

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
BOARD MEETING
MARCH 6, 2025 - 10:00 A.M.

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

Chair Jill Peeples – Good morning. I'm Jill Peeples, Chair of the Board of Funeral, Cemetery, and Consumer Services. This is Thursday, March 6, 2025. It's 10:00 in the morning. I'm going to call the meeting to order and I'm going to turn it over to Ms. Simon.

Ms. Ellen Simon – Thank you, ma'am. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is March 6, 2025, and it's about 10:01 AM. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held in person at the Department of Revenue Capital Circle Office Center, in Tallahassee, Florida. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to interested persons and information concerning the Board meeting has been made available on the Division's website. 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, Ms. Peeples, runs the meeting. Persons desiring to speak should initially ask the Chair for permission.

As a reminder to Board members, you are to refrain from commenting on facts not included in your Board packages and instead base your decisions solely on the information in your Board package as well as testimony provided at this meeting. Additionally, ongoing investigations are private and confidential and are not to be discussed.

Just a few words about item T on your agenda, which is Public Comment. Public Comment is reserved for general comments by the public and not re-litigation of any matter before the Board. Please be made aware that if a public comment is used as an attempt to relitigate a matter that is being heard on this agenda, the Board will be instructed that the comment is not appropriate for a Public Comment's item and should not be considered for further discussion. Madam Chair, at this point I will call the roll:

Jill Peeples, Chair
Andrew Clark, Vice Chair
David Chapman
Sanjena Clay
Vincent "Todd" Ferreira
Christian "Chris" Jensen
Kenneth "Ken" Jones
Janis Liotta
William "Bill" Quinn
Darrin Williams

Also noted as present:

Mary Schwantes, Executive Director
Rachelle Munson, Board Legal Advisor
Kimberly Marshall, Department Legal Counsel
LaTonya Bryant, Department Staff
Crystal Grant, Department Staff

Ms. Simon – Madam Chair, there is a quorum for the business of the Board.

Chair Peeples – Thank you, Ms. Simon.

B. Action on the Minutes

(1) January 2, 2025

MOTION: Ms. Sanjena Clay moved to adopt the minutes of the meeting. Mr. Darrin Williams seconded the motion, which passed unanimously.

Mr. Bill Quinn – Madam Chair, may I speak?

Chair Peeples – Yes, sir.

Mr. Quinn – As a Board member affiliated with SCI, I want to assure this Board that my approach to decision making will be guided by impartiality, fairness and objectivity. After thoroughly reviewing the agenda, I'll make my decisions based on the facts and the information presented. Thank you.

Chair Peeples – Thank you, Mr. Quinn.

Mr. Quinn – Thank you, ma'am.

Chair Peeples – Ms. Simon?

Ms. Simon – Thank you, ma'am.

C. Old Business

(1) Recommended for Consideration

(a) Request to Extend Deadline for Phase 2 of New Cemetery Application

1. Our Lady of the Holy Rosary Catholic Cemetery Inc (Oxford)

Ms. Simon – Ms. Weiner is representing this entity and she's before us. The original application for cemetery licensure, Phase 1, was presented at the April 4, 2024, Board meeting and was approved subject to the conditions set forth in the Board meetings attached to your Board package. In response to the stated conditions by the Board for approval, the applicant is requesting an extension of the initial 12-month deadline ending April 2025 until December 31, 2025, in order to complete Phase 2 requirements that are required pursuant to S. 497.263. Included in this Board package are the applicable minutes from the April 4, 2024, Board meeting, as well as the original coversheet and application for cemetery licensure. Board members?

Chair Peeples – Good morning, Ms. Weiner.

Ms. Wendy Wiener – Good morning. I have laryngitis, so forgive me. First of all, thank you, Board, for hearing us this morning. There is a typo in your agenda. This has nothing to do with Hope Eternal Gardens. That's literally just a holdover from a prior agenda, I think. This has to do with Our Lady of the Holy Rosary Catholic Cemetery in Oxford. As Ms. Simon said, the cemetery was granted its Phase 1 approval. Your law contemplates that Phase 2 will be to you and approved within twelve, (12) months. That's actually a crazy short period of time to establish a new cemetery. Probably should change that time frame in the statute. But luckily, the statutory scheme does give you, the Board, the capacity to extend twice, two (2) additional 12-month extensions. Here we're asking for one (1) extension of roughly eight (8) to nine (9) months total, bringing us to the end of this year. This is a huge cemetery, as you saw in the Phase 1 application. And they have a lot of issues associated with the topography to get it all straightened out so that they can start to develop the two (2) acres that are required in order for them to receive Phase 2 approval. And so, we would appreciate the Board's extension of the deadline.

Chair Peeples – Thank you, ma'am. Board members?

MOTION: Ms. Janis Liotta moved to approve the request. Mr. Todd Ferreira seconded the motion.

Chair Peeples – Any discussion on the motion?

Mr. Chris Jensen – Madam Chair?

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes. Ms. Wiener, was there any movement on the exempt cemetery side of things since it's Catholic?

Ms. Wiener – It is not an exempt cemetery. This is a licensed cemetery. An exempt cemetery associated with a religious institution has a limitation of five (5) acres. This is a 60-acre cemetery. It will be a licensed cemetery, and we've applied as such.

Mr. Jensen – Thank you.

Mr. Darrin Williams – Question?

Chair Peeples – Mr. Williams?

Mr. Williams – Do you think that's enough time to finish the work? The new extension?

Ms. Wiener – Yes, I do. Thank you, Mr. Williams. I do think that it will be enough time. I have talked in depth with David Branson, who manages the process. Things are underway, and we think that this will work. Now, if we get hit with a god=awful hurricane season or something else happens, then we will come back to you and request additional time. If we take these nine (9) months, we still have the capacity for another fifteen (15) months of extension, if needed, but hopefully that will not be the case.

Mr. Williams – Thank you.

Chair Peeples – Any other questions or discussion? Hearing none, all in favor of the motion, say Yes.

Board members – [Unison] Yes.

Chair Peeples – All opposed, say No. Motion carries. Thank you.

Ms. Wiener – Thank you.

D. Disciplinary Proceedings

(1) Settlement Stipulation (Probable Cause Panel B)

(a) Maignan, Nadine Ingreed: DFS Case No. 325323-24-FC; License No. ATN-42485 (F065703)

Ms. Simon – Is Ms. Maignan here today in the room?

Mr. Williams – Madam Chair?

Chair Peeples – Yes, Mr. Williams?

Mr. Williams – I need to recuse myself from D (1) and D (3), as I served on Probable Cause Panel B.

Chair Peeples – Thank you, Mr. Williams.

Mr. Ken Jones – If I may at the same time recuse myself from D (2), as I served on Probable Cause Panel A.

Chair Peeples – Thank you, Mr. Jones. Yes, ma'am?

Ms. Maureen Daughton – Maureen Daughton here representing Ms. Maignan this morning.

Chair Peeples – Could you spell your last name, please?

Ms. Daughton – Yes, ma'am. D-A-U-G-H-T-O-N.

Chair Peeples – Thank you, ma'am.

Ms. Simon – Ms. Marshall representing the Department.

Ms. Kimberly Marshall – Thank you, Ms. Simon. It's good to see all of the Board members' faces this morning. So, Nadine Ingreed Maignan ("Respondent") is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F065703. The Department conducted an inspection of Respondent and found as follows: At all times material to this matter, Respondent was the funeral director in charge of Arnex LLC d/b/a Apollo Cremations, a direct disposal establishment holding license number F334901. This establishment advertised full funeral and burial services and preneed funeral services on its website despite not being properly licensed to do so. As funeral director in charge, Respondent failed to properly supervise the establishment to ensure compliance with all laws and rules. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,250, and the Respondent's license shall be placed on probation for a period of one (1) year. The Department requests that the Board accept this Settlement Stipulation in resolution of this matter, and I'm available to answer any questions. Thank you.

Chair Peeples – Any questions for Ms. Marshall?

Mr. Jones – Yes, ma'am.

Chair Peeples – Mr. Jones?

Mr. Jones – Did they sell any preneed?

Ms. Marshall – Not to my knowledge, no.

Mr. Jones – Thank you.

Chair Peeples – Ms. Daughton, would you like to address, please, ma'am?

Ms. Daughton – I'm just here for questions, but I can respond that they do not sell any preneed.

Mr. Jones – And they did not during this period?

Ms. Daughton – Correct.

Mr. Jones – Thank you.

Chair Peeples – Any other questions, comments?

Mr. Andrew Clark – I have a question.

Chair Peeples – Mr. Clark?

Mr. Clark – Has the website been corrected?

Ms. Daughton – Yes, sir, it has. And the investigator went the extra mile and after they corrected it, went and looked at it again and said, well, there's something else that can be construed both ways, so please address that as well. So, they have corrected all of the things that were brought to their attention.

Mr. Clark – The only other thing I would note, and I'm looking at page 32 in the packet, it does say at the very bottom, "website is created by," but before that it says, "funeral home website," and obviously it's not licensed as a funeral home. So, is there a way to accept the stipulation, but add that that get corrected as well, or no?

Ms. Rachelle Munson – If you're asking me, there would be a rejection and then the counter. I'm looking to the Department [inaudible].

Ms. Marshall – The Department would be amenable if the Board would like to make a rejection and a counteroffer.

Mr. Clark – At the bottom of every website page, according to the material provided, it has funeral home. So, if other Board members say it's not an issue, I'm not trying to nitpick, but it is currently in operation.

Ms. Daughton – We would be amenable to that. I believe that's already been corrected, but we would certainly be amenable to that. I think that is in their best interest as well.

Chair Peeples – Mr. Clark, what would be your pleasure, sir?

MOTION: Mr. Clark moved that reject the Settlement Stipulation as presented. Mr. Jones seconded the motion.

Chair Peeples – Any discussion on the motion?

Mr. Jensen – I do have one question.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Out of curiosity, where are they located? I know it probably says here.

Ms. Daughton – They're out of Miami.

Mr. Jensen – OK. And where is this Nadine out of, ma'am?

Ms. Daughton – She's there.

Mr. Jensen – She's there on site?

Ms. Daughton – Yes, that is my understanding.

Mr. Jensen – OK. Thank you.

Chair Peeples – Any other discussion on the motion? Hearing none, all in favor of the motion say Yes.

Board members – [Unison] Yes.

Chair Peeples – All opposed say No. Motion carries.

Mr. Clark – Madam Chair?

Chair Peeples – Yes, sir?

MOTION: Mr. Clark moved for a \$1,250 fine with the condition of removing the term funeral home from the website, as discussed.

Chair Peeples – Mr. Clark, would it also be to include the one-year probation?

Mr. Clark – Yes. That's correct. Thank you.

Chair Peeples – You're welcome.

Mr. Jones – Second.

Chair Peeples – We have a motion by Mr. Clark, a second by Mr. Jones. Is there any discussion on the motion? Hearing none, all in favor of the motion say Yes.

Board members – [Unison] Yes.

Chair Peeples – All opposed say No. Motion carries. Thank you.

Ms. Daughton – Thank you.

(2) Motion for Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel A)
(a) Holmes Funeral Directors; DFS Case No. 333538-24-FC; Division No. ATN-43870 (F041651)

Ms. Simon – Is there anyone here representing Holmes Funeral Directors? Hearing no response. Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. So, Board members, you should have received from the Division yesterday a Motion for Continuance filed by the Respondent to this matter. It was only filed yesterday afternoon, hence the late addition. Essentially, the substance of this Motion is that the Respondent only recently retained counsel, and the counsel is requesting additional time to review the matter in order to be able to represent them. Given that obtaining counsel is considered good cause shown for continuance, the Department is not opposed to this Motion. However, we would like to note this matter was on the agenda for the meeting last month and at this meeting, the Respondent had requested a continuance. So, we are in agreement with this Motion on the condition that it's understood that this matter will be presented at next month's meeting.

Chair Peeples – So, Ms. Marshall, your request and suggestion to us is to accept the Motion for Continuance?

Ms. Marshall – Yes.

Chair Peeples – Ok. Board members?

MOTION: Mr. Williams moved to accept the Motion for Continuance. Ms. Sanjena Clay seconded the motion.

Chair Peeples – Any discussion on the motion?

Mr. Jensen – One question for Ms. Munson. Ms. Munson, is this OK with you?

Ms. Rachelle Munson – It is.

Mr. Jensen – Ok. Thank you.

Chair Peeples – Any other questions? Hearing none, all in favor of the motion say Yes.

Board members – [Unison] Yes.

Chair Peeples – All opposed say No. Motion carries.

Ms. Simon – Thank you.

(3) Motion for Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel B)
(a) Rojas, Ruben; DFS Case No. 320710-23-FC; Division No. ATN-42196 (F044220)

Ms. Simon – Is Mr. Rojas or a representative of Mr. Rojas here? Hearing no response. Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. This matter is being presented to the Board for consideration of the Motion for Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Ruben Rojas. (“Respondent”). The Department conducted an investigation of Respondent and found that all times material to the allegations herein, Respondent was licensed as a funeral director and embalmer, license number F044220. On or about August 4, 2023, the Board filed a Final Order against Respondent in a prior disciplinary case. The Final Order required, in part, that Respondent pay a fine of \$6,000 within thirty (30) days. As of February 13, 2025, Respondent has not paid this fine. The disciplinary guideline for this violation is as follows:

- Count I: *violating a lawful order of the board, first offense*: Reprimand, fine of \$250 to \$2,000 plus costs. In addition, probation for six (6) months to one (1) year with conditions, suspension up to one (1) year, or permanent revocation of license may be imposed.

The Motion demonstrates that Respondent failed to timely file a responsive pleading contesting the factual allegations in the Administrative Complaint, requests that the Board adopt the factual allegations in the Administrative Complaint, and requests that the Board issue an appropriate penalty in this matter. So, at this time, it would be appropriate for the Chair to entertain a motion determining that the Respondent was properly served with the Administrative Complaint and failed to timely respond.

MOTION: Mr. Ferreira moved that Respondent was properly served with the Administrative Complaint and failed to timely respond. Mr. Clark seconded the motion, which passed unanimously.

Ms. Marshall – The Department believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as alleged in the Administrative Complaint.

MOTION: Mr. Ferreira moved to find the Respondent in violation of the statutes as alleged in the Administrative Complaint. Ms. Clay seconded the motion, which passed unanimously.

Ms. Marshall – And now as to penalty, the Department is asking that his license be suspended until the Respondent pays the outstanding fine.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – Can we discuss the fine?

Chair Peeples – Yes, sir.

MOTION: Mr. Ferreira moved for a fine of \$2,000 and a one (1) year suspension.

Ms. Marshall – So, the reason that we weren't asking for any additional fine is that you've already imposed a \$6,000 fine, which in my conversations with him, he's indicated he doesn't have the ability to pay. So, I don't know that assessing any further fine would really be productive in this matter.

Mr. Ferreira – I don't really care if he can pay it or not. I move for, a \$2,000 fine. That's what they all say.

Ms. Clay – I have a question also.

Chair Peeples – Excuse me one moment, Ms. Clay. Board members, we have a motion. Is there a second to Mr. Ferreira's motion?

Mr. Jensen – I'll second that.

Chair Peeples – Thank you, Mr. Jensen. Now, Ms. Clay.

Ms. Clay – OK. My question is regarding the infinite amount of time to pay. You're saying that it's that way until he pays. Is there any way to put a stipulation on the amount of time he's given to pay? Or is there rationale where we're extending it for life?

Ms. Marshall – Well, as far as what the Board has the ability to do to compel somebody to pay, suspension is about the best tool you have. If a condition were put on a time limit to pay, what would happen at the end of the expiration of that time period?

Mr. Ferreira – Take away his license permanently.

Chair Peeples – Ms. Simon?

Ms. Simon – I have a little bit of a concern about that from the perspective that if after, let's say, we put a limit of a two (2) to three (3) year suspension, and at the end of that time, if he hasn't paid, we're coming back in front of the Board. We can't go straight into revocation as a matter of law. Ms. Munson, is that correct?

Ms. Munson – Well, for revocation, you'll have to come back before the Board.

Ms. Simon – Right. So instead of that, suspension leads to the fact that this individual cannot practice until he pays. And so, what we can do is make a condition that he is suspended, and once the payment is made, he needs to come back before the Board before he is given his license back or before he practices again. Ms. Marshall?

Ms. Marshall – That would make sense. And correct me if I'm wrong, but he would not be able to renew his license as long as it's in a suspended status.

Ms. Simon – Correct.

Ms. Clay – Madam Chair?

Chair Peeples – Yes, Ms. Clay?

Ms. Clay – So we're saying that if we put a time frame on there and we revoke it, he would have to come before the Board. Am I also hearing that if he is reinstated from suspension, he has to come before the Board?

Ms. Simon – If you choose to vote that way, yes, ma'am.

Ms. Clay – So either way, he has to come before the Board?

Ms. Simon – Well, actually, Ms. Clay, that's a really good question. There is a caveat that after two (2) years he is revoked. We can't do a revocation as a matter of law. We would need to take further action in order to do that. Otherwise, we can say suspension for a certain period, or suspension, and before he is relicensed or before his license gets back into valid status, he needs to come before the Board. So that way, he would not practice at all until he comes back before us. And I think that that protects the public, absolutely, because he won't be practicing. but that's my two cents.

Ms. Clay – Ok.

Chair Peeples – So, Ms. Clay, from your comment and question, Ms. Simon's comment, Mr. Ferreira, would you like to amend your motion, or would you like to leave it as is, sir? If you want to amend it to include that after suspension, if he does complete payment, he has to come back before the Board. We so need that comment in our Final Order. Is that correct, Ms. Munson?

Ms. Munson – You do. Just to clarify, it would be an appropriate motion if the motion before the Board is to approve the recommended penalty with the addition that the respondent pay an additional \$2,000, which would be a total of \$8,000, and be suspended for a period of time, date certain for you guys to determine, and I think is actually a good recommendation, and

upon completion of that suspended period, or if the fine is paid before that amount, come before the Board to lift the restriction.

Mr. Ferreira – Yes.

Chair Peeples – Mr. Ferreira, do you agree with Ms. Munson's comment?

Mr. Ferreira – I agree.

Ms. Simon – Well --

Chair Peeples – Ms. Simon?

Ms. Simon – I'm sorry to take so much time on this. Let's say we suspend him for a period of two (2) years with a \$2,000 fine. At the end of the two (2) years, if there is nothing else, he's no longer suspended and he's back to working. So that would be the penalty, the two (2) years.

Ms. Munson – It was my impression of your comment that you thought it would be important for him to come before the Board anyway.

Ms. Simon – Actually, what my concern is, is that he'd begin practicing again without the Board seeing him. So, I was thinking that, and I thought I was going along with what Ms. Marshall was suggesting, there did not need to be a time frame necessarily for suspension. Suspension until he pays, however, he cannot practice in his capacity as a licensee until he presents himself before the Board.

Ms. Munson – And I guess the only clarification that would be from Ms. Clay, that if he takes fifteen (15) years to pay, then it is ok with this Board and the Department that he can remain suspended, but that does not appear to be an issue. But that was the clarification I thought needed to be made.

Ms. Simon – And that's my understanding. But if it is fifteen (15) years, he has to come back before the Board. And we could say prove that he is fit to come back into practice.

Ms. Munson – And that's the question. He won't come back before the Board if he takes fifteen (15) years and year fourteen (14) pays it. At what point will he not have to come before the Board?

Ms. Mary Schwantes – He'd have to reapply.

Ms. Simon – Actually, I don't know what I'm missing out on. If he is suspended and he cannot practice again until he comes back before the Board, then he's suspended indefinitely until that time. And if he comes back before the Board and hasn't paid, well, there's no basis for him to practice again.

Ms. Munson – So, again, we do want him to come back before the Board no matter what.

Ms. Simon – Yes. No matter what.

Ms. Munson – I heard that if he paid, he didn't have to come back before the Board. So, if it is the pleasure of the Board, it's the Board's decision, that the suspension remains intact, and for whatever period of time, if you don't want to say the date's certain, he is suspended. And when whatever remedy is met, the \$8,000, he still comes back before the Board, because I guess then you want to look to see if he's fit for practice.

Ms. Simon – Correct.

Ms. Munson – So, you want him always, no matter what, to come back before the Board. And I just didn't know that. And I know we're saying different things, but I wanted to make sure that whatever's in the Order is the intention of this body.

Ms. Marshall – And the Department would have no objection to this or that?

Ms. Munson – Coming back before the Board, period?

Ms. Marshall – Yes. Would the Board need to explicitly retain jurisdiction over this matter if they were potentially considering imposing other additional discipline when he comes back before the Board, whenever that may be?

Ms. Munson – Probably so, because then that hearing or that proceeding will be to see whether or not the Board is comfortable lifting the restriction.

Mr. Jones – Madam Chair?

Ms. Clay – Madam Chair, I have just one more area of clarification. Would you like to go first, Mr. Jones?

Mr. Jones – Just one thing. So, what we're recommending is suspension. So, if he goes to another state, his license is suspended in Florida?

Unidentified person – Yes.

Mr. Jones – Ok, thank you.

Chair Peeples – Ms. Clay?

Ms. Clay – My further clarification -- I just lost my thought.

Mr. Jones – Sorry.

Mr. Ferreira – Madam Chair?

Chair Peeples – Yes, sir, Mr. Ferreira?

Mr. Ferreira – Let's try to simplify it. Let's give them a timeframe, and if they don't make the timeframe, then it's over. You know, he loses his license.

Ms. Simon – Madam Chair?

Chair Peeples – Ms. Simon?

Ms. Simon – I'm under the impression that that can't happen as an operation of law. We would need to take further action. You can't just say a two-year suspension and if he doesn't pay, his license is then revoked. Am I correct in that, Ms. Munson?

Ms. Munson – Yes. I think a revocation, since it's the most severe penalty, it needs to be properly notified, noticed and whatnot, to understand that this is where we are, and the Board would vote to revoke the license.

Mr. Jones – Because at that point, he'd have DOAH options, too, wouldn't he?

Ms. Munson – He would absolutely have DOAH options.

Chair Peeples – Ms. Clay?

Ms. Clay – Just for my clarification again, what would determine fitness to practice after he has been suspended for, say, ten (10) years?

Chair Peeples – Ms. Simon?

Ms. Simon – I would think that we could say, and this isn't generic, but we have had things in orders that say, to establish that he is fit to practice in front of the Board. And there's been generic language like that before. Ms. Munson, would that be sufficient?

Ms. Munson – I believe Ms. Clay was asking what's the criteria for fit to practice?

Ms. Clay – I mean, is it that he's walking and talking?

Ms. Simon – The Board can make that determination if he has proved that.

Ms. Munson – OK. So, I guess the answer to that question, Ms. Clay, is that when he presents himself before the Board, the Board has kind of just like full discretion. You can ask questions as to what he has been doing in the last ten (10) years or whatever like that to see how any of that may be relevant to his ability to continue in this profession.

Ms. Clay – So, what I'm hearing is there's no formal determining factors as to fitness.

Ms. Munson – We've not had a proceeding as long as I've been legal advisor for fitness to practice. And I have not reviewed case law to speak on it.

Mr. Ferreira – Madam Chair?

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – Again, if we can simplify things. If we give them two (2) years to pay for it, and then at that point, if he doesn't, I'm kind of lost now. I'm sorry. So, if we give them two (2) years, and then they come, then we give them an opportunity.

Ms. Munson – If he pays the \$8,000 within two (2) years, I don't know if this body wants to see him again. Because if you don't want to see him, then staff can clear him.

Mr. Ferreira – Right.

Ms. Munson – Again, I don't know what the pleasure of this body is.

Mr. Ferreira – Yes. I don't think we need to see him again.

Ms. Munson – But an indefinite suspension, and he's indicated he doesn't have the ability to pay, it could take up to ten (10) years, I don't know. And at that point, you may want to see him. So, if you put a finite period on it that you're comfortable with, I don't know.

Ms. Marshall – Again, if he's not eligible to renew as long as he's in a suspended status, then he would eventually expire. So, it's not going to be fifteen (15) years. Am I correct on that?

Ms. Schwantes – Madam Chair?

Chair Peeples – Yes, ma'am?

Ms. Schwantes – Yes. If he's suspended, he cannot renew. If he does not renew over a two-year time-period past the next renewal cycle, then he'd have to reapply.

Ms. Marshall – So, four (4) years maximum that he could be suspended?

Ms. Schwantes – Two (2).

Ms. Marshall – Ok.

Mr. Jones – Two (2) added on to what he currently has.

Mr. Ferreira – Right.

Ms. Schwantes – Two (2) added on to what he currently has.

Mr. Jones – Which gives you the timeline.

Chair Peeples – Ms. Simon?

Ms. Simon – Ms. Marshall, bearing that in mind, what would you suggest?

Ms. Marshall – I guess my prior recommendation stands with that in mind, that it's not going to be, you know, a decade plus. There is a definitive timeline on this indefinite suspension. He would be no longer licensed once he's two (2) years beyond his renewal.

Ms. Clay – So, Madam Chair, are we still back at Mr. Ferreira's original motion?

Chair Peeples – Yes, ma'am. So, Mr. Ferreira, would you like to stay with your original motion or amend it?

Mr. Ferreira – I can't remember what my original motion was.

Chair Peeples – Your original motion was a \$2,000 fine.

Mr. Ferreira – Right.

Chair Peeples – And to be suspended until the total \$8,000 is paid. Then what Ms. Schwantes mentioned was if they don't pay, we've got a two-year time frame for renewal of license, which is biannually. So, we really do have a time certain, but we cannot enact revocation right now in this particular situation.

Mr. Ferreira – So I'm going to stick with the \$2,000 and the two-year, well it's actually three (3) years, isn't it, where we're sitting now? Let's see, we renew this year, right? OK. So, 2 .5 years. Right? And then at that point, we will suspend him. I mean, he's got to renew, right?

Ms. Simon – It's really quite simple now that we've all went round robin. If I may suggest, and it might have been what Ms. Marshall originally said that he's suspended for a period of two (2) years. And if he doesn't pay during that period of suspension, his license cannot be renewed.

Ms. Munson – The original motion was not two (2) years, though. There was no timeframe on that original motion.

Chair Peeples – Mr. Ferreira made the two-year...

Ms. Simon – 2.5.

Mr. Ferreira – Yes, 2.5.

Chair Peeples – So, Mr. Ferreira, stick with your original motion?

Mr. Ferreira – Yes. But I wanted to add the time frame, the 2.5 years because we need it.

Chair Peeples – Ms. Marshall, are you good with that?

Ms. Marshall – Yes, if that's the Board's pleasure. Yes, the Department's fine with that.

Chair Peeples – Ms. Munson, are you good with that?

Ms. Munson – Yes. Just note that the Order will say two (2) years from the filing date of the Order. I don't know when renewal periods are, but it would be two (2) years from the filing date of the Order.

Ms. Schwantes – Madam Chair?

Chair Peeples – Yes, Ms. Schwantes?

Ms. Schwantes – What happens if he pays within the two-year period? I just want to be really clear on this.

Ms. Munson – Madam Chair?

Chair Peeples – Yes, Ms. Munson?

Ms. Munson – Does the Board give the staff the authority to clear it? That is the question.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – Yes, I do. I'm sorry.

Chair Peeples – So, Mr. Ferreira, you agree that if he pays within the two (2) years, staff has the ability to clear him. Mr. Jensen, do you agree with Mr. Ferreira's motion and the little caveats we've had, sir?

Mr. Jensen – Pretty much. One quick question. So, it's pretty much like any other fine. They pay the fine and he's just suspended until he pays the fine and [inaudible]. I thought Ms. Marshall said one (1) year.

Ms. Marshall – No, our recommendation was indefinitely until paid.

Mr. Jensen – OK. So now we're just putting a cap at two (2). Yes, I'm good with that.

Chair Peeples – So, we have a motion by Mr. Ferreira, a second by Mr. Jensen. Is there any further discussion on the motion? Hearing none, all in favor of the motion say yes.

Board members – [Unison] Yes.

Chair Peeples – All opposed say no. Motion carries.

(b) Trappberger, Carlos Enrique: DFS Case No. 306758-23-FC; Division No.: ATN-40163 (F045285)

Ms. Simon – Is Mr. Trappberger or a representative of Mr. Trappberger here in the audience? Hearing no response. Ms. Marshall?

Ms. Marshall – The Department is withdrawing this case for now.

Ms. Simon – OK. Thank you.

Ms. Marshall – Thank you.

E. Application(s) for Preneed Sales Agent

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

Ms. Simon – This is an informational item. Pursuant to S. 497.466, Florida Statutes, the applicants on Addendum A have been issued their licenses and appointments as preneed sales agents.

(2) Recommended for Denial (Criminal History)

(a) Barretto, Alejandro A (Appointing Entity: Smart Cremation of Florida LLC)

Ms. Simon – In this matter, Mr. Barreto is here as well as his attorney, Ms. Wiener. On January 10, 2025, an application was submitted for licensure as a preneed sales agent, and Applicant answered “Yes” to the background question regarding criminal history on the application due to reportable criminal history that required disclosure. Smart Cremation of Florida LLC, employer, provided the Division with a written explanation by Mr. Barretto, a completed Criminal History Form, and a copy of the court records from the Superior Court of California, County of Orange.

In May 2005, a felony charge for Second-Degree Burglary, Grand Theft was filed against Mr. Barretto by the Superior Court of California, Orange County. Mr. Barretto was found guilty of all charges and was sentenced to three (3) years’ probation, 270 days jail, and ordered to pay \$29,154 in restitution to victim and court fees. Mr. Barretto has satisfied all conditions of this judgment and sentence and has paid required fees. As of to date, there have been no further disciplinary actions against the Applicant. The Division in this matter is recommending denial.

Chair Peeples – Ms. Simon, just to clear the record, in your summary, you mentioned May of 2025. It's May of 2005?

Ms. Simon – Yes, ma'am. I apologize for that.

Chair Peeples – That's OK. Ms. Weiner.

Ms. Wiener – Thank you. Thank you, Board. So, this was actually not a disclosable crime. This was a felony unrelated to the industry that was committed more than twenty (20) years before. So, in actuality, this crime did not have to be actually disclosed. Your application calls for a felony committed within the twenty (20) years immediately preceding the date of the online application. These crimes were committed in '23 and '24, and I would argue to you that even if you wished to, you could not hold them against this applicant. However, he did disclose them, and therefore, let me cover what happened here, because I think when you understand what happened, you will also determine not to hold his criminal history against him and to grant his license.

So -- and thank you for tolerating my scratchy voice. Mr. Barreto was a golf professional twenty (20) years ago. Quite a well-known golf professional in the community in which he was located. He was at that golf course in charge of the pro shop, as the golf professionals often are. The pro shop at that time in '23 and '24 had a great deal of merchandise that it could not sell. And so, Mr. Barreto actually purchased that equipment and those goods and sold them on his personal eBay account. Nothing came of that for the moment. And then when he left his employment, because of a dispute between the parties unrelated to this matter, they didn't like that because he was really well-known, and he was well-known within the industry. And so having had this comingling of the merchandise on his personal eBay account, they actually brought charges. Two (2) charges for grand theft associated with that merchandise that was sold. It was all paid for by Mr. Barreto. None of it was stolen, but they charged him. The charging papers were two (2) counts of grand theft. And then when he went back onto premises to get his personal belongings from the facility, they charged him with a burglary charge.

So what actually happened here was that Mr. Barreto, in order to, as many people do, in order to move this process along as quickly as it could be moved along, because he was very well-known, as was his family in the community, and did not wish to tarnish his reputation further and for long term, entered into an agreement where he agreed to pay restitution. That restitution was made up primarily of the cost associated with the installation of security cameras and with the cost associated with the audit that was conducted of the books and records of this golf course. No other indiscretions or anything out of the ordinary came of that audit. He paid his restitution. Since then, more than twenty (20) years have passed. Again, not disclosable, and I think it would be a real issue if you were to hold this against him if this matter were to proceed forward.

But notwithstanding that, he has since that time held very high-level and responsible positions with many companies well-known to you, some of which you are affiliated with. For instance, he was the sales manager, as you can see from his record, at Neptune Corporation, entrusted with their national sales for a number of years. When the owner of Neptune actually sold that company to SCI and acquired MASA Global, which many of you may sell or have in the past sold the MASA Transportation Plan, Mr. Barreto went to work for MASA and its owner in a very high-level capacity.

He has now joined North Star at its Smart Cremation brand, and in his role requires licensure. And so we would ask that you take into consideration the fact that he does not have a reportable criminal history, and the fact that the matter that did give rise to his criminal history, which was disclosed to you, I suspect in an abundance of caution or from not properly reading the application, I was not involved at that time, that those are the kinds of facts and circumstances that would allow this Board to feel comfortable giving Mr. Barreto his license. He has not had any other instance of criminal history or none of the businesses for which he has been affiliated have had any issues associated with the preneed for which he was sales manager in any of that time. And I'm here to answer any questions that you have.

Mr. Williams – Madam Chair?

Chair Peeples – Yes, Mr. Williams?

Mr. Williams – Question for Ms. Simon. What was the background or rationale for Division denial if it's not a reportable type of situation?

Ms. Simon – It was the Department's perception that this crime was committed within the last twenty (20) years. I understand the sentencing occurred maybe in 2005, 2006, but it was the Division's impression that it occurred within the last twenty (20) years.

Mr. Williams – Follow-up, Madam Chair?

Chair Peeples – Yes, sir?

Mr. Williams – So, if the applicant never disclosed this information, would he be good in reference to something down the road come up and he did not disclose?

Ms. Simon – May I?

Chair Peeples – Yes, ma'am.

Ms. Simon – As I said, it is the Division's perception that this conduct was committed within the last twenty (20) years, and because of that, that's the reason for the Division's recommendation.

Mr. Williams – I respect that, and I hear that. I'm just trying to validate Ms. Weiner's statement referencing that he did not have to disclose the information. So, I'm just trying to get clarity. Is that an accurate statement that she made?

Ms. Simon – If the crime was not committed within the last twenty (20) years, he did not have to disclose. I had no reason to believe that the crime was not committed in the last twenty (20) years. So, we did not have that paperwork. If the crime was not committed within the last twenty (20) years, no, it would not be relevant for the Board's discussion.

Mr. Williams – Thank you.

Ms. Wiener – And Mr. Barreto can testify, if you'd like, that the crimes were committed, that this action, which gave rise to this criminal case, was committed in 2003 and 2004, so would not have been committed during the twenty (20) years preceding his application.

Ms. Simon – Before that time, if I may?

Chair Peeples – Yes, Ms. Simon.

Ms. Simon – I don't know if the Board would like to make a motion or not.

Chair Peeples – Mr. Jensen, did you have a question?

Mr. Jensen – Yes. Kind of along the lines of what Mr. Williams was stating, I'm curious, and I think a better question might be, does the Department use when the crime was committed or when it was adjudicated?

Ms. Simon – The statute says committed, sir.

Mr. Jensen – Ok. Thank you.

Ms. Wiener – Correct. Unless it involves the industry and, in that case, it ties back to adjudication.

Mr. Williams – Madam Chair?

Chair Peeples – Yes, Mr. Williams?

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

Ms. Wiener – Thank you.

Chair Peeples – Thank you. Good luck.

Mr. Alejandro Barreto – Thank you for your time and consideration.

F. Application(s) for Continuing Education

(1) Course Approval - Recommended for Approval without Conditions – Addendum B

- (a) Independent Education Institute (135)**
- (b) International Cemetery, Crematory and Funeral Association (51609)**
- (c) International Order of the Golden Rule (2201)**
- (d) National Funeral Directors Association (49609)**
- (e) National Institute of Funeral Service (54610)**
- (f) Wilbert Funeral Services (39408)**

Ms. Simon – The course presented on Addendum B has been reviewed by the CE Committee, and the Committee as well as the Division recommends approval for the number of hours so indicated.

MOTION: Ms. Liotta moved to approve the applications. Ms. Clay seconded the motion, which passed unanimously.

(2) Provider Approval - Recommended for Approval without Conditions – Addendum C

- (a) Kavod - Independent Jewish Funeral Chapels (51808)**

Ms. Simon – The application presented on Addendum C has been reviewed by the CE Committee, and the Committee as well as the Division recommends approval.

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

Ms. Simon – Thank you.

G. Consumer Protection Trust Fund Claims

(1) Recommended for Approval without Conditions – Addendum D

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

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

H. Application(s) for Embalmer Apprentice

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum E*
 - (a) *Hayes, Andrew P F655145*
 - (b) *Sanchez, Brentlee A F835647*

Ms. Simon – This is an informational item. Pursuant to Rule 69K–1.005, F. A. C., the Division has previously approved the application listed on Addendum E.

I. Application(s) for Florida Laws and Rules Examination

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum F*
 - (a) *Funeral Director (Internship)*
 - 1. *Forbes, Hawke M*
 - 2. *Gross, Gerron F*
 - 3. *McDonald, Tori R*
 - (b) *Funeral Director and Embalmer (Endorsement)*
 - 1. *Glisson, Hannah A*
 - 2. *Gonzalez, William*
 - (c) *Funeral Director and Embalmer (Internship and Exam)*
 - 1. *Abdulameer, Heather A*
 - 2. *Fernandez Jr, Ricardo*
 - 3. *Johnson, Jaquasious D*
 - 4. *Noel, Marie J*
 - 5. *Ravenelle, Emily*
 - 6. *Sanchez, Andres G*
 - 7. *Saint-Germain, Maressa B*
 - 8. *Sikes, Lyndsey H*
 - 9. *Tosto, Kristina M*

Ms. Simon – This is an informational item. Pursuant to Rule 69K–1.005, F. A. C., the Division has previously approved the application listed on Addendum F.

J. Application(s) for Internship

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum G*
 - (a) *Funeral Director Intern*
 - 1. *Torres, Roxann F839689*
 - (b) *Funeral Director & Embalmer (Concurrent)*
 - 1. *Khan, Maleaha J F838153*
 - 2. *Parks, Tonia L F838742*
 - 3. *Roenicke, Karis N F768625*
 - 4. *Sordellini, Veronica M F837020*

Ms. Simon – This is an informational item. Pursuant to Rule 69K–1.005, F. A. C., the Division has previously approved the application listed on Addendum G.

- (2) *Request(s) to Renew Internship and Petition for Waiver of Rule*
 - (a) *Recommended for Denial*
 - 1. *Clawson, Caitlin*

Ms. Simon – Is a representative or is Ms. Clawson here today? Please step forward.

Ms. Caitlin Clawson – Hello.

Chair Peeples – Hello. I just need one moment.

Ms. Clawson – Yes, ma'am.

Ms. Simon – An application for a concurrent license and a petition for waiver of Rule 69K-18.003, F.A.C., was received on January 15, 2025. The application was deemed complete on February 19, 2025. The applicant previously held a funeral director and embalmer (concurrent) intern license which expired July 30, 2022, and Rule 69K-18.003 (6), Florida Administrative Code, only permits one (1) internship in a lifetime. The applicant was outside of the time frame to submit a request to renew internship. The applicant does not have any reportable criminal history. The applicant has not completed the one-year internship that previously expired and did not request to renew the internship timely. The applicant is petitioning the Board for waiver of Rule 69K-18.003(6) to obtain licensure as a concurrent intern for a 1-year internship. Ms. Clawson contacted the Division as early as August of 2023 regarding steps needed to obtain a 2nd internship. The Division's recommendation is denial. However, if the Board approves Ms. Clawson for another internship, the Division is requesting all of the supervisor's quarterly reports be submitted within thirty (30) days from the order of this Board meeting. May I swear her in?

Chair Peeples – Yes, ma'am.

Ms. Simon – Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Ms. Clawson – Yes, I do.

Ms. Simon – Please state your name and spell your last name for the record.

Ms. Clawson – Caitlin Clawson, C-L-A-W-S-O-N.

Ms. Simon – Thank you, ma'am. Madam Chair?

Chair Peeples – Ms. Clawson, would you like to address the Board?

Ms. Clawson – Yes, I would. Prior to my internship, I did work for many years for SCI at a centralized embalming facility. I was an embalming apprentice for three (3) years with a two-year extension. My main job there was to dress, casket, and [inaudible] individuals for the Tampa Bay area, and it was absolutely my passion. When I was doing my internship, I had done ten (10) out of the twelve (12) months. At that time, my entire household contracted COVID-19. I was sick for about a month. And at that time, my husband, who did work remote, had expressed to me that he was unable to care for our son. He was the primary caregiver at that time, and he was just not able to do his job plus take care of our child. And so, I made this very difficult decision to leave. It was never my intention to not come back. But I was hoping that at that time that I would be able to take some of the burden off of him. But what I was not expecting was that our relationship would turn abusive.

There was an incident of physical violence that did occur. It happened a few days before my license was set to expire. And I will be honest. I was not thinking about my internship at the time. I was thinking about the safety of my child and myself and I went into essentially survival mode. A divorce did follow. It was filed in July of 2023. And then that is when I reached out in August asking what I would need to do to have my internship restored or to at least be able to repeat it.

So, from 2023 to 2024, I began working for a funeral home for North Star. I became part of the Administrative Department, and I did work part-time on the days that I did not have my son after our custody order was put in place. I began processing preneed and at-need contracts and learning the cemetery side of the business. And now that my son is in school full-time, I am able to return to work full-time. He had a very hard time understanding our divorce and why we were living in two (2) different households and he developed separation anxiety, so that is why I did not immediately try to return. I did finally find a funeral home that could help me, that was within the location that I am living in. They did offer me an internship and they are very eager to take me on. And I am very much looking forward to telling them that hopefully I can help them out if you will all reconsider today. I understand that I may have to repeat the internship for the whole year and I'm OK with that. So, if you could please reconsider today. As for the reports, my manager who was manager at the time of my internship is no longer there, so I do not know if they would have those records anymore. I personally do not have them. I do apologize. So, whatever I need to do, I am more than willing to do it. Thank you.

Chair Peeples – Thank you, ma'am. Ms. Simon?

Ms. Simon – In this matter, there are actually two (2) issues. One (1) is the petition for waiver. Two (2) is the application. Both of which need to be voted upon today. If the petition for waiver is denied, then that automatically is a denial on the second, but we would need to have two (2) different votes taking place.

Chair Peeples – Thank you, Ms. Simon. Board members, do you have any questions? Mr. Jensen?

Mr. Jensen – Yes, a quick question. For the Department's recommendation, she wanted to back {inaudible}, and I tend to agree with Ms. Clawson here to just start as new.

Ms. Simon – You know what? In retrospect, I agree with you, Mr. Jensen, just to begin the internship anew.

Mr. Jensen – Yes. And I will certainly make a motion to approve.

Chair Peeples – First, Mr. Jensen, we have to do a motion on the petition for waiver, so that's our first item, sir.

MOTION: Mr. Jensen moved to approve the waiver. Mr. Jones seconded the motion, which passed unanimously.

Chair Peeples – Now we have a second motion needed, Mr. Jensen.

MOTION: Mr. Jensen moved to approve the application for a new internship. Mr. Ferreira seconded the motion, which passed unanimously.

Chair Peeples – Good luck, ma'am.

Ms. Clawson – Thank you.

Chair Peeples – It is 10:59. Let's take a 15-minute restroom break and we'll come back and finish the rest of the meeting, please.

*****BREAK*****

K. Applications(s) for Registration as a Training Agency

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum H*
 - (a) *New Horizon Funeral Chapel and Cremation Inc (St. Cloud)*
 - (b) *TR Dallas Funeral and Cremation Services (Clearwater)*

Ms. Simon – This is an informational item. The Division has reviewed the applications on addendum H and have found them to be complete and that the applicants have met the requirements to be a training agency. Pursuant to Rule 69K-1.005, Florida Administrative Code, the Division has previously approved these applications.

L. Application(s) for Monument Establishment Retailer and Monument Retail Sales Agreement

- (1) *Recommended for Approval with Conditions*
 - (a) *T. Seales Services, LLC (application) (Clewiston)*

Ms. Simon – Is there a representative of this entity here today?

Mr. Thaddeus Seales – Yes.

Ms. Simon – Beginning with the application for monument establishment retailer license, the application for monument establishment retailer licensure was received on January 15, 2025. A completed application was received on January 30, 2025. A background of the principals revealed no relevant criminal history. The Division recommends approval, subject to the condition that the establishment pass an on-site inspection conducted by a member of Division staff.

Chair Peeples – Would you please state your name, state your last name for the record, please, sir?

Mr. Seales – It's Thaddeus Seales, S-E-A-L-E-S.

Chair Peeples – Thank you, sir. Would you let Ms. Simon swear you in, please?

Ms. Simon – Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Seales – Yes, ma'am.

Ms. Simon – Thank you, sir.

Chair Peeples – Thank you, sir. Appreciate you being here today.

Mr. Seales – Thank you.

Chair Peeples – Board members, do you have any questions for Mr. Seales? Hearing none. Mr. Seales, do you need to address the Board for any reason?

Mr. Seales – No, ma'am.

Chair Peeples – Thank you.

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

(b) T. Seales Services, LLC (agreement) (Clewiston)

Ms. Simon – The monument retail sales agreement is in your packet. If approved, this entity will use this agreement for the sale of monuments and markers. The Division recommends approval, subject to the condition that two (2) full-size, print-ready copies of the revised monument sales agreement are received by the Department within sixty (60) days of this Board meeting.

MOTION: Mr. Ferreira moved to approve the agreement, subject to the condition that two full-size, print-ready copies of the revised monument sales agreement are received by the Department within sixty (60) days of this Board meeting. Mr. Williams seconded the motion.

Chair Peeples – Is there any discussion on the motion?

Mr. Jensen – I have a question.

Chair Peeples – Yes, sir?

Mr. Jensen – Does this contract not require a cancellation provision? On a monument? I'm not 100% sure, so that is why I'm asking.

Mr. Ferreira – I don't believe so.

Ms. Simon – I don't think so either. I can't state that definite.

Mr. Jensen – Ok, thank you.

Chair Peeples – Any other discussion? Hearing none. All in favor of the motion say Yes.

Board members – [Unison] Yes.

Chair Peeples – All opposed say No. Motion carries. Good luck.

Mr. Seales – Thank you.

Chair Peeples – Thank you.

M. Application(s) for Preneed Main

(1) Recommended for Approval without Conditions

(a) FSC Funeral Service Consulting LLC d/b/a St Petersburg Funeral Home and Memorial Chapel (F824149) (St Petersburg)

Ms. Simon – Is there a representative of this entity here today? Hearing no response. The Department received an application for preneed main licensure on February 7, 2025, and deficiencies were noted on the application. All deficiencies were resolved as of February 18, 2025. The sole member and owner of the LLC is Michael Moloney. A completed background check of the principal was returned to the Division without criminal history. Applicant is submitting this application for a new preneed main license, and the qualifying funeral establishment license (License # F824149) is also located at the same address. If approved, Applicant will sell trust-funded preneed through Funeral Services Inc (FSI) (Argent Trust Company) and utilize their approved pre-arranged funeral agreement forms. The Division recommends approval without conditions.

Mr. Clark – Madam Chair?

Chair Peeples – Yes, sir?

Mr. Clark – I just want to state for the record that I have an affiliation with this applicant, but that affiliation will not prevent me from rendering a fair and impartial decision.

Chair Peeples – Thank you, Mr. Clark.

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

N. Collective Application(s)

(1) Recommended for Approval with Conditions

(a) Family-Owned Funeral Group LLC (Jacksonville)

1. New Application(s)

- **Acquire Control of an Existing Cemetery Company (3)**
- **Funeral Establishment(s) (6)**
- **Direct Disposal Establishment (1)**
- **Cinerator Facility (1)**
- **Transfer of Preneed License**
- **Preneed Branch Office (see Addendum)**

Ms. Simon – Is there a representative? Ms. Weiner is here representing the entity. Family-Owned Funeral Group LLC (FOFG), a limited liability company, has submitted the following: (3) applications to acquire control of a cemetery companies, three (3) applications to transact cemetery business, six (6) applications for funeral establishment licensure, one (1) application for direct disposal establishment licensure, one (1) application for a cinerator facility licensure, one (1) application for transfer of a preneed license and one (1) application for preneed branch licensure which will operate under FOFG'S preneed main license (please see preneed branch addendum), if approved, at the below listed locations. More specifically, the entities that are being acquired is as follows:

- 1) Family-Owned Funeral Group LLC d/b/a Forest Meadows Cemeteries - Central, a licensed cemetery company, license # F697420, physical address: 4100 NW 39th Ave, Gainesville, FL 32606
- 2) Family-Owned Funeral Group LLC d/b/a Forest Meadows Cemeteries - East, a licensed cemetery company, license # F697419, physical address: 3700 SE Hawthorne Rd, Gainesville, FL 32641

- 3) Family-Owned Funeral Group LLC d/b/a Forest Meadows Cemeteries - West, a licensed cemetery company, license # F697446, physical address: 700 NW 143rd St, Newberry, FL 32669
- 4) Family-Owned Funeral Group LLC d/b/a A Direct Cremation, a licensed direct disposal establishment, license # F691808, physical address: 3700 SE Hawthorne Rd, Gainesville, FL 32641
- 5) Family-Owned Funeral Group LLC d/b/a Evans Carter Funeral Home, a licensed funeral establishment, license #F691792, physical address: 18724 High Springs Main St, High Springs, FL 32643
- 6) Family-Owned Funeral Group LLC d/b/a Forest Meadows Funeral Home, a licensed funeral establishment, license #F691809, physical address: 735 NW 23rd Ave, Gainesville, FL 32609
- 7) Family-Owned Funeral Group LLC d/b/a George H Hewell and Son Funeral Homes, a licensed funeral establishment, license #F651593, physical address: 4140 University Blvd S, Jacksonville, FL 32216
- 8) Family-Owned Funeral Group LLC d/b/a Helm-Gallagher Funeral Home, a licensed funeral establishment, license #F749930, physical address: 1811 Idlewild Ave, Green Cove Springs, FL 32043
- 9) Family-Owned Funeral Group LLC d/b/a Jones-Gallagher Funeral Home, a licensed funeral establishment, license #F749930, physical address: 620 Nona St, Starke, FL 32091
- 10) Family-Owned Funeral Group LLC d/b/a Jones-Gallagher Funeral Home, a licensed funeral establishment, license #F749931, physical address: 340 E Walker Dr, Keystone Heights, FL 32656
- 11) Family-Owned Funeral Group LLC d/b/a Jones-Gallagher Funeral Home, a licensed cinerator facility, #F749930, physical address: 620 Nona St, Starke, FL 32091
- 12) Family-Owned Funeral Group LLC d/b/a George H Hewell and Son Funeral Homes, a licensed preneed main, license #F651593, physical address: 735 NW 23rd Ave, Gainesville, FL 32609

Included within your Board packages are the separate applications regarding each of the aforementioned properties. The change of ownership is the result of a stock purchase where Cornerstone Funeral Group LLC is acquiring 100% of the membership interests of FOFG and all assets and liabilities will be assumed by the new owners. The officers of the corporation will be Connor M. and Abbie G. Moloney. All fingerprints for the principals were returned without criminal history.

Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by FOFG. The Division recommends approval subject to the following conditions:

- 1) That the closing on the transaction to acquire ownership shall occur within sixty (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 seventy-five (75) days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Stock Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to ninety (90) days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities, (if any), of the location(s) being acquired.
- 7) The new license holder is responsible and liable for any financial deficits currently in existence for preneed license number #F651593.

Chair Peeples – Ms. Weiner, I have a question. Ms. Simon, I may need to ask you this question just for clarification. In agenda item O(1)(a), it shows on the list, and I think it refers to this particular item here, it shows on the agenda Family-Owned Funeral Group, LLC, Moloney-Hewell Funeral Home and Cremation Services, but I don't see anywhere where that's listed in this particular item of this transfer of name. Ms. Simon?

Ms. Wiener – That was what Ms. Simon referred to when she said there was really just one (1) preneed branch.

Chair Peebles – So, the name, I guess, is what I'm asking, is how the name is, because it's George H Hewell and Son.

Ms. Wiener – I'm going to ask my paralegal, Liz, to come up and address this.

Chair Peebles – Thank you, ma'am.

Ms. Elizabeth Apolonio – Good morning. Elizabeth Apolonio. They wanted to do a name change, so a supplement in the application pages they specify what the name of the establishment will be. The fictitious name was filed for, and that documentation was also sent.

Chair Peebles – So, this name is correct in agenda item O(1)(a)?

Ms. Apolonio – Yes, Moloney-Hewell is correct. And it changed from, I want to say it was, George H. Hewell, so.

Chair Peebles – Perfect. Thank you.

Ms. Simon – Can the Department add something?

Chair Peebles – Ms. Simon?

Ms. Simon – Apparently, on the Division recommendations, there is no condition of an on-site inspection, so we'd like to add that to the conditions listed for any motion that takes place.

Ms. Wiener – Certainly.

Mr. Williams – Madam Chair.

Chair Peebles – Yes, sir?

Mr. Williams – Just for clarity, will we need to do a vote for each of the twelve (12) separately or collectively?

Chair Peebles – Ms. Munson?

Ms. Munson – You can do them collectively unless there is a special consideration or concern about any of them individually that the Board may have.

Mr. Williams – Thank you.

MOTION: Mr. Jones moved to approve the applications subject to conditions recommended by the Division as well as passing an inspection by a member of Division Staff. Mr. Williams seconded the motion, which passed unanimously.

Ms. Wiener – Thank you, Board.

Chair Peebles – Thank you.

(b) Legacy Funeral Holdings LLC (Apopka/Mineola)

1. New Application(s)

- **Funeral Establishment**
- **Direct Disposal Establishment**
- **Preneed Branch Office (see Addendum)**

Ms. Simon – This entity is also being represented by Ms. Weiner. Legacy Funeral Holdings of Florida LLC (Legacy), a limited liability company, has submitted the following: an application for a funeral establishment license, an application for a direct

disposal establishment, and an application for a preneed branch office license (please see preneed branch Addendum), if approved, at the below listed locations. More specifically, the entities that are being acquired are as follows:

- 1) Loomis Funeral Home Inc, a licensed funeral establishment, license # F040605, physical address: 420 W Main St, Apopka, FL 32712
- 2) Central Florida Direct Cremation Service Inc d/b/a Loomis Family Cremations, a licensed direct disposal establishment, license # F041057, physical address: 600 N Hwy 27, Mineola, FL 34715

Included within your Board packages are the separate applications regarding each of the aforementioned properties. The change of ownership is the result of an asset purchase where 100% of all interests are being acquired by Legacy. The background check of the principals was returned without criminal history. It should be noted that Applicant disclosed a disciplinary action that occurred in August 2024 where Applicant was placed on probation for twelve (12) months and fined \$2,000. Applicant paid the fine as of August 29, 2024. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at this location, the obligation to fulfill those preneed contracts will be assumed by the new owner, Legacy. The Division recommends approval subject to the following conditions:

- 1) That the closing on the transaction to acquire ownership shall occur within sixty (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 seventy-five (75) days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, 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 ninety (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, (if any), of the location(s) being acquired.
- 8) Lastly, the Division recommends approval subject to the terms of the Consent Order entered August 26, 2024, in case number 311883-23-FC.

MOTION: Ms. Clay moved to approve the applications subject to conditions recommended by the Division. Ms. Liotta seconded the motion, which passed unanimously.

Ms. Wiener – Thank you.

Chair Peeples – Thank you.

O. Application(s) for Preneed Branch Office

(1) Recommended for Approval without Conditions – Addendum I

Ms. Simon – Pursuant to s. 497.453, Florida Statutes, the entities referenced on Addendum I have applied for preneed branch licensure. The applications were complete without reportable criminal or disciplinary history and accompanied by the required fee. It is recommended that the entities referenced on Addendum I be approved for the branch licensure applied for. Chair Peeples – Ms. Munson, do we need separate motions for these since they're two (2) different entities?

Ms. Munson – I would recommend it.

(a) Family-Owned Funeral Group LLC (F651593) (Jacksonville)

Chair Peeples – Board members?

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

(b) Legacy Funeral Holdings of Florida LLC (F079526) (Apopka)

Chair Peeples – Board members?

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

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

(1) Recommended for Approval without Conditions

(a) Preconstruction Performance Bond

1. SCI Funeral Services of Florida LLC d/b/a Chapel Hills Memory Gardens (Jacksonville)

Ms. Simon – Is there a representative of this entity here today? Ms. Coney is approaching. SCI Funeral Services of Florida, LLC d/b/a Chapel Hills Memory Gardens intends to build a community mausoleum consisting of 288 casket spaces and 200 niches. Pursuant to S. 497.272 Florida Statutes, typically a preconstruction trust must be set in place if sales are going to occur prior to completion. However, 497.272, S. 497.272 Florida Statutes, provides that in lieu of a pre-construction trust fund, a cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator. The licensee has submitted for approval a performance bond in lieu of a pre-construction trust. The project is described within your Board package. The cemetery agrees to complete the construction in accordance with the construction agreement provided in your Board package. And if I may add that the package includes information of the draw schedule. That work will be beginning March 1, 2025. However, work has not begun yet, so that would not impact your vote on today's matter.

Chair Peeples – Thank you, Ms. Simon.

Ms. Lisa Coney – Lisa Coney with SCI Funeral Services of Florida and only here for any questions.

Chair Peeples – Spell your last name, please.

Coney – C-O-N-E-Y.

Chair Peeples – Thank you, ma'am. Board members?

MOTION: Mr. Ferreira moved to approve the preconstruction performance bond. Mr. Chapman seconded the motion, which passed unanimously.

2. SCI Funeral Services of Florida LLC d/b/a Riverside Memorial Park (Jacksonville)

Ms. Simon – This entity intends to build a garden mausoleum consisting of 312 casket spaces and 200 niches. The applicant applied for a performance bond in lieu of a preconstruction trust. The project and the bond are summarized within your Board package. The cemetery agrees to complete its construction in accordance with the construction agreement within your Board package. The Division recommends approval of the aforementioned preconstruction performance bond without conditions.

MOTION: Mr. Ferreira moved to approve the preconstruction performance bond. Mr. Chapman seconded the motion, which passed unanimously.

Chair Peeples – Thank you.

Ms. Coney – Thank you.

Q. Executive Director's Report

(1) Operational Report (Verbal)

Ms. Simon – At this time, I'd like to turn the meeting over to Ms. Schwantes.

Chair Peeples – Yes, ma'am.

Ms. Schwantes – Thank you. First of all, good morning, and thank you all for joining us in Tallahassee. This is the start of the legislative session. And so, from here on out, I will have monthly reports on what's going on with bills that relate to 497 or to the industry. And I want to start off with that. The regular legislative session began on Tuesday, March 4th. And as I said, I'll begin reporting on a monthly basis. I want to cover first the bills that do not directly impact Chapter 497, but that we are following because we know they are of interest to the profession.

The first of those is SB1558. That involves Access to Historic Cemeteries. That has not yet been assigned to committees. Just as a reminder, each bill goes through three (3) committees within each house before it goes for a vote. So, it's not yet been assigned to committees. It impacts s. 267.21, which is within the Department of State's responsibilities regarding abandoned cemeteries. It adds a new subsection requiring that the state must have an easement on private land for maintenance and research if there is credible evidence of an abandoned cemetery. And it also sets out that the state access must be at reasonable times and with notice to the cemetery's landowner.

A separate bill has been filed in the House. It is HB1577 on Abandoned Cemeteries. It has pretty much the same language regarding access, but it is approaching it through a different statute. It's approaching it through s. 704.08. I don't know why that was done like that, but it is, like I said, pretty much the same language. It requires the state to be granted an easement for access to abandoned cemeteries for the purposes of maintenance, research, and non-invasive searches, provided the landowner is given reasonable notice.

Every day there's a new bill that's filed. We expect this to happen ongoing for a few months. And so, when I looked at my email today, I found that there is another bill that's been filed regarding Historic Monuments and Memorials. That is HB1599. I don't have any other information on that right now as I've not had a chance to review it, so I'll give you a report on that later. But we do expect more activity regarding the historic cemeteries.

Along those lines, SB1524 and HB1011, which are titled The Duties of the Department of State for 2025, that is an agency bill for the Department of State. As most agency bills are, it covers more than just things related to our profession. The Senate bill has not yet been assigned to committees. The House bill, however, is now in its first of three (3) committees, and that would be House Government Operations. Within the Department of State's responsibilities regarding abandoned cemeteries, this clarifies the process for grants of state funds to assist abandoned African American cemeteries and the purposes for which such funds may be used. It essentially tightens the process by which the grants can be given on that. It also changes the number of members on the Historic Cemeteries Program Advisory Council. And I would just like to point out that Darrin Williams serves on that currently. It changes the number of members from the required current nine (9) members to at least five (5), but no more than nine (9) members. And it also changes the appointment process and terms for the council members. So, we will be monitoring those.

In a different area, we are also monitoring things that sometimes affect the Department of Health, Bureau of Vital Statistics. And there are two (2) bills currently out there right now, SB998 and HB647, which are both titled Physician Assistant and Advanced Practice Registered Nurse Services 2025, and I think they have both been assigned to committees. We'll report on that later. There are no dates set for hearing on those, but they impact s. 382.002, which has to do with death, fetal death, and non-viable birth registration. In the absence of an assigned funeral director, these bills will allow physician assistants and advanced practice registered nurses to electronically file death and fetal death certificates, provide medical certification of the cause of death, and sign permanent certificates with noted corrections. So again, we will monitor that one.

I want to talk about bills that do impact Chapter 497. We have several of those. The first is SB844 on Domestic Violence. Now, you all may remember last year a similar bill went through and passed and it changed, within our statutes, the definition of a legally authorized person, which is in s. 497.005, to provide that no person could serve as a legally authorized person if they had been arrested for committing against the deceased person an act of domestic violence that resulted in or contributed to the death. The current bill is changing a little bit more the definition of domestic violence in a section in Chapter 741. And the reason that our chapter is involved is that if that change in the definition in Chapter 741 goes through, because our chapter refers to that, they reenact that section with the changes that they made last year regarding legally authorized person so that it

will incorporate whatever changes are made in the other chapter this year. I hope that makes sense. I don't see that there is a similar House bill at this time, but I wouldn't be surprised.

There are two (2) bills that involve Suits Against the Government. We've seen these bills before. These are to limit the liability of the state. They're similar to bills that have been filed each year for the past number of years. This is SB1570 and HB301. These bills propose changes to s. 768.28, which will increase the limits on liability for tort claims against the state, its agencies, et cetera, and shorten the timelines under which consumers can present claims. If passed, it will reenact s. 497.167, which involves administrative matters within our chapter. It references s. 768. So, again, because they're impacting the statute that is referenced within our statute, they reenact those portions of our statute. We'll just keep an eye on those.

The big one that I want to talk about is the Department of Financial Services Agency Bill. This is the one that is going to have the most impact to Chapter 497. SB1522 and HB1281 are the Department of Financial Services' agency bill for 2025. Again, as with most agency bills, this bill covers a wide variety of responsibilities that fall under the Department that are unrelated to us, but it also includes a number of provisions relating to 497. The agency bill that was filed, regarding 497 anyway, contains one of the earlier versions that we were looking at. As happens in any legislative process, we expect a lot of changes to this, including possibly a strike-all where the entire bill is struck and a new one filed. Whether it goes through the amendment process and portions are changed, or whether it's a strike-all, I don't know yet, but I will tell you that a good bit of what is in the bill regarding Chapter 497 will change. And that had already been basically negotiated, talked about, et cetera, so I don't expect some of the stuff that I'm going to tell you about to remain in the bill. So, I'm going to cover this a little bit differently than by order of the statutes. Currently in the bill, there are a number of things that involve 497 that I believe will stay in the bill.

The first would be matters involving criminal history issues. We had a couple of cases come before the Board today, or at least one, that had criminal history. We have noted through the years that there is frequently a problem in terms of clarification and guidelines as to how long the criminal matter occurred prior to, as to whether or not it really relates to the industry or could relate to the industry, et cetera. So, for several years now, we've been trying to get clarification on those issues before legislation and get changes to that. Our current proposal creates a new section, s. 497.1411, which is specified as Disqualification of Applicants and Licensees, Penalties Against Licensees, and Rulemaking. Anytime you see rulemaking, that's just giving us authority for rulemaking. The purpose of this change is to clarify which applicants may be disqualified from licensure due to criminal history. It provides much more specific guidelines to deny a licensure to an applicant due to criminal history than we currently have. The provisions are similar to those which were removed from the Department's bills in prior legislative years for various reasons. Fingers crossed this year that provision will go through. If you read the current bill, I don't expect changes to those provisions and revisions, unless there's a problem, in which case, like last year or the year before, it gets removed from the bill completely. But, fingers crossed, we would really like to see it go through. And it also proposes changes to s. 497.142, which is the licensing and fingerprint requirements. Again, changes in that section would be to better coordinate the language and processes with those of the proposed new section. So, they kind of go hand in hand and we're hoping those continue. So, that's a brief explanation of the criminal history issues.

Another couple things that we have in there were some miscellaneous cleanup issues. And I expect some changes to these because the language is not quite right in the bill, this version of the bill, but we'll see where it goes. One has to do with clarifying the square footage requirements for funeral establishments, and I believe there's a similar change proposed to the direct disposal establishments. Our intent was that the contiguous square feet requirements for each of those types of establishments, it's currently 1,250 for funeral establishments and 625 for direct disposal establishments, could only be used for establishment businesses. And this has come up and is difficult for our inspectors and others to look at in situations where you have an office building, for example, where the funeral establishment, I'm going to use them as an example, wants to count a common area conference room as part of their contiguous square foot requirements. It's not always really a good idea, let's put it like that. So, we're trying to clarify that. The current language that's written says something about square footage, it may not include any square footage "*designated in the cooperative documents*" as common areas. We honestly don't know where that language came from, and I want to give you an explanation. When you draft a bill, it goes through several different stages. So, first of all, of course, we draft language up that goes to our Legislative Affairs Office. Whatever they submit then has to go to Bill Drafting and also gets reviewed by legislative staff. Anywhere along those places, there could be a tweak by one of the editors of these bills, and then you don't see it until the bill is actually filed or later in amendments. So, I don't know where the term "*cooperative documents*" came from, but it's not quite accurate. So, we do expect a change in that, but I have to tell you, as I said, what the purpose is, is to better clarify for these situations where you have establishments that want to be in,

again, office buildings or whatever that uses a common area that is not contiguous with what their space is. So, those are changes that have been proposed to the funeral establishment S. 497.380 and to the direct disposal establishments s. 497.604.

And then another cleanup issue has to do with emergency access for the Department. Just last year, corrections were made to the Department's Emergency Authority under s. 497.386, which gave the Department increased authority to access establishments in emergency situations. Unfortunately, again, through the legislative process and the bill editing and stuff, the statute also granted the Department authority to access medical examiners' facilities and morgues, which are, of course, entities over which this Department has no control. The proposed language corrects this error by removing that emergency authority.

And the last thing, if you will, that I want to talk about that we really want to stay, we want the concept, anyway, to stay in the revised bill has to do with endorsement issues. Again, what was filed is an earlier version. And if you read the current version of the bill, the proposals are going to seem really confusing. At this point, I would not let that concern you. I expect a complete rewrite on these provisions. The endorsement provisions and statutes that are impacted by this are s. 497.369, having to do with embalmers, s. 497.374, having to do with funeral directors, again, licensure coming in by endorsements, and the combination licensure authorization, which is s. 497.376. That statute was not previously modified a few years ago when we tried to clarify the endorsement language, and so this would be a first instance for clarification in that statute. One thing that we want to do with all three provisions is to add provisions clarifying the endorsement statute so that an individual who is seeking licensure by endorsement, does not need to refer back, at least as much, to the statutes that set out the requirements followed by Florida residents and students for licensure by examination. Right now, the endorsement statutes say, and I don't have the statute particularly in front of me, but let's just say it says this is s. 497.369, but you need to refer back to s. 497.368, that statutory reference may be wrong, regarding licensure by examination and follow the requirements set out in (a)(1)(b). We don't want to see that happen. It's confusing to the applicants. It's harder for our staff to follow. So, we're trying to get those kinds of requirements all into one box, if you will, so that they're in the licensure by endorsement statute. And I think there's only one reference back to one of the other statutes in one of them. So, that's part of what you'll see. It looks like it's almost a complete rewrite of the endorsement statutes, but that's why.

The other thing that we wanted to do was to clarify the requirements for the two (2) paths that an applicant may use to seek licensure by endorsement. What currently is in there is an earlier take on what we were looking at as a compromise position. We would hear for those seeking licensure by endorsement based on experience that the national exam should not be taken. Others within the industry were saying the national exam should be taken. I want to just say that we have received input from associations, you know, the professional associations, and now understand that the desire, at least within the profession, is that those seeking endorsement, based upon experience, should not have to take the national exam. When the bill is rewritten, I expect that that requirement will go away. So, that's one of the main things I wanted to tell you about. Again, don't hold me to it until that stuff goes through, but that's one of the things. This is what we would like to see with the two (2) paths. If they're coming in based on experience, then an applicant has to provide proof of at least five (5) years full-time licensed practice in good standing in another state, that's already in there, and pass the Florida Laws and Rules exam. No national exam requirement. If they're coming in based on education, which is already one of the paths that's in there, they have to meet educational requirements set out with exceptions specified. They have to pass the national Board exam within 10 years of application. They have to complete a one-year internship or one-year practice as a licensed funeral director in another state. And, of course, they have to pass the Florida Laws and Rules. So, those coming in by education do have to meet more requirements, but then that's because they don't have the experience that the others have. Again, if you're taking a look at the current bill, I think that those are the areas that in an endorsement provisions that are going to see the biggest change in the next versions, either, again, through amendment or a strike-all. Keep in mind, what I've just stated about the endorsement provisions is what we believe will happen in any rewrite of the endorsement-related statutes, but the legislative process, as I've described, is such that you're never certain what's going to be in the bill until the bill is passed. Any questions about that?

Mr. Jones – I have one. Is the language already written for the endorsements, the Division's recommendation?

Ms. Schwantes – Yes.

Mr. Jones – Ok.

Ms. Schwantes – But it's not what's in the bill.

Mr. Jones – I understand.

Ms. Schwantes – OK.

Mr. Jones – But you all have drafted it?

Ms. Schwantes – Yes, sir.

Mr. Jones – Thank you.

Ms. Schwantes – Absolutely. What I covered is what it says. But it is, again, too, a little bit confusing if you're just looking at it, even when it gets rewritten, because we did, in essence, rewrite those statutes so that we could bring in the other requirements. It's really hard on the applicants to have to look at one statute and then refer back to something else that doesn't even apply to them for some of the requirements. We're trying to get it all into the right buckets. So, that is the legislative report for this.

The next Board meeting is in April. It will, again, be held by videoconference on Thursday, April 3rd at 10:00 AM. Information for logging on to the call as well as information on all of our other Board meetings is on our website, as always. And I just wanted to remind Board members that we have two (2) Board meetings in May, the second of which will be in-person in conjunction with the IFDF conference in Hammock Beach. One meeting at the end of June and no meetings for July. I do expect at the next Board meeting in April, April 3rd, that we will have a proposed calendar ready for your review for the meetings in the next fiscal year. And that ends this portion of the Executive Director's Report.

Mr. Ferreira – I have a question. Early on in the report, you mentioned nurses being able to file a certificate.

Ms. Schwantes – Correct.

Mr. Ferreira – Can you explain that a little bit to me?

Mr. Jones – You want me to?

Ms. Schwantes – Go for it.

Mr. Jones – Currently in statute, an autonomous APRN or a physician assistant currently can file death records in Florida. There is a bill out there making it where physician assistants were under certain provisions in psychiatric health and non-autonomous physicians working under psychiatric health can file death records. So, again, as Ms. Schwantes says, as that bill gets through the session, we'll see what changes are made. But it is in there right now. We're monitoring it from the Department. Also, another one that you may want to be aware of is the end-of-life option bill. I don't have the number with me, but it is the third or fourth year it's been filed where someone that's terminally ill within six (6) months can have their physician certify and provide medication to end life. And on that, on the death record, goes the manner and cause contributing to the death, not that it was a medication to end life. So that bill is out there just so you're aware of it. It would have impact to the funeral industry as you would need to know how to handle and work with physicians on end-of-life. It only made one (1) committee last year. We'll keep you updated through our meetings as that one moves forward. And that's really it. There are some other bills we're monitoring, but nothing with impact right now. Did that answer your question?

Mr. Ferreira – Yes, thank you.

Ms. Schwantes – Thank you, Mr. Jones. Madam Chair, that's the end of the report that I have.

Chair Peeples – Thank you, ma'am. Ms. Simon?

(2) Report on Payment of Disciplinary Fines and Costs (Informational)

Ms. Simon – Yes, ma'am. Thank you. The report is informational only unless there are any questions. Hearing none,

Monthly Report of Fines and Costs Assessed and Paid
Division of Funeral, Cemetery and Consumer Services
Date of Board meeting: March 6, 2025
Date report was prepared: February 26, 2025

Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
Ronald Dolinar	1/2/2025	325255-24-FC	\$1,500	17-Mar-25		
Erinn Day	1/2/2025	305799-23-FC	\$1,000	17-Mar-25		
Stonemor Florida Subsidiary d/b/a MacDonald Funeral Home and Cremation Services	1/2/2025	305795-23-FC	\$1,000	17-Mar-25		
NFH Services LLC d/b/a David Russell Funeral Home	5-Dec-24	325295-24-FC	\$1,500	13-Mar-25	Paid in Full	
Integrity Funeral Home and Cremations, Inc.	5-Dec-24	325251-24-FC	\$1,500	13-Mar-25		
Oaklawn Park, Inc., d/b/a Greenwood Cemetery	5-Dec-24	333169-24-fc	\$1,750	13-Mar-25		
Scott Norris	5-Dec-24	325296-24-FC	\$1,500	13-Mar-25	Paid in Full	
Tim White's Vault Company of Crestview	7-Nov-24	315262-23-FC	\$1,500	20-Jan-25		
Camel Funeral Services, Inc. d/b/a Camel Funeral H	11/7/2024	315262-23-FC	\$1,000		Paid in Full	
D.M. Baker Mortuary, LLC	7-Nov-24	315262-23-FC	\$1,000	20-Jan-25		
Donna Mullins-Prince	11/7/2024	315262-23-FC	\$1,000	20-Jan-25		
The Caisson Team	11/7/2024	315262-23-FC	\$2,500		Paid in Full	
Andre Eady	Sep-24	310195-23-FC 315299-23-FC 310197-23-FC	\$2,000	20-Jan-25		
Leon White Transport Service	18-Jun-24	315262-23-FC	\$500	2-Sep-24		
Holmes Funeral Directors	1-Jan-24	307465-23-FC	\$8,250	March 10, 2045-extended FOR six monthly payments-monthly payments never made	Paid in Full	

ES 2-26-2025

R. Chair's Report (Verbal)

Ms. Simon – Madam Chair?

Chair Peebles – Thank you, Ms. Simon. I yielded my time to Ms. Schwantes since she had a lengthy legislative update. But I just want to say thank you Board members. Thank you, support staff team, because you make it very easy for us, for me personally. And we just appreciate everything that everyone does. So, I will turn it back over to Ms. Simon.

Ms. Simon – Thank you, Madam Chair.

S. Office of Attorney General's Report
(1) Attorney General's Rules Report (Informational)

Ms. Simon – Ms. Munson?

Ms. Munson – Informational only. The repealed rule is now effective as of February 10, 2025. Thank you.

Ms. Simon – Thank you.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
MARCH 2025**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-7.022	Payment of Funds Upon Contract Fulfillment; Documentation Required	11/07/2024	12/13/2024		12/23/2024	01/21/2025	02/10/2025

T. Public Comments (Verbal)

Ms. Simon – Is there any public comments to be made at this meeting? Hearing no response. Madam Chair?

U. Administrative Report as February 21, 2025

A.	New Cemetery Applications	0
	Recommended for Approval	0
	Pending	0
B.	Cemetery Acquisition Applications	0
	Recommended for Approval	0
	Pending	0
C.	Preneed License Applications	1
	Active Preneed Licenses	326
	Presented to the Board at this Meeting	0
	Pending	1
D.	Preneed License Branch Applications	1
	Active Preneed License Branches	348
	Recommended for Approval	1
	Pending	0
E.	Preneed Sales Agent Applications	22
	Active Sales Agents	3,624
	Recommended for Approval	30
	Temporary Licenses Issued Pending Permanent	8
F.	Monument Establishment Applications	0
	Active Monument Establishments	0
	Pending	0
G.	Broker of Burial Rights Applications	0
	Active Brokers of Burial Rights	0
	Pending	0
H.	Exempt Cemetery Reports	1

	Active Exempt Cemeteries	47
	Pending	0
I.	New Establishment Applications	12
	Pending	10
	Completed	2
J.	New Individual Applications	31
	Pending	20
	Completed	11
K.	Request for Training Facility Applications	2
	Pending	0
	Completed	2
L.	Request for Continuing Education Providers and Courses	46
	Pending	0
	Completed	46
M.	Initial Inspections	12
	Pending	0
	Completed	12
N.	Inspections	30
	Pending	0
	Completed	30
O.	Initial Licenses Issued	105
	Renewal Licenses	109

V. Disciplinary Report

Notices of Non-Compliance Issued Since Last Meeting (February 6, 2025)	0
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W. Upcoming Meeting(s)

- (1) April 3rd (Videoconference)
- (2) May 1st (Videoconference)
- (3) May 29th (In-Person: Hammock Beach Golf Resort, Palm Coast – IFDF Annual Conference)
- (4) June 26th (Videoconference)

X. Adjournment

Chair Peebles – It is 12:05 and we are adjourning this meeting today. Thank you for attending folks.

Ms. Simon – Thank you.