida declaring a State of Emergency regarding the COVID-19 pandemic. At the Division's discretion, an on-site inspection will be held prior to or within a reasonable time following the expiration of the Executive Order. The applicant will have 30 days following the initial inspection to correct deficiencies, if any, which are noted during the inspection. If the applicant is not able to correct any deficiencies within that timeframe, the license is automatically suspended. Do we have a motion to that effect?

MOTION: Mr. Ken Jones moved to reconsider the Board's April 2, 2020 votes regarding inspection requirements for the applicants listed in items (1) through (6) above. Mr. Keenan Knopke seconded the motion.

Mr. Andrew Clark – Mr. Chairman?

Ms. Simon – Mr. Jones, I'm simply asking is your motion for all six (6) cases listed above?

Mr. Jones – Yes, for all six (6) cases, as Mr. Brandenburg said, based on the Governor’s Executive Order Number 20-52 and Chapter 497.

Ms. Simon – Mr. Clark, I’m sorry I interrupted

Mr. Clark – Yes, Mr. Chairman. I just want to declare my affiliation with Foundation Partners Group, which is included in this motion and I’ll recuse myself from this vote.

Chair – Thank you so much, Mr. Clark. Was there a second?

Mr. Knopke – Seconded by Mr. Knopke.

Chair – So, there’s been a motion made and it’s been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? And the motion carries. Thank you so much. Ms. Simon, do you want to take number 3?

Ms. Simon – Yes sir.

3. Internship Licensees

Ms. Simon – Because of the events described in 2(A) and (B) above, the Division and Board Counsel suggest that the Board consider a motion that all internship licenses issued pursuant to sections 497.370, 497.375, and 497.377, Florida Statutes, which are valid as of March 9, 2020, are extended throughout the length and duration of the Executive Order Number 20-52. As has always been the case, the continued employment of the intern is at the discretion of the licensed training facility.

Chair – Is there a motion to that effect?

MOTION: Mr. Lew Hall moved that all internship licenses issued pursuant to sections 497.370, 497.375, and 497.377, Florida Statutes, which are valid as of March 9, 2020, are extended throughout the length and duration of the Executive Order Number 20-52. As has always been the case, the continued employment of the intern is at the discretion of the licensed training facility. Mr. Clark seconded the motion, which passed unanimously.

Chair – Mr. Knopke, did you have a comment or question?

Mr. Knopke – Nope. It’s been cleared. Thank you.

Chair – You’re welcome. Thanks so much for being o this call. Ms. Schwantes, any comments?

Mary Schwantes – No sir. Again, thank you to Board members and others for making themselves available so that we could clarify these directions from the prior Board meeting.

Chair – Thank you again Board for being available on such short notice and taking your time to do this good work. Any public remarks?

The meeting was adjourned at 10:13 a.m.